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# Analysis of Judicial Practice on Domestic Violence Offences



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# INTRODUCTION

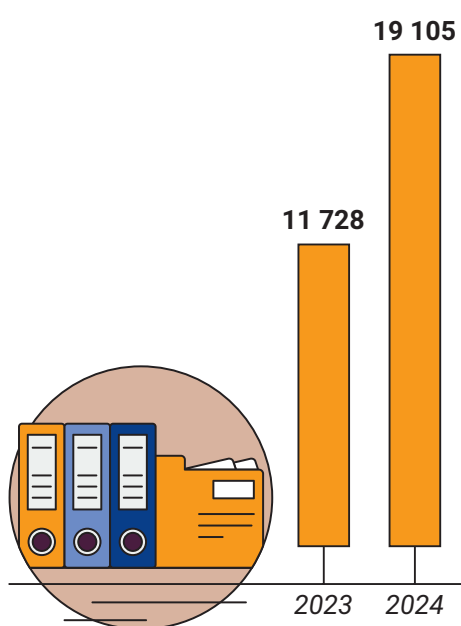


Diagram 1. Total # of administrative offence cases related to GBV

Pursuant to Law No. 829 of the Republic of Uzbekistan, dated April 11, 2023, titled «On Amendments and Additions to Certain Legislative Acts of the Republic of Uzbekistan in Connection with the Further Improvement of the System for the Reliable Protection of the Rights, Freedoms, and Legitimate Interests of Women and Children», a new article (59-2) on domestic (family) violence has been introduced into the Code of Administrative Responsibility (hereinafter referred to as the “CoAR”) of the Republic of Uzbekistan.

To date, criminal courts have reviewed a total of 30,833 cases of administrative offenses related to domestic (family) violence. Of these, administrative penalties were imposed in 21,187 cases, while proceedings were terminated in 9,646 cases.

Table 1. Total # of analyzed cases (disaggregated by region)

Region	TOTAL	"Very simple" cases	"Simple" cases	"Complex" cases	"Very complex" cases
Andijan region	93	68	17	4	4
Bukhara region	76	73	3		
Jizzakh region	83	71	10	2	
Kashkadarya region	156	138	15		3
Republic of Karakalpakstan	43	39	4		
Navoi region	78	65	12	1	
Namangan region	84	73	10		1
Samarkand region	67	61	5		1
Syrdarya region	75	68	6	1	
Surkhandarya region	67	51	15	1	
Tashkent region	80	75	5		
Tashkent	63	60	2		1
Fergana region	72	68	4		

Region	TOTAL	"Very simple" cases	"Simple" cases	"Complex" cases	"Very complex" cases
Khorezm region	74	66	7	1	
<b>TOTAL</b>	<b>1 111</b>	<b>976</b>	<b>115</b>	<b>10</b>	<b>10</b>

Cases analyzed in this study were provisionally categorized as follows:

- «Very simple» cases - cases in which a single offender committed one offense against a single victim;
- «Simple» cases - cases in which the offender and the victim each committed one offense against the other;
- «Complex» cases - cases involving more than one offender committing one offense against a single victim, with the victim not committing any offense against the offenders;
- «Very complex» cases - cases involving more than one offender committing one or more offenses against a single victim, with the victim also committing an offense against the offenders.

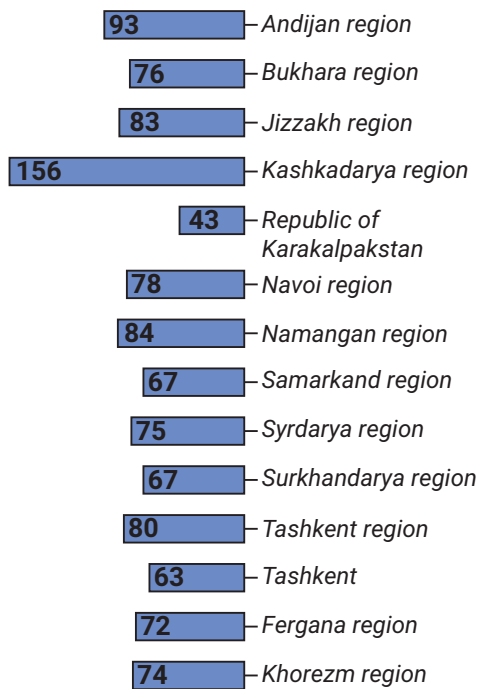


Diagram 2. Total # of analyzed cases (disaggregated by region)

As part of this research, 1,111 randomly selected decisions in cases of this category, issued in 2023 and 2024, were analyzed. Among these, 976 cases (87.8%) were classified as «very simple,» referring to instances where a single offender committed one offense against a single victim. Meanwhile, 115 cases (10.3%) were classified as «simple,» involving situations where a single offender and a single victim committed one offense against each other.

