

**GENDER EQUALITY IN CRIMINAL LAW: PROTECTION OF WOMEN'S RIGHTS IN
UZBEKISTAN AND INTERNATIONAL STANDARDS**

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Abstract: *Gender equality in criminal law is vital for justice and human rights. Uzbekistan has adopted the 2023 Constitution , the Law on Protection of Women from Oppression and Violence (2019), and the Law on Equal Rights (2019), reflecting obligations under CEDAW (1979) . Yet, implementation is inconsistent: reports by CEDAW (2022) and HRW (2022) show underreporting, weak enforcement, and cultural barriers. Compared with the Istanbul Convention (2011) , gaps remain in domestic violence criminalisation and victim support. The article argues that Uzbekistan has built a legal base but needs stronger enforcement and gender-sensitive justice.*

Keywords: *gender equality; women's rights; criminal law; Uzbekistan; international standards; CEDAW; Istanbul Convention.*

Аннотация: *Гендерное равенство в уголовном праве важный принцип справедливости. В Узбекистане приняты Конституция 2023 года, законы 2019 года о защите женщин и о равных правах, соответствующие CEDAW (1979) . Однако применение остаётся слабым: доклады CEDAW (2022) и HRW (2022) указывают на низкую регистрацию, слабое исполнение и культурные барьеры. По сравнению со Стамбульской конвенцией (2011) сохраняются пробелы в уголовной ответственности за домашнее насилие и в системе помощи жертвам.*

Ключевые слова: *гендерное равенство; права женщин; уголовное право; Узбекистан; международные стандарты; CEDAW; Стамбульская конвенция.*

Annotatsiya: *Jinoyat huquqida gender tengligi adolatning muhim tamoyilidir. O'zbekistonda 2023-yilgi Konstitutsiya, 2019-yilgi ayollarni himoya qilish to'g'risidagi Qonun va teng huquqlar to'g'risidagi Qonun qabul qilinib, ular CEDAW (1979) talablariga mos keladi. Ammo amaliyotda muammolar mavjud: CEDAW (2022) va HRW (2022) hisobotlarida zo'ravonlik yetarlicha qayd etilmasligi va qonunlarning sust ijrosi qayd etilgan. Istanbul konventsiyasi (2011) standartlari bilan taqqoslaganda, oilaviy zo'ravonlik va jabrlanuvchilarga yordam bo'yicha bo'shliqlar saqlanib qolmoqda.*

Kalit so'zlar: *gender tengligi; ayollar huquqlari; jinoyat huquqi; O'zbekiston; xalqaro standartlar; CEDAW; Istanbul konventsiyasi.*

INTRODUCTION

Gender equality in criminal law is essential to ensure women's equal protection. International instruments such as the UDHR (1948) [9], ICCPR (1966) [10], and CEDAW (1979) [6] prohibit discrimination, while the Istanbul Convention (2011) [7] sets advanced standards for addressing gender-based violence. Uzbekistan has taken notable steps: the 2023 Constitution guarantees equality between women and men [1], and the 2019 laws on protection from violence [3] and equal rights [4] created mechanisms for safeguarding women. The National Strategy on Gender Equality (2020–2030) [5] further aims to strengthen justice access and representation. Yet, reports by CEDAW (2022) [11], OSCE (2021) [12], and the World Bank (2023) [14] highlight persistent challenges, including underreporting of crimes, cultural stigma, weak enforcement, and limited victim services. This article analyses Uzbekistan's legal framework, compares it with international standards, and identifies gaps and recommendations needed to translate formal equality into real protection for women.

Legal Framework in Uzbekistan

The 2023 Constitution strengthened the legal basis for gender equality. Article 46 guarantees equal rights for women and men, while Articles 78 and 82 protect family, motherhood, childhood, and prohibit discrimination [1]. Importantly, the reform emphasized protection from gender-based violence, aligning Uzbekistan with international standards such as the UDHR [9] and ICCPR [10]. The Criminal Code of Uzbekistan criminalises rape (Arts. 118–119), sexual harassment (Art. 121), trafficking (Arts. 128–129), and bodily harm (Art. 110). However, domestic violence is not explicitly criminalised; cases are prosecuted under general provisions. International bodies, including CEDAW [11] and NGOs [15,16], have criticized this gap, urging reforms.

