

Women's Access to Justice: Analysis of International Standards and National Norms of the Republic of Uzbekistan

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Annotation: Access to justice is one of the fundamental elements of the rule of law, ensuring the implementation of human rights and the rule of law. The article examines key international standards in the field of access to justice, including universal and regional documents, with particular attention to the problems of women's access. It also provides a critical analysis of existing barriers in the field of women's access to justice, analyzes the experience and practice of various countries in reducing barriers in this area. The article proposes some measures for the Republic of Uzbekistan to eliminate barriers and provide legal assistance to victims of violence.

Key words: access to justice, barrier, women rights, violence, international standards, human rights.

I. Introduction: Access to justice as an international standard

Access to justice is the cornerstone of the realization of human rights and freedoms. It is especially important for vulnerable groups, including women, who often face institutional, cultural and social barriers when seeking judicial protection. The right to access to justice covers a wide range of aspects and includes six interrelated key elements, without which its implementation is impossible. These include: guarantees of judicial protection, the functioning of courts and other (including quasi-judicial) bodies, the real accessibility of these structures, ensuring high quality of justice, accountability of the judicial system, and the provision of effective legal mechanisms for the protection of victims. Access to justice is a fundamental human right, without which the principles of the rule of law cannot be implemented. For women, this right is of particular importance in the context of overcoming inequality, gender stereotypes and social barriers. The Universal Declaration of Human Rights of 1948 enshrines the right to an effective judicial protection and a fair trial (Articles 8 and 10) [1], while the International Covenant on Civil and Political Rights of 1966 clearly provides guarantees of a fair trial regardless of gender (Article 14)[2]. When speaking about women's access to justice, one should not forget about the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) [3] of 1979 and General Recommendation No. 33 of the CEDAW Committee, which require that women's needs be systematically taken into account when ensuring access to justice [4]. In particular, Article 2 (c) of the CEDAW Convention emphasizes the obligation of States Parties to ensure the protection of women through competent national courts and other state institutions against any act of discrimination.

II. Barriers to access the justice

The Convention on the Elimination of All Forms of Discrimination against Women obliges states to eliminate both formal and actual barriers for women in obtaining legal protection [3]. Despite the fact that states undertake to ensure the right of access to justice, in practice women face some barriers. First of all, these are financial barriers. Women are more often in a socio-economically vulnerable position, which limits their ability to hire a lawyer. Despite formal equality of rights, the ability to use judicial protection in real life often depends on economic resources. For a significant number of women, especially in developing countries and in socially vulnerable groups, the financial inaccessibility of legal procedures becomes a de facto denial of justice. In many countries, the system of remuneration of

lawyers is not regulated by the state, and the cost of services becomes inaccessible to women with low incomes or without an independent source of income (housewives, unemployed, single mothers).

In addition, court fees and other costs (notice costs, transportation costs, expert assessments) become an obstacle even at the stage of filing a claim. For women in poor and rural areas, these costs may be disproportionate to their means. Many women, especially in patriarchal societies, do not have access to bank accounts, property, or monetary resources that are under the control of a husband or other family members. This makes it impossible to pay even minimal legal aid without the consent of another person.

Legal illiteracy is also a barrier for women. For women, legal illiteracy is one of the key barriers that prevents them from fully participating in justice and protecting their rights, especially in the context of domestic violence, inheritance, divorce, alimony, labor disputes, and discrimination. In addition, cultural and traditional attitudes can influence women's perceptions of their rights, their willingness to go to court, and how the surrounding society – including family, police, and judges – responds to such requests. In the context of violence against women (including domestic violence, sexual violence, and “honor-based” violence), such norms often not only justify violence, but also condemn a woman trying to defend herself as a violation of the “traditional order.” [6] In many societies, a woman who reports sexual violence or battery by her husband risks being accused of “disgracing the family,” being rejected by the community, or losing the support of her relatives, especially if she goes to the police or court. As a result, women prefer to remain silent rather than seek legal protection, even if they are systematically subjected to violence. In traditional patriarchal structures, it is believed that a man has the right to “educate” his wife, including the use of physical violence. In such circumstances, going to court is perceived as a rebellion against order, and a woman is perceived as violating the role prescribed to her by culture. Instead of official justice, in some societies, peacemaking councils of elders, mahalla gatherings, or, as in some countries, religious courts (for example, Sharia courts outside the official judicial system) are widespread. As a result, women do not consider themselves entitled to complain, even in severe cases of violence, the judicial system loses trust, especially if it itself demonstrates disrespect for the victims, secondary victimization occurs - a woman who decides to defend herself faces a new level of pressure and psychological violence.

While all women are potentially vulnerable to structural discrimination, some groups face multiple and intersecting barriers that make access to justice particularly difficult. These are the so-called special categories of women, whose rights are infringed not only on the basis of gender, but also on other grounds: disability, ethnicity, migration status, sexual orientation, age, etc. In particular, women with disabilities are often completely dependent on third parties, including guardians or relatives, who may themselves be abusers. The lack of ramps, elevators, equipped rooms, lack of sign language, accompanying persons, assistants can complicate the process of applying.

According to Article 2(c) of the CEDAW Convention, states are obliged to ensure “the effective protection of women's rights”, including through the provision of free legal aid, exemption from legal costs in cases affecting fundamental rights and the establishment of legal clinics and consultation points [3]. The UN Guidelines on Women's Access to Justice recommend providing mechanisms for subsidizing legal aid, institutionalizing legal aid through government agencies, simplifying and speeding up procedures for exemption from fees, and taking into account the characteristics of poor and vulnerable women [5].