Given the large number of cases in the analyzed category, as well as their increasing complexity depending on the number of offenders and victims, the above classification was applied in this study. This research primarily focuses on cases classified as «very simple» and «simple.»

As noted by the proponents of including this type of offense (domestic or family violence) in the CoAR of the Republic of Uzbekistan, the primary victims of such offenses are women. Among the 976 court decisions issued for «very simple» offenses, 971 cases (99.4%) identified the offenders as male. Similarly, out of 115 court decisions for «simple» offenses, 100 cases (86.9%) identified the offenders as male.

Table 2. classification of analyzed cases (disaggregated by region)

Region	TOTAL	«Very simple» cases			«Simple» cases				
		TOTAL	Offender gender		TOTAL	Offender gender		Offender gender	
			Women	Men		Women	Men	Women	Men
Andijan region	93	68	0	68	17	1	16	15	2
Bukhara region	76	73	0	73	3	1	2	3	0
Jizzakh region	83	71	0	71	10	0	10	10	0

Region	TOTAL	«Very simple» cases				«Simple» cases			
		TOTAL	Offender gender		TOTAL	Offender gender		Offender gender	
			Women	Men		Women	Men	Women	Men
Kashkadarya region	156	138	2	136	15	1	14	14	1
Republic of Karakalpakstan	43	39	0	39	4	0	4	4	0
Navoi region	78	65	1	64	12	5	7	8	4
Namangan region	84	73	1	72	10	2	8	8	2
Samarkand region	67	61	1	60	5	0	5	5	0
Syrdarya region	75	68	0	68	6	1	5	5	1
Surkhandarya region	67	51	0	51	15	3	12	14	1
Tashkent region	80	75	0	75	5	0	5	5	0
Tashkent	63	60	0	60	2	0	2	2	0
Fergana region	72	68	0	68	4	1	3	4	0
Khorezm region	74	66	0	66	7	0	7	7	0
<b>TOTAL</b>	<b>1 111</b>	<b>976</b>	<b>5</b>	<b>971</b>	<b>115</b>	<b>15</b>	<b>100</b>	<b>104</b>	<b>11</b>

## KEY FIGURES FROM THE RESEARCH

### Outcomes of cases involving administrative offenses

For domestic (family) offenses classified as «very simple» and «simple,» courts most commonly impose administrative fines.

Specifically, out of 976 court decisions issued for «very simple» cases, 403 cases (41.3 %) resulted in administrative arrest, 397 cases (40.7 %) in administrative fines, and 168 cases (17.2 %) involved warnings issued under Article 21 of the CoAR.

Similarly, among the 115 court decisions issued for «simple» cases, 33 cases (28.7 %) resulted in administrative arrest, 44 cases (38.3%) imposed administrative fines, and 33 cases (28.7 %) involved a warning issued under Article 21 of the CoAR.