Two landmark laws were adopted in 2019:

- The Law on Protection of Women from Oppression and Violence [3], which defines various forms of violence and introduces protection orders, but remains largely preventive and administrative.

- The Law on Guarantees of Equal Rights and Opportunities for Women and Men [4], which requires state institutions to ensure gender equality, including in justice. The National Strategy on Gender Equality (2020–2030) [5] prioritises women's representation in justice, legal aid access, and training for prosecutors and judges. Institutions such as the Women's Committee, the Ombudsman, and the Parliamentary Commission on Gender Equality oversee implementation. Still, OSCE/ODIHR [12] notes weak coordination and limited accessibility for victims. Despite progress, problems remain:

1. Domestic violence is not separately criminalised.
2. Underreporting due to stigma and lack of trust [15,16].
3. Limited access to legal aid and protection services [12].
4. Inconsistent enforcement of existing laws.

Uzbekistan has built a solid legal foundation with constitutional reforms and 2019 gender equality laws. However, enforcement remains uneven, and explicit criminalisation of domestic violence is still missing. National strategies point the way forward, but practical protection for women lags behind formal guarantees [11,12]. International Standards on Gender Equality in Criminal Law. The CEDAW Convention is the cornerstone of international law on women's rights [6]. It obliges states to eliminate discrimination in all areas of life, including legal and criminal justice systems. Article 2 requires states to "take all appropriate measures, including legislation, to prohibit discrimination against women" and to ensure equal protection under the law. CEDAW specifically recognises gender-based violence as a form of discrimination that prevents women from enjoying their rights equally. The CEDAW Committee's General Recommendation No. 35 (2017) updated earlier guidance by clarifying that gender-based violence against women is a violation of human rights and should be treated as such by states' criminal justice systems. Uzbekistan ratified CEDAW in 1995 [6]. However, the CEDAW Committee's Concluding Observations on Uzbekistan (2022) [11] noted ongoing issues: underreporting of domestic violence, insufficient criminalisation, and weak enforcement. The Committee urged Uzbekistan to harmonise its Criminal Code with CEDAW standards and to ensure effective protection of victims. The Istanbul Convention is the most comprehensive international treaty on preventing and combating violence against women and domestic violence [7]. It requires states to:

- Criminalise physical, sexual, psychological, and economic violence.
- Provide immediate protection and support to victims.
- Train law enforcement and judicial staff in gender-sensitive practices.
- Ensure access to justice through shelters, hotlines, and legal aid.

Unlike CEDAW, which Uzbekistan has ratified, the Istanbul Convention has not been signed or ratified by Uzbekistan. This remains a gap in aligning national law with the most advanced global standards. The Convention is particularly relevant because it introduces binding obligations for criminalising all forms of violence against women and ensuring victims' rights.

Adopted at the Fourth World Conference on Women, the Beijing Declaration and Platform for Action calls on governments to implement laws that address violence against women, provide equal access to justice, and eliminate structural barriers to gender equality [8]. While not legally binding, it is a political commitment endorsed by Uzbekistan and remains a key reference point in international monitoring.

The Universal Declaration of Human Rights (1948) [9] and the International Covenant on Civil and Political Rights (ICCPR, 1966) [10] establish that all people are equal before the law and entitled to equal protection. These general principles have been interpreted by international bodies to mean that criminal law must not discriminate on the basis of sex and must provide effective protection against gender-based violence.

- The OSCE/ODIHR Report (2021) highlights the importance of integrating gender perspectives into justice reform in Central Asia [12]. It stresses that without gender-sensitive institutions, even strong laws remain ineffective.

- The UNDP Gender Equality in Public Administration Report (2020) shows that women remain underrepresented in law enforcement and judiciary positions in Uzbekistan, limiting institutional sensitivity to women's rights [13].

