



NATIONAL LEGAL FRAMEWORK FOR COMBATING VIOLENCE AGAINST MINORS

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Combating violence against minors is one of the priority directions of state policy in the Republic of Uzbekistan. The country is consistently implementing reforms to ensure human rights and freedoms, particularly regarding the protection of children. Minors, as one of the most vulnerable and protection-needing segments of society, receive special attention, and ensuring their rights is recognized as an important obligation of the state. Looking at our President's words: "In our society, there are no foreign children and there cannot be. They are all sons and daughters of our independent country, Uzbekistan.

If we pay timely attention to them, direct them toward knowledge, professions, work, and learning noble qualities, create opportunities for them, send them abroad for intellectual and spiritual development—all of this will bring great benefit only to ourselves and our society."¹ These words of our President demonstrate the increase in guarantees for children's rights and their importance for the future of our country. To ensure human rights, it is first necessary to understand several concepts, and various scholars have presented their subjective views on this matter. According to the Baktoria Press authorial team, human rights are ensured by the state or officials through the protection of other persons' rights and freedoms legally established in international and national laws, and the implementation of such actions consists of legal relations occurring directly between the state and persons participating as independent individuals.²

In the research of G. Yuldasheva and N. Gafurova, human rights consist of each person's legal views toward the state, through which they can adequately realize their economic, social, political, and cultural rights. Specifically, while utilizing economic, social, political, and cultural rights, one should observe their provision and development through international documents and conventions, and every person should contribute to their own improvement in this regard. These are rights aimed at fully utilizing such legal opportunities for people's harmonious development and realization of their interests.³ All states, at some stage of rapid development, must implement protection measures with a full understanding of the essence of protecting human rights in ensuring children's rights and preventing all forms of violence. Because this research work concerns violations of children's rights and sexual violence, it should be noted that the widespread, modern concept of sexual violence has existed in many countries since ancient times. During the Middle Ages and the transition to modern times, cases of sexual violence against children increased, and prevention was rarely ensured.

This was because legal measures for detection were not carefully considered; instead, punishment was considered only in cases where a man's biological traces were found on the child's sexual organ. However, in many cases, this act remained unproven, which naturally led to a sharp increase in violence cases. The fair and impartial consideration of cases in court and

the issue of punishing the accused during the proceedings were also linked to studying the social status of both the accused and the victim, taking into account their family lifestyle and conditions.⁴ According to the views of the authorial team on women's rights and freedoms, the United Nations developed this law for member states of the community regarding the elimination and prevention of all cases of violence in the family, with its recommendatory nature. According to Article 26 of the Constitution of the Republic of Uzbekistan, no one may be subjected to torture, violence, or other cruel, inhuman, or degrading treatment or punishment. Article 10 of the Law on Guarantees of Children's Rights states that every [child has the right to protection from all forms of violence protecting their honor and dignity from specific attacks or from illegal exploitation and various forms of violence, preventing physical, psychological, and sexual violence, rude treatment, insulting and degrading attitudes, sexual acts and harassment, and inciting or involving children in such situations is firmly established.⁸ According to Article 12 of the Declaration on Human Rights and Freedoms, no one may arbitrarily interfere with another person's personal life while infringing on its inviolability. Interference while attacking a person's honor, dignity, and reputation—which constitute their supreme right—is considered a gross violation of legal norms and is subject to protection through legal measures.

Despite increased attention worldwide to combating violence against children and many positive changes in supporting and protecting victims, violence against minors in various forms remains widespread.

Specifically, at an event held on October 10, 2023, in Uzbekistan, in cooperation with the National Agency for Social Protection, the Ministry of Justice of Uzbekistan, and UNICEF, the First Deputy Director of the National Agency for Social Protection under the President, Shakhnoza Mirziyoyeva, noted that in the first nine months of 2023, 1,240 cases of violence against minors were recorded in Uzbekistan, of which 417 were sexual violence—demonstrating the urgency of this topic.

Sexual violence is manifested by committing sexual acts against women and female minors without their consent, using force or even threats against their sexual inviolability and sexual freedom, which are their legal rights.

Before analyzing the types of sexual violence, it is necessary to understand the concepts of "violence" and "force." The Criminal Code of the Republic of Uzbekistan uses the term "violence" in eight places, but the definition of this concept is not provided. Specifically, in the chapter on crimes against sexual inviolability (Articles 118, 119, 121), the concept of "using force" is also used.