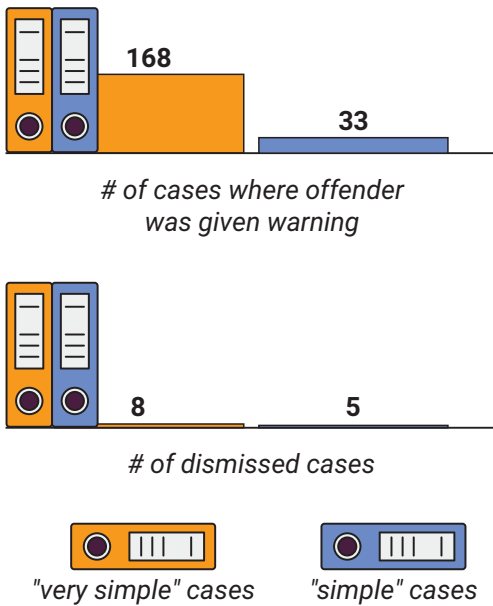


Diagram 3. Analyzed cases disaggregated by result of hearing

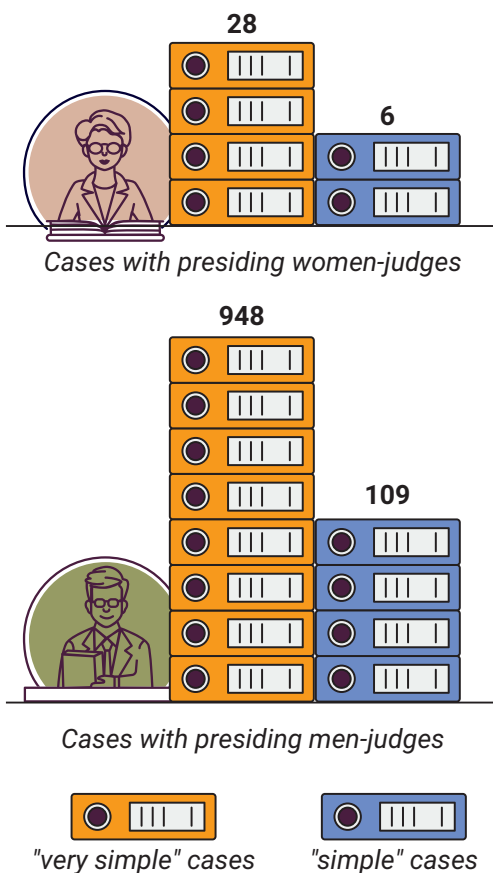


Diagram 4. Analyzed cases disaggregated by sex of judges

In two cases (1.7 %) of offenses committed by victims in «simple» cases, administrative arrest was imposed on the victims. In 54 cases (47.0 %), the victims were subjected to administrative fines, and in 51 cases (44.3 %), they received warnings under Article 21 of the CoAR.

For «very simple» cases, the average amount of administrative fines imposed by judges was 1,377,682 Uzbek soums, while the average duration of administrative arrests was 7.15 days.

For «simple» cases, the average amount of administrative fines imposed by judges was 1,176,976 Uzbek soums, and the average duration of administrative arrests was 5.9 days. Additionally, in cases of this category, the average fine imposed on victims<sup>1</sup> was 700,207 Uzbek soums, while the average duration of administrative arrests for victims was 1.6 days.

The highest average amounts of administrative fines were imposed by the courts of the Republic of Karakalpakstan (2,469,091 soums), Surkhandarya region (2,155,385 soums), and Tashkent city (1,979,259 soums).

The longest average durations of administrative arrests were recorded in the courts of the Khorezm region (8.5 days), Andijan region (8.1 days), and the Republic of Karakalpakstan (7.6 days).

## Gender of judges

Male judges handled 1,057 cases (96.9 %) categorized as «very simple» and «simple,» while female judges handled only 3.1 % of the cases.

For «very simple» cases, female judges typically imposed an administrative fine averaging 1,352,800 soums and an administrative arrest with an average duration of 10 days. In comparison, male judges imposed an average administrative fine of 1,360,575 soums and an average administrative arrest duration of 7.1 days.

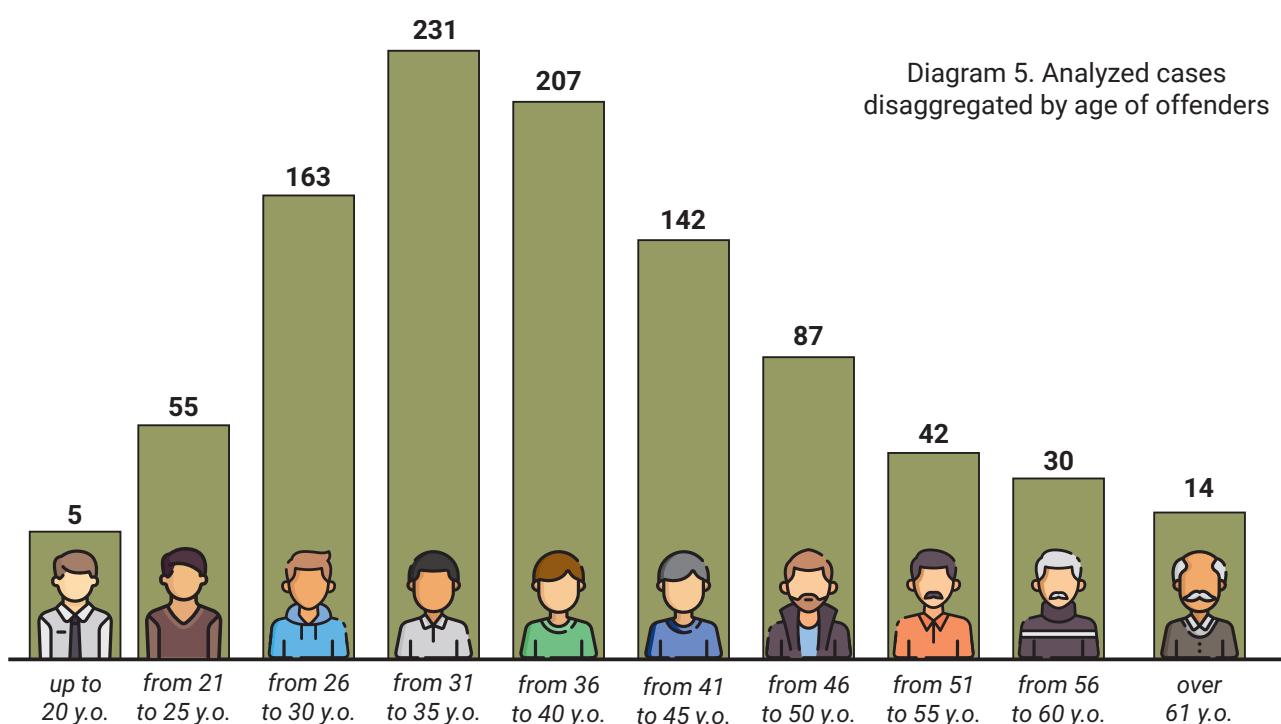
<sup>1</sup> According to the Code of Administrative Responsibility of the Republic of Uzbekistan, administrative penalties are not imposed on victims. In the concluding section of judicial decisions, administrative penalties are only applied to the offenders. As noted earlier, in cases categorized as «simple,» both parties (the man and the woman) commit offenses during a family conflict. In this study, the term «victim» was used to indicate that the mentioned offenses were considered within the framework of a single case concerning a single administrative offense.

