

Activities of the Prevention Inspector to Ensure the Fulfillment of Restrictions Provided for in the Protection Order

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Abstract

This article analyzes issues related to the activities of the prevention inspector to ensure the implementation of restrictions stipulated in the protection order. In addition, this article sets out the issues of determining the activities of subjects in the rehabilitation of women who have suffered from harassment and violence, issuing them protection orders.

Keywords: Women, victims, physical, violence, prevention, inspector, protection order, mental, rehabilitation, legal documents.

Introduction

The issue of rehabilitation of women who have suffered from harassment and violence is one of the most pressing social problems in the world today. According to the World Health Organization, one in three women worldwide experiences various forms of violence during their lifetime. This situation has a serious negative impact on women's physical and mental health, social activity, and economic independence.

Globalization processes, social inequality, economic difficulties, armed conflicts, and migration processes are causing an increase in cases of violence against women. In particular, problems such as domestic violence, human trafficking, forced marriage, and sexual exploitation have become a common threat for many countries. Therefore, international organizations are developing comprehensive programs to protect women from violence and their rehabilitation.

The UN, UNICEF, UNFPA, and other international organizations recognize the protection of women from harassment and violence as an important part of ensuring human rights. In particular, the 5th Sustainable Development Goal provides for ensuring gender equality and the eradication of all forms of violence against women. This indicates the need to improve rehabilitation systems and strengthen psychological and social support services.

From this point of view, a deep study of the theoretical foundations of the rehabilitation of women who have suffered from harassment and violence and the introduction of effective mechanisms

into practice remains an urgent task on a global scale. The solution of this issue is important not only for individuals, but also for ensuring the stability and humanistic development of society as a whole.

In the process of large-scale reforms in the fight against crime in our country, special attention is paid to the early detection and elimination of harassment and violence against women.

In particular, paragraph 69 of the Decree of the President of the Republic of Uzbekistan dated January 28, 2022 No. UP-60 "On the Development Strategy of New Uzbekistan for 2022-2026" is devoted to supporting women, ensuring their active participation in the life of society, continuing the policy of ensuring gender equality, ensuring a healthy lifestyle among them, providing socio-legal and psychological assistance to women in difficult social situations, targeted support for them, targeted work with the "Women's Notebook," public control over the timely elimination of women's problems by responsible organizations⁷. This requires the effective organization of interaction between state bodies and civil society institutions in the early prevention of this type of offense.

It should be especially noted that. Despite the absence of special norms for organizing the prevention of harassment and violence against women in the regulation, regulated by the order of the Ministry of Internal Affairs No. 151 of July 12, 2017, "On Approving the Regulation on the Procedure for Organizing the Activities of Offenses Prevention Units of Internal Affairs Bodies," the issues of maintaining preventive records of persons who have committed offenses within the framework of family life, reducing the inclination of a person to commit crimes, providing preventive influence, preventive measures applied to a person, types of crime prevention and its implementation are defined.

Analysis of the above-mentioned regulatory legal acts shows that: firstly, the subjects of crime prevention do not sufficiently implement measures to raise the legal awareness and culture of the population; secondly, the subjects of crime prevention do not effectively organize cooperation with civil society institutions and the general public within their powers in the implementation of measures in this direction; thirdly, there is no cooperation between the subjects on the development and implementation of comprehensive measures to prevent harassment and violence against women; fourthly, there are problems such as the lack of organization of the practice of providing emergency medical, psychological, social, pedagogical, legal and other assistance in an anonymous form to women who have suffered from harassment and violence, who have attempted suicide or are prone to suicide.

The reforms being implemented in the system of internal affairs bodies are forcing preventive services to develop new methods and forms of cooperation with civil society institutions, public structures, and the general public to implement crime prevention. Because even in cooperation between all sectoral services of internal affairs bodies, the main information on crime prevention comes from the public.

In order to improve the legal basis for the prevention of harassment and violence against women in our republic in 2024 and 2025, the Resolution of the Cabinet of Ministers of the Republic of Uzbekistan "On measures to improve the system of protecting women from harassment and violence"³ establishes the procedure for issuing protection orders to women who have been victims of harassment or violence by internal affairs bodies, as well as copies of protection orders to persons who have committed or are inclined to commit harassment and violence^[1].

Based on the requirements of this resolution, the prevention inspector shall examine appeals and reports within 24 hours and, during the examination, shall:

conduct an interview with the victim and perpetrators of violence and other persons regarding the situation;

study the lifestyle of the victim and perpetrator, the causes and conditions of the occurrence of harassment and violence;

implement measures for the social rehabilitation and social adaptation of the victim and perpetrators of violence.

The significance of these resolutions is evident in the fact that: firstly, the measures established therein are aimed at preventing the occurrence of crimes related to harassment and violence; secondly, at eliminating the causes, conditions and factors leading to the commission of crimes related to domestic violence; and thirdly, at effectively organizing the prevention of harassment and violence, improving cooperation in this area, and encouraging public organizations and citizens in this regard.

The analysis of the legal documents regulating the activities of the preventive service shows that, firstly, their main task is to implement measures to increase the legal consciousness and culture of the population, secondly, they are authorized to involve state bodies and organizations, as well as civil society institutions, to implement measures in this direction, and thirdly, they are fully responsible for the perfect and effective implementation of such measures to increase the legal culture and consciousness of the population. is responsible.