Violence is behavior characteristic of violent persons—the use of force and power.¹⁰ Force—is one person's use of force against another, violence, oppression through physical force, and tyranny. Crimes committed using force also include crimes against sexual freedom committed using force.¹¹

According to some sources, force is the physical or psychological influence of one person on another that violates citizens' rights guaranteed by the Constitution, causing harm to their health and psyche. "Using force" means committing actions aimed at overcoming the victim's resistance.¹² According to S. Niyozova's authorial definition, force is a deliberate, illegal criminal attack on the victim's safety, causing physical or psychological harm by physical (energetic) or psychological (informational) influence on their organism (organs, tissues, and their physiological functions) against their will (or beyond it).¹³

According to paragraph 3 of the Resolution of the Plenum of the Supreme Court of the Republic of Uzbekistan "On judicial practice in cases of rape and satisfaction of sexual needs in unnatural ways," the use of force in rape and unnatural satisfaction of sexual needs means committing actions aimed at overcoming the victim's resistance—for example, striking, compressing the airways, holding legs and arms, tearing clothes, and similar actions.¹⁴

From the above, we can conclude that force is exercised in two forms—physical or psychological—and as a result of force, harm is caused to a person's body, health, and psychological state. In our opinion, violence is a broader concept than force, and force is one form of implementing violence. While force has a specific form of implementation, violence has a more abstract character. As a result of force, physical or psychological harm is caused to a person, while violence can cause harm not only to psychological or physical well-being but also to sexual life and economic status.

In our national criminal legislation, in crimes against sexual freedom—such as rape, forced unnatural satisfaction of sexual needs, and coercion to sexual intercourse—the use of force against the person and the commission of these acts against the victim's will are important in determining the crime's elements. If in this case the acts are committed with the victim's consent without using force, these crimes are not considered committed against sexual freedom.¹⁵ In national literature on criminal law, sexual acts committed against minors have been studied as part of the norms established for sexual crimes. In these norms, minor victims are divided into two categories: persons under eight years of age and persons under fourteen years of age. According to research,¹⁶ dividing victims by age in crimes related to sexual freedom and inviolability helps determine their criminogenic characteristics.

The following classification of victims is proposed:

- children up to fourteen years old;
- children from fourteen to sixteen years old;
- children from sixteen to eighteen years old.

Children in the first group are aware of the torment and violence against them, but do not understand that these acts are sexual in nature, that harm is being caused to their physical and spiritual health, and they do not report such events to adults. Subjects in the second group, due to sexual changes, develop a predisposition to such acts. Representatives of the third group can only be victims of crimes committed with the use of force. This is because persons acquire sexual freedom from the age of sixteen.

The Law of the Republic of Uzbekistan "On the Protection of Women from Harassment and Violence" defines the concept of sexual violence: sexual violence is a form of violence that encroaches on sexual inviolability and sexual freedom by committing acts of a sexual nature against women without their consent, and is also expressed in the use of force or threat of force, or in coercing female minors into sexual intercourse with a third party through immoral acts.¹⁷ The World Health Organization defines sexual violence as follows: "Any sexual act, attempt to obtain a sexual act, unwanted sexual comments or advances, or acts to traffic, or otherwise directed against a person's sexuality using coercion, by any person regardless of their relationship to the victim, in any setting, including but not limited to home and work."¹⁸

The draft law "On the Protection of Children from All Forms of Violence"¹⁹ provides for the following definition: sexual violence against children includes sexual exploitation, sexual

abuse, and sexual exploitation through pornography.²⁰ According to the Dutch National Rapporteur,²¹ sexual violence against minors includes the following:

- sexual acts against minors;
- sexual acts with minors (including rape and other sexual penetration);
- sexual acts with minors consisting of sexual penetration, sexual abuse committed by adults, and sexual acts with minors between 12 and 18 years of age (voluntary or involuntary);
- child pornography (production, possession, use, and distribution);
- child prostitution;
- sexual exploitation;
- sexual abuse;
- grooming;
- online sexual violence.

The World Health Organization also classifies sexual violence into three main groups: sexual exploitation, sexual abuse, and sexual violence. Contact sexual violence refers to sexual acts committed directly in natural or unnatural forms against the victim's will, using threats or force. Non-contact sexual violence refers to violence committed without physical contact—for example, forcing a minor to view pornographic materials, committing depraved acts of a sexual nature against minors, distributing materials depicting sexual violence against children, and distributing nude photographs of a child without their consent.

Sexual exploitation refers to restricting minors' freedom, keeping them in slavery against their will, forcing them into sexual relations with others, and using them for sexual services. Distribution of materials depicting sexual violence is expressed in preparing and possessing visual materials of sexual violence committed with a child and distributing them through social networks. Writing sexual messages to minors, sending images or videos of such nature also constitutes a form of sexual violence.

Another form of sexual violence is grooming. Grooming is establishing closeness with a child to manipulate, control, and later exert pressure on them by entering their circle of trust. In such cases, the groomer initially establishes friendly contact with the victim, enters their circle of trust, and establishes psychological closeness. Later, such actions turn into conversations of a sexual nature, providing information, and showing materials, and after creating favorable conditions, the groomer commits sexual violence.²²

In today's digital age, organizing "live streaming" on social networks and conducting online games on networks is widespread. Such live broadcasts create platforms for people to communicate in real-time. Another form of sexual violence is broadcasting sexual violence to audiences during such live streams, organizing paid live streams, and recording such broadcasts.²³ Also, coercing a person to watch sexual acts, as well as illegally recording and distributing such materials without the person's knowledge and consent, constitutes sexual violence in modern interpretation.