For «simple» cases, female judges imposed an average administrative fine of 1,020,000 soums and an administrative arrest with an average duration of 5.7 days. In comparison, male judges imposed an average administrative fine of 3,051,389 soums and an average administrative arrest duration of 6 days.

Table 3. Breakdown by gender of judges handling the cases

Case category	TOTAL	Female judges' cases	In these cases		Male Judges' cases	In these cases	
			Avg admin fine	Avg admin arrest duration		Avg admin fine	Avg admin arrest duration
"Very Simple" cases	976	28	1 352 800,0	10,0	948	1 360 575,9	7,1
"Simple" cases	115	6	1 020 000,0	5,7	109	3 051 389,0	6,0

### Age of offenders



In «very simple» cases, two offenses were committed by offenders aged 19, and one offense was committed by an offender aged 69.

Moreover, in «very simple» cases, 580 cases (59.4 %) were committed by offenders aged 31 to 45, 223 cases (22.8 %) by offenders aged 18 to 30, and 173 cases (17.7 %) by offenders aged 46 or older. Overall, the majority of these cases (743 cases, or about

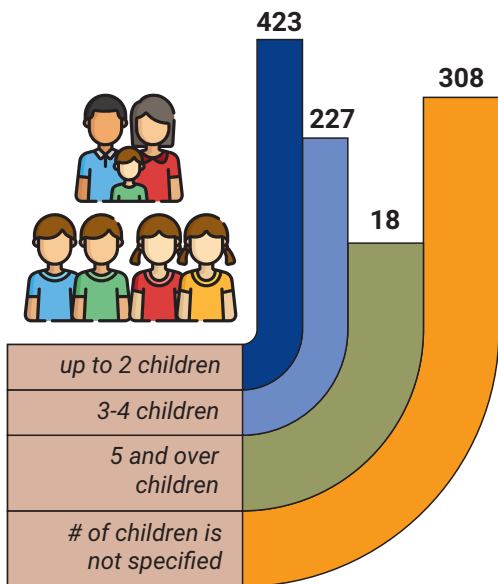


Diagram 6. Analyzed cases disaggregated by number of children of offenders

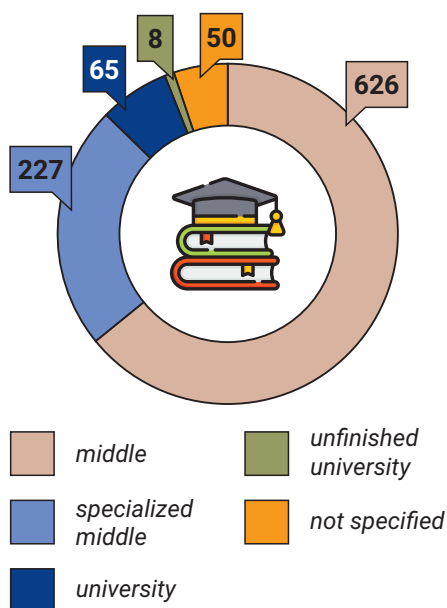


Diagram 7. Education of the offenders

70 %) were committed by offenders in the 26-45 age group.

Additionally, in «very simple» cases, the offenders and victims collectively had 1,371 minor children. These minors were not involved in the cases as victims.

### Education level of offenders

In 626 cases (64.1 %) out of 976 classified as «very simple,» the offenders had completed secondary education. In 227 cases (23.3 %), they had received specialized secondary education, while in 65 cases (6.7 %) they had higher education, and in 8 cases (0.8 %) they had incomplete higher education. In the remaining 50 cases (5.1 %), the education level of the offenders was not specified.