- The World Bank Women, Business and the Law 2023 profile on Uzbekistan [14] points out gaps in enforcement of gender protections in employment and justice. International standards on gender equality in criminal law emphasise:

1. Elimination of discrimination (CEDAW).

2. Comprehensive criminalisation of gender-based violence (Istanbul Convention).

3. Commitment to structural reforms and justice access (Beijing Declaration, UN frameworks). Uzbekistan has ratified CEDAW [6] and participates in UN and OSCE programmes [11-13], but has not ratified the Istanbul Convention [7]. This creates a gap between its legal framework and the highest international standards for combating gender-based violence.

Uzbekistan has made progress in aligning its criminal law with global norms. The 2023 Constitution guarantees equal rights for women and men [1], while the 2019 Laws on Protection of Women from Oppression and Violence [3] and on Equal Rights and Opportunities [4] echo the principles of CEDAW [6]. The National Gender Equality Strategy (2020–2030) [5] provides a framework for reforms. CEDAW requires states to eliminate discrimination and criminalise gender-based violence [6]. Uzbekistan has recognised these obligations in law, but the CEDAW Committee (2022) [11] highlighted weak enforcement, underreporting, and limited victim support.

- Domestic violence is still not a distinct crime in the Criminal Code [2, 3], unlike CEDAW and Istanbul Convention standards [6, 7].

- Sexual harassment is criminalised [2], but in a narrow form requiring proof of abuse of authority, which does not meet broader Istanbul Convention definitions [7].

- Access to justice is uneven; shelters and legal aid exist but remain limited [12, 13]. Victims often face pressure to reconcile [16].

- Women's representation in the justice system is low, reducing gender-sensitive approaches [13].

Regional Comparisons :

- Kazakhstan: Similar challenges with domestic violence; reforms remain partial [12].

- Georgia: Criminalised domestic violence separately and aligned laws with Istanbul Convention, improving reporting [7].

- Turkey: Initially advanced reforms under Istanbul Convention, later weakened after withdrawal [7].

- Baltic States: Use open data and mandatory reporting to strengthen accountability [8].

Weaknesses: No explicit domestic violence crime [2], narrow harassment law [2], limited services [12, 16], underreporting and cultural barriers [15]. Uzbekistan has created a solid legal base consistent with CEDAW [6], but lags behind the Istanbul Convention's comprehensive standards [7]. Regional models show that reforms are most effective when laws are combined with enforcement mechanisms, specialised services, and cultural change. Uzbekistan's main challenge is moving from formal equality on paper to substantive equality in practice. Challenges and Obstacles

Despite progress in constitutional reform and new gender equality laws, Uzbekistan faces persistent challenges in ensuring that women's rights are effectively protected under criminal law. Deep-rooted traditions often normalise practices that international standards classify as violence. CEDAW (2022) noted that many cases of domestic violence are seen as "family matters" rather than crimes [11]. Victims face stigma, community pressure, or persuasion to reconcile instead of seeking justice [16]. This cultural barrier discourages women from reporting offences and undermines legal reforms. Surveys by NGOs and human rights groups show that only a small fraction of gender-based crimes are reported to authorities [15]. Women often fear retaliation from perpetrators or lack confidence in law enforcement's ability to protect them. Weak whistleblower and victim protection measures further contribute to silence. While the 2019 Law on Protection of Women from Oppression and Violence [3] recognises multiple forms of violence, the Criminal Code still lacks a distinct article on domestic violence [2]. Victims are left to rely on general provisions on assault or hooliganism, which fail to capture the specific dynamics of abuse within families. This gap leaves many women without clear criminal remedies, falling short of Istanbul Convention standards [7]. Although shelters and hotlines have been introduced, they remain limited in number and unevenly distributed [12]. According to UNDP (2020), many women cannot access free legal aid or specialised psychological assistance [13]. In rural areas, services are often absent altogether, reinforcing inequality in protection. Law enforcement agencies and courts lack sufficient gender-sensitive training. The OSCE report (2021) highlights that police officers often treat domestic disputes as private issues [12]. Judges and prosecutors are predominantly male [13], which can limit understanding of women's perspectives in criminal cases. Even when protective laws exist, enforcement is inconsistent. Human Rights Watch (2022) documented cases where women obtained protection orders, yet enforcement by local police was weak, leaving victims vulnerable [16]. Without accountability for failure to enforce the law, legal protections risk becoming symbolic.