From the above, we can say that sexual violence crimes are divided into two categories—contact and non-contact types. In the first category, the perpetrator directly enters into physical contact with the victim. In the second category, even without sexual intercourse, the perpetrator violates the victim's sexual freedom and inviolability through sexual, lascivious acts. The specific aspect of non-contact sexual violence is that such acts have a high probability of turning into contact sexual violence over time.

In some sources, forcing a person into marriage is also interpreted as a form of sexual violence.²⁴ This is because forced marriage leads to unwanted, non-consensual sexual intercourse. As a result, the victim's likelihood of being raped or experiencing sexual harassment increases. We can present the following classification of sexual violence against minors:

By form of violence:

- a) overt (the person openly expresses the intent to commit sexual acts)
- b) covert (the victim usually does not understand the meaning and consequences of the perpetrator's actions)

By level of preparation:

- a) planned (the person's intent is formed in advance)
- b) unplanned (arises in the existing situation—for example, sexual harassment)

By relationship between perpetrator and victim:

- a) intra-family (in parent-child, brother-sister relationships)
- b) within persons with kinship ties (by close relatives)
- c) persons outside the family (strangers)

By form of implementation:

- a) contact (through direct sexual intercourse)
- b) non-contact (grooming, committing indecent acts, involving in sexual exploitation, producing pornographic materials involving children)

By gender:

- a) heterosexual (with a member of the opposite sex)
- b) homosexual (with a member of the same sex)

As a result of analyzing sexual violence against minors, we can draw several conclusions about the classification of sexual violence. International standards do not establish an age limit for sexual intercourse. Sexual violence against minors means sexual violence acts committed against a person under eighteen years of age. Sexual violence encompasses not only sexual intercourse committed using physical and psychological force, but also any acts against moral norms that affect a person's sexual freedom and sexual inviolability.

In this case, physical, sexual, psychological violence, and committing sexual acts without the consent of women and female minors, using force or threatening force against their sexual inviolability and sexual freedom, which are their legal rights, as well as coercing female minors into sexual intercourse with a third party through immoral acts, are matters of concern. Sexual violence is a form of violence directed against sexual inviolability and freedom, and includes coercion into sexual acts without consent, sexual exploitation in prostitution, involvement in pornography, harassment (both physical and online), and sexual humiliation. Sexual violence can be directed not only at physical acts but also at psychological pressure and threats, which in turn causes deep psychological trauma they have not developed, and persons in marriage must understand this and provide economic and social care while both parties take responsibility and provide education equally. All children must receive protection and support at a certain stage of family life, without any form of discrimination at any stage of adolescence. Illegal exploitation of children must not be permitted, and they must not be involved in heavy work considering their labor activity—if this affects children's normal development, it must be immediately restricted.²⁶

It should be noted that Presidential Decree No. 256 of December 24, 2025,²⁷ became the most important step in protecting minors from violence. Within the framework of this decree, measures to ensure children's rights, prevent violence against them, and provide legal, social, and psychological support to minors affected by violence are being strengthened.

New Approaches in Child Protection

One of the main tasks defined in the Strategy is to prioritize the child's interests in investigation and judicial processes related to violence against children. For this purpose:

- free legal assistance at state expense for children affected by violence;
- mandatory participation of legal representatives, guardianship, and trusteeship bodies;
- introduction of the practice of recording children's initial testimonies via video;
- measures have been defined to prevent repeated psychological pressure on children in processes involving them.

Such approaches serve to prevent violations of children's rights and ensure a fair judicial environment.

Strengthening Responsibility and Accountability

Strict measures have also been established regarding the concealment of violence against children or failure to report such cases. Failure by organizations and their employees operating in education, healthcare, and social protection to report to relevant authorities when signs of violence are detected is subject to administrative liability. This encourages every responsible organization and employee to not remain indifferent to children's safety. The Role of Mass Media Mass media play an important role in preventing violence against minors. In this regard, the task of increasing legal awareness and culture among the population through interviews, reports, television and radio broadcasts, briefings, and analytical articles in electronic and print media has been defined. Objective and understandable information distributed through mass media serves to form a responsible attitude toward children's rights in society. Preventing violence against minors is not only the task of state bodies but the common task of the entire society. Every citizen must understand their involvement in the protection of children's rights and take an uncompromising attitude toward violence. This strategy and ongoing measures are aimed at ensuring the safe, healthy, and stable future of children and serve as an important legal basis for protecting their lives and honor.

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