It should also be noted that in 576 cases (59 %), the offenders were unemployed, and in 96 cases (9.8 %), their employment status was not specified.

The analysis showed that judges most often imposed administrative fines (52.3 % of cases) on offenders with higher education, while administrative arrests were more frequently issued (62.5 % of cases) to offenders with incomplete higher education.

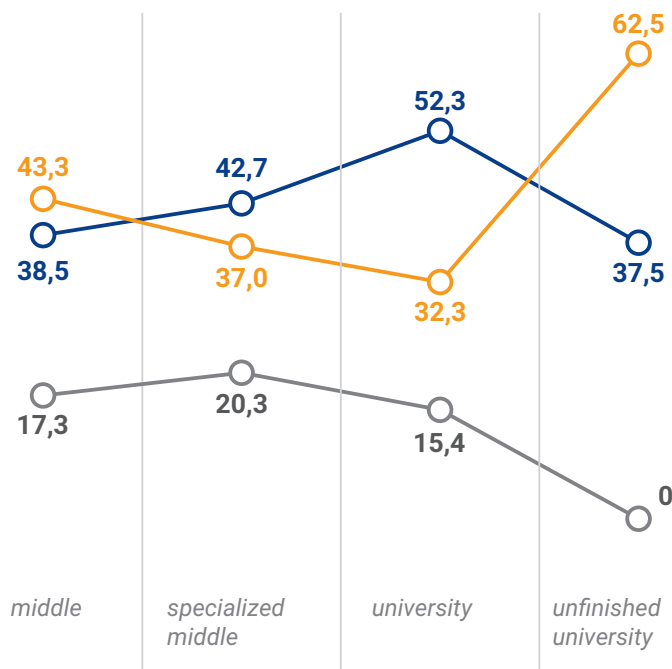
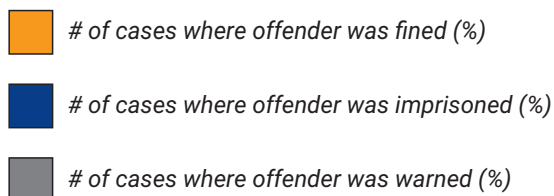


Diagram 8. Types of punishment (disaggregated by level of education)



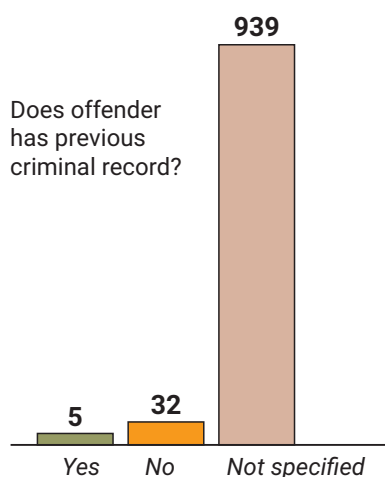


Diagram 9

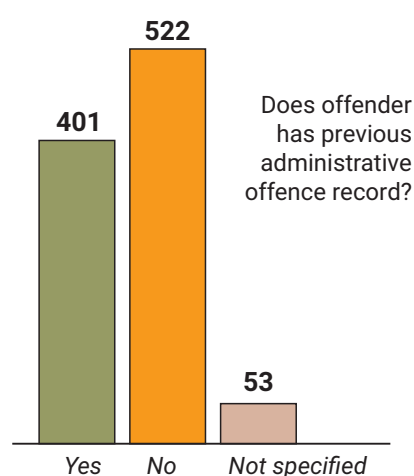


Diagram 10

## Previous convictions and administrative sanctions of offenders

In accordance with paragraph 2 of part one of Article 32 of the CoAR, «the repeated commission of the same type of offense within a year for which the person has already been administratively sanctioned, as well as the commission of an offense by a person with a criminal record,» constitutes an aggravating circumstance in administrative liability.

In 939 cases (96.2 %) of «very simple» offenses, there is no record of prior criminal convictions, and in 53 cases (5.4 %), there is no information regarding any previous administrative sanctions imposed on the offenders.

## Mitigating Circumstances for Administrative Responsibility

In «very simple» cases, 29 types of circumstances were recognized by the courts as mitigating factors for administrative responsibility, while in «simple» cases, 20 types were recognized. The most commonly encountered mitigating circumstances in both categories of cases are listed in the table below.