III. National laws of the Republic of Uzbekistan and analysis of practice of some states in accessing justice for women

Ensuring their rights requires comprehensive, cross-sectoral solutions, accessible and tailored legal assistance, training of judicial and law enforcement officials on the principles of non-discrimination, and the inclusion of these women's voices in justice reforms. In 2019, Uzbekistan adopted the laws "On the Protection of Women from Oppression and Violence" and "On Guarantees of Equal Rights and Opportunities for Women and Men", which outlined basic norms and protection. In April 2023, criminal liability for domestic violence (physical, psychological, economic) was introduced, protective measures were expanded, and criminal liability was tightened [7]. The National Human Rights Strategy has been developed and the Gender Equality Program for 2021–2025 is in effect [11]. The Law "On Guarantees of Equal Rights and Opportunities for Women and Men" of 2019 enshrines the state equality policy, the collection and analysis of gender statistics, the participation of NGOs and local government bodies, which creates a "framework" for systemic measures and monitoring [7]. The Law on the Protection of Women from Harassment and Violence introduced a protective order, crisis/support centers, and interdepartmental assistance routes. Orders can be issued in cases of stalking, and the victim's minor children can be placed in the center with them. The validity period of a protective order has been extended to 1 year (previously 30+30 days), and the procedure for obtaining it has been simplified [8]. This directly reduces the barrier to urgent protection and reduces the risk of secondary victimization. Domestic violence has been identified as a separate crime [9], articles and sanctions have been introduced that cover physical, psychological, and economic violence, penalties for sexual crimes have been increased, and liability has been introduced for disclosing intimate information. This has created a direct legal basis for initiating cases, investigating, and prosecuting. Agencies and partners such as the Ministry of Justice and the Ombudsman are implementing measures, and initiatives are being launched to provide free legal assistance to victims of gender-based violence in criminal proceedings [10]. This reduces the financial barrier to entering the justice system.

Despite the above-mentioned norms and methods of ensuring women's rights, there are some gaps in the legislation and practice of the Republic of Uzbekistan in ensuring access to justice. In particular, the definitions of sexual crimes in the legislation are not yet fully based on the lack of consent, some categories of persons, such as former partners outside of marriage and without a common child, fall outside the scope of some norms on domestic violence. This requires uniform standard operating procedures and training of personnel in a trauma-informed approach. This, in turn, affects the real accessibility of justice, the qualifications and outcomes of cases. The need for sustainable legal education and systemic gender statistics remains high, international and national reviews directly indicate a deficit of administrative data and low investigation of sexual violence [19].

In order to improve the practice and standards of effective access to justice, reduce barriers and create the best conditions for women, it is important to study foreign practices and measures to overcome legal illiteracy. In the countries of Asia, Africa and Latin America, women's legal self-education groups operate effectively, where women teach each other the basics of legislation, contacting the police, and filing complaints [13]. In particular, in South Africa, the National Legal Aid Service provides free assistance to women in cases related to violence and family disputes [14], while in Canada there is a system of funding women's rights organizations that provide legal assistance to victims of discrimination. In South Africa, the work of "One-stop" centers is practiced - multidisciplinary clinics for victims of sexual violence and they reduce traumatic referrals, increase detection rates and the speed of consideration [15]. In the Philippines, the Law on Combating Violence Against Women provides for automatic exemption of victims from legal costs. Also, according to this Law, courts are obliged to consider cases of domestic violence on a priority basis, issue protective orders within 24 hours.

It is worth noting that in a number of Latin American countries, there are also specialized courts or accelerated procedures for cases of domestic violence and family disputes with clear rules for the

protection of witnesses and victims [16]. In particular, in Brazil in 2006 the *Maria da Penha Law* was adopted, on the basis of which specialized courts for cases of violence against women were created. These courts consider both criminal and civil cases related to domestic violence and provide comprehensive protection to the victim. Also, in Colombia there were *Comisariías de Familia* - special family commissions that can urgently issue protective orders to victims of domestic violence. In a number of countries such as Chile, Peru, Argentina there are accelerated procedures for issuing protection orders, as well as special sections in the courts for cases of gender violence [18].

Speaking about international experience, it is worth noting that there is a global organization *Namati* that works through paralegals. Paralegals are not professional lawyers, but specially trained local activists who live in the community and understand its problems. They help explain to people their rights through consultations and trainings, prepare complaints, appeals to the administration, court, police, accompany victims of violence or discrimination in the process, record and document cases for subsequent analysis. Paralegals do not work alone, but through legal clinics, NGOs and state mechanisms of free legal aid [17].

IV. Conclusion and recommendations

Based on the above-mentioned international and national norms, as well as the practices of some countries, the following steps are proposed to improve measures to access justice for women in the Republic of Uzbekistan:

First, it is important to integrate the paralegal model into the free legal aid system. Uzbekistan already has free legal aid centers under the Ministry of Justice, but they have limited coverage in villages. The *Namati* model could expand the network through “legal assistants” from the community. Residents with legal training can study through short courses and provide first legal aid, which can reduce financial and geographical barriers. In addition, the *Namati* model turns individual stories into statistics and an argument for reform. In Uzbekistan, this, in turn, can provide real data for the Gender Program and the National Human Rights Strategy.

Second, based on the experience of “One-stop” centers, the Republic of Uzbekistan needs multidisciplinary centers where a victim of violence receives all types of assistance in one place - medical, psychological, legal, social. It is important to note that crisis centers already exist in Uzbekistan, but they operate separately from each other - internal affairs agencies, medical care, crisis centers. It would be appropriate for Uzbekistan to study the model of “One-stop” centers in South Africa and adapt it at least in pilot regions. It is important that these are joint centers of the Ministry of Internal Affairs, the Ministry of Health, NGOs, and not just shelters. This approach helps to reduce barriers, that is, the victim receives assistance in one platform. In addition, using this method, the victim will not encounter bureaucracy, but will receive comprehensive assistance.

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