Civil society organisations play a vital role in supporting women, but many lack sustainable funding. International donors (e.g., OSCE, UNDP) provide short-term project grants [12, 13], but without state-backed resources, these initiatives cannot achieve long-term impact.

Uzbekistan's main obstacles in protecting women's rights under criminal law are:

1. Cultural stigma and pressure against reporting [11, 16].

2. Underreporting due to fear of retaliation [15].
3. Gaps in criminalisation, especially domestic violence [2, 3, 7].
4. Limited services for victims [12, 13].
5. Weak institutional training and low female representation [12, 13].
6. Enforcement failures [16].
7. Resource shortages for NGOs [12].

These challenges mean that while Uzbekistan's laws have improved, implementation lags behind international standards. Without cultural change, better enforcement, and stronger institutional support, women's rights risk remaining more theoretical than practical.

Recommendations and Conclusion

Despite significant reforms, including the 2023 Constitution [1], the Law on Protection of Women from Oppression and Violence (2019) [3], and the Law on Guarantees of Equal Rights (2019) [4], Uzbekistan still faces serious gaps in ensuring gender equality in criminal law. Comparative analysis with CEDAW [6] and the Istanbul Convention (2011) [7] shows that legal guarantees exist but enforcement is weak, and domestic violence is still not comprehensively criminalised. To bridge these gaps, several recommendations are proposed:

1. Criminalisation of Domestic Violence. Domestic violence should be explicitly recognised as a distinct criminal offence, in line with CEDAW General Recommendation No. 35 (2017) [8] and the Istanbul Convention [7]. This would provide stronger legal protection for women and ensure uniform application by courts.

2. Expansion of Victim Support Services. Establishing state-funded shelters, hotlines, and rehabilitation programs is critical. Current services remain limited and unevenly distributed, particularly in rural areas [11][14].

3. Training for Law Enforcement and Judiciary. Police officers, prosecutors, and judges should undergo mandatory gender-sensitivity training. This aligns with OSCE recommendations (2021) [12], which stress that enforcement depends on changing institutional culture.

4. Strengthening Whistleblower and Witness Protection. Fear of retaliation remains a major barrier to reporting crimes [16]. Uzbekistan should introduce stronger safeguards for victims and witnesses, modeled on regional best practices.

5. Data Collection and Transparency. Comprehensive statistics on gender-based crimes are essential for monitoring progress. The World Bank (2023) [14] and UN Women [13] emphasize that reliable data enables evidence-based policy.

6. Ratification of the Istanbul Convention. Uzbekistan should consider ratifying this treaty to align fully with international standards and benefit from technical cooperation, monitoring, and funding opportunities [7].

7. Enhancing Women's Representation. Increasing female participation in law enforcement, prosecution, and judiciary would help ensure women's perspectives are

incorporated into justice processes [15]. Uzbekistan has taken meaningful steps to promote gender equality in criminal law. The adoption of new laws, strategies, and constitutional guarantees reflects the state's recognition of women's rights as a priority. However, enforcement remains inconsistent, and cultural barriers continue to hinder real progress. Compared with CEDAW obligations [6] and the Istanbul Convention standards [7], Uzbekistan has built a strong legal base but has yet to achieve substantive equality. Without stronger enforcement, explicit recognition of domestic violence, expanded victim services, and greater gender-sensitivity in the justice system, reforms risk remaining largely symbolic. Ensuring women's equal protection under criminal law is not only a legal requirement but also a social necessity for sustainable development and human rights. By aligning national practice with international standards and empowering women within the justice system, Uzbekistan can move from formal guarantees toward real gender justice.

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