Table 4. Mitigating Circumstances for Administrative Responsibility

Mitigating circumstances recognized by the court	Number of «Very Simple» cases with this mitigating circumstance		Number of «Simple» cases with this mitigating circumstance	
	TOTAL	%	TOTAL	%
Admission of guilt by the offender	382	39,1	38	33,0
Repentance of the offender	361	37,0	39	33,9
Character of the offender	199	20,4	24	20,9
Marital status of the offender	253	25,9	36	31,3
The offender is a woman	2	0,2	24	20,9
...				
Disability of the offender	2	0,2	0	0,0
The offender has remedied the consequences of the offense	2	0,2	0	0,0
The offense was insignificant	2	0,2	1	0,9
The offense was committed due to inappropriate behavior by the victim	1	0,1	0	0,0

Mitigating circumstances recognized by the court	Number of «Very Simple» cases with this mitigating circumstance		Number of «Simple» cases with this mitigating circumstance	
	TOTAL	%	TOTAL	%
The offender is unmarried*	1	0,1	0	0,0

\*In this case, a typographical error might be present in the court decision.

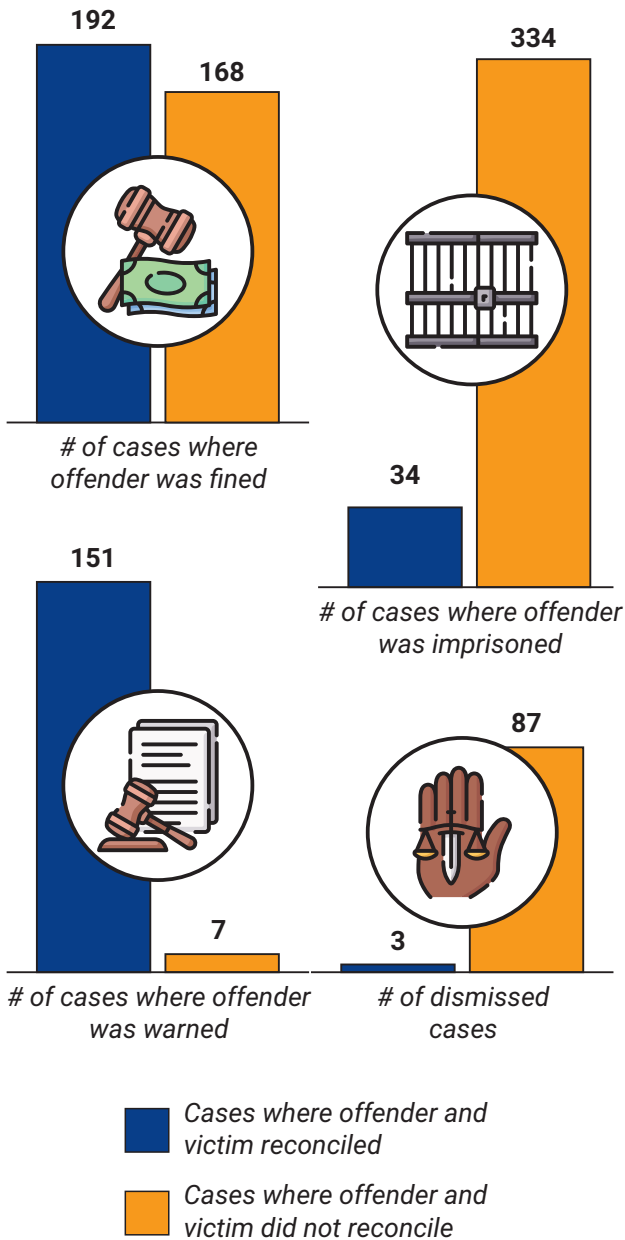


Diagram 11. «Very simple» cases where parties reconciled (or not) disaggregated by result of hearing

## Reconciliation between offender and victim

Although Article 31 of the CoAR of the Republic of Uzbekistan does not explicitly list «reconciliation between the offender and the victim» as a mitigating factor for administrative responsibility, this circumstance was recognized by the courts in 74 decisions (7.5 %) for «very simple» cases and in 10 decisions (8.6 %) for «simple» cases, as indicated in the reasoning section of the rulings. However, the number of decisions where the offender and the victim mentioned in the descriptive part of the decision, that they had «reconciled» is significantly higher. For instance, in the descriptive part of 380 «very simple» cases (38.9 %) and in 50 «simple» cases (43.7 %), it was stated that the victim «forgave and reconciled with the offender.»

Regardless of whether «reconciliation between the offender and the victim» is recognized as a mitigating factor for administrative responsibility, in cases where «the offender and the victim reconciled,» 151 cases (39.7 %) were closed with a warning to the offender (in accordance with Article 21 of the CoAR), and 3 cases (0.8 %) were closed on other grounds. In cases where there was no mention of «the offender and the victim reconciling,» these figures were 7 cases (1.2 %) and 87 cases (14.6 %), respectively.

## Conclusion of examination

The analysis showed that there is inconsistency in how the courts handle administrative offenses under Article 59-2, specifically regarding the expert examination.