Unfortunately, in practice, these powers are not fully and effectively used by the preventive services of the internal affairs bodies to ensure early prevention of domestic violence offenses.

The effectiveness of a protection order directly depends on the mechanism for ensuring the implementation of the restrictions provided for in it. The prevention inspector occupies a central place in this regard and is granted important powers by law. The process of implementing a protection order consists of such stages as control, verification and prosecution.

The main tasks of the prevention inspector in ensuring the implementation of the protection order are: first, to register the perpetrator and regularly monitor him; second, to verify the implementation of the restrictions set out in the order; third, to establish constant contact with the victim and ensure his safety; fourth, to take appropriate measures in case of violation of the restrictions[2].

As part of the monitoring activities, the prevention inspector carries out the following measures: periodic visits to the perpetrator's place of residence; regular meetings and telephone conversations with the victim; collecting information from family members and neighbors; and, if necessary, using technical means of control.

According to research by the European Union Agency for Fundamental Rights[3], The existence and effective functioning of a monitoring system significantly increases the effectiveness of a protection order. Violation of the restrictions set forth in a protection order leads to certain legal consequences.

According to the legislation[4], the first violation of the restrictions is subject to administrative responsibility, and repeated violations are subject to criminal responsibility. The prevention inspector is responsible for recording the facts of violation, collecting relevant evidence and submitting it to law enforcement agencies.

In terms of administrative liability, Article 52¹ of the[5] Code of the Republic of Uzbekistan on Administrative Liability provides for penalties such as fines or administrative arrest for violating the restrictions of a protection order. Criminal liability is applied based on the relevant articles of the Criminal Code.

The scientific literature[6] notes that there are significant problems in ensuring the implementation of protection orders. Among them, the following can be highlighted: first, a decrease in the effectiveness of control as a result of the high workload of preventive inspectors; second, the insufficient introduction of technical control tools; third, the lack of improvement of the information exchange system between entities; fourth, the refusal of victims to report violations. The norms of international law[7] impose specific requirements on the states to ensure the execution of the protection order. In particular, states must provide effective protection guarantees to victims, create a mechanism to punish violators of warrant restrictions, and provide the necessary assistance to victims. According to the World Health Organization[8], Globally, one in three women will experience physical or sexual violence in their lifetime, reaffirming the need for effective protection mechanisms.

Cooperation between entities is of great importance in the activities of the prevention inspector in ensuring the implementation of the protection order[9]. This cooperation is carried out in the following areas: with mahalla citizens' assemblies - in conducting local control and preventive work; with women's committees - in providing social assistance to victims; with healthcare institutions - in providing medical assistance and determining the level of damage; with educational institutions - in protecting the interests of children.

The issue of using modern technologies in ensuring the execution of the protection order deserves special attention. In the experience of developed countries, electronic monitoring systems (GPS trackers), rapid notification systems through mobile applications, and other technical means are actively used[10].

Work in this direction is also being carried out in our country, however, the widespread introduction of technical means requires additional financial resources and a corresponding regulatory framework.

The prevention inspector must adhere to a certain procedure in the process of monitoring the execution of the protection order. This procedure includes: the first meeting with the offender is held within 3 days after the issuance of the warrant; contacting the victim every 7 days; visiting the offender's place of residence at least 2 times a month; the results of each visit and meeting are recorded in a log.

In case of violation of restrictions, the prevention inspector acts in the following order: the fact of the violation is recorded and proven; measures are taken to ensure the safety of the victim; the relevant authorities (prosecutor's office, court) are notified of the violation; materials are prepared for initiating an administrative or criminal case. If the violation poses a direct threat to the life and health of the victim, the prevention inspector shall immediately take measures to initiate criminal proceedings.

In practice, there are a number of problems that complicate the work of a prevention inspector. Firstly, in some cases, the perpetrator changes their place of residence and escapes control. Secondly, victims sometimes themselves allow violations of restrictions (for example, by inviting

the perpetrator to their home). Thirdly, witnesses and neighbors often refuse to testify. To solve these problems, it is necessary to improve legislation and develop practical mechanisms.

It should be especially noted that the activities of the prevention inspector to ensure the fulfillment of the restrictions provided for in the protection order are a complex and multifaceted process.

The effectiveness of this activity depends on the following factors: the qualifications and experience of prevention inspectors; provision with technical means and resources; the level of cooperation between subjects; the atmosphere of intolerance in public consciousness. For the further development of this area, it is necessary to study international experience, improve legislation, and supplement practical mechanisms.

In conclusion, it can be said that over the past years, a number of laws and bylaws have been adopted in our country to create a solid legal basis for the crime prevention activities of internal affairs bodies, and the legislation in this area has been systematized to a certain extent.

This in itself also serves to effectively regulate the activities of crimes related to harassment and violence. In the future, we believe that continuing this work systematically and consistently, supplementing the legal framework with special norms that determine the methods and mechanisms for organizing the prevention of crimes directly related to harassment and violence, will serve to increase the effectiveness of this activity and further improve it.

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