Specifically, the study found that in 315 «very simple» cases, only offenses covered by part one of Article 59-2 of the CoAR were considered, while in 406 similar cases, only offenses under part two of the same article were reviewed. In 280 of the 315 cases (88.8 %), there was no information on the results of the forensic medical examination. In the 406 cases related to part two of Article 59-2, this was the case in 141 instances (34.7 %).

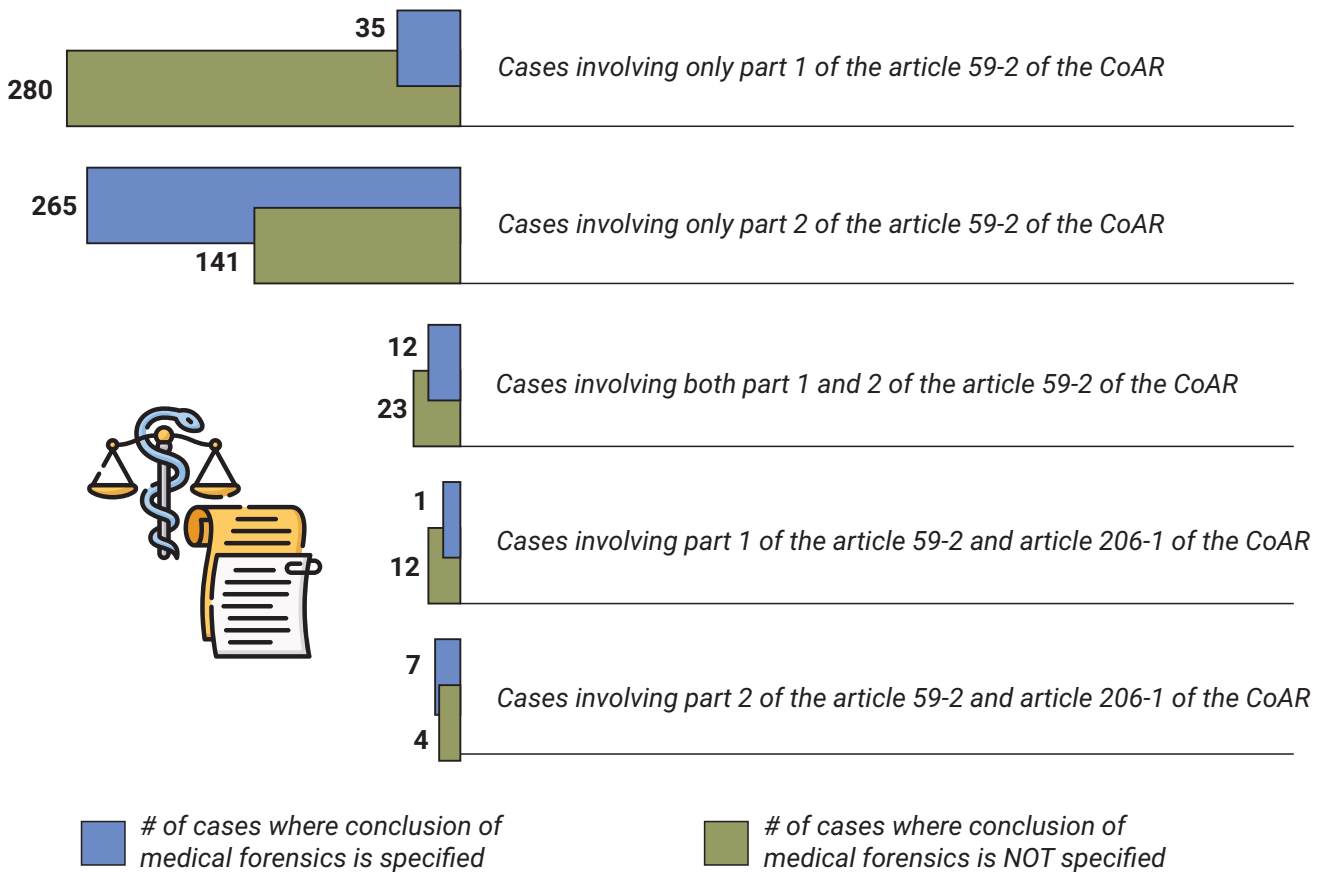


Diagram 12. Conclusion by medical forensics

## Compensation for property damage by offenders

According to part four of Article 309 of the CoAR , «if the issue of applying an administrative penalty is being decided by the authorities (officials) listed in points 1 and 3 of Article 242 of the CoAR, and at the same time the issue of compensation for property

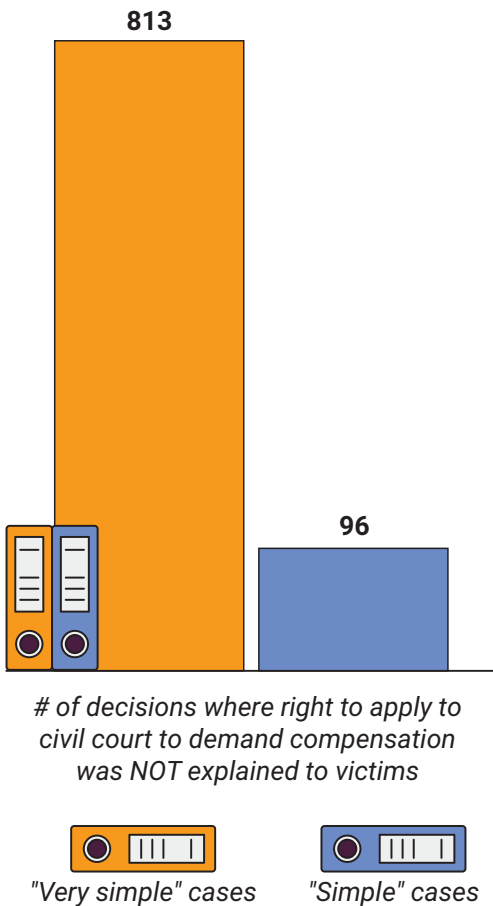
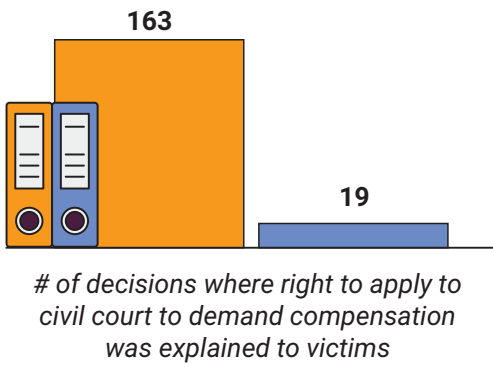


Diagram 13. Compensation to victim

damage caused by the offender is being addressed, the ruling must specify the amount of damage to be recovered, as well as the time and procedure for its compensation.»

Among the 976 «very simple» cases analyzed, only in one case (0.1 %) was compensation for damage to the victim specified, amounting to 350,000 soums. In 163 cases of this category (16.7 %), the courts informed the victims of their right to seek compensation for material and moral damage through civil courts.

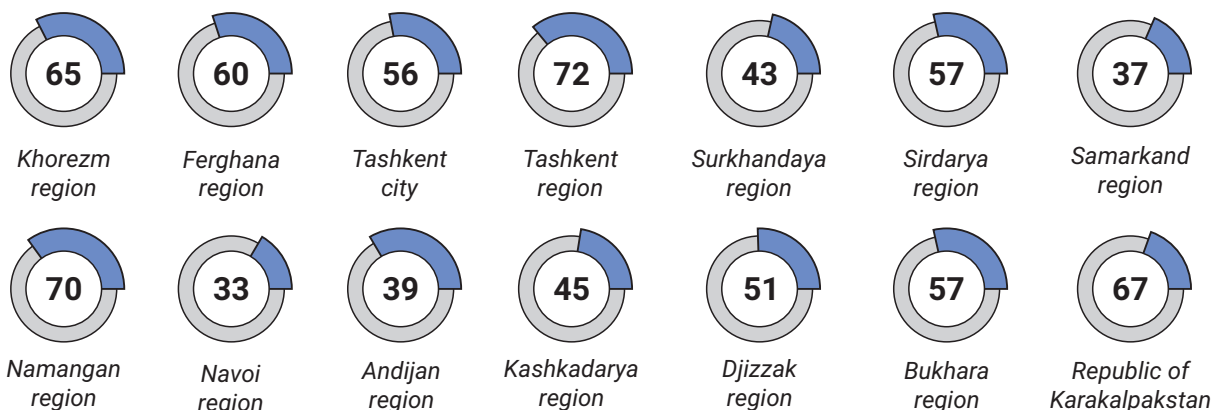
Out of the 115 «simple» cases analyzed, in 3 cases (2.6 %), the court decisions included provisions for compensation to the victims, amounting to a total of 2,345,000 soums. In 19 cases of this category (16.5 %), the courts informed the victims of their right to seek compensation for material and moral damage through civil courts.

### Reference to Constitutional provisions

Part two of Article 15 of the Constitution of the Republic of Uzbekistan in its revised edition as of 2023, states: «The Constitution of the Republic of Uzbekistan ... has direct effect ...»

Out of the 976 «very simple» cases analyzed, 224 cases (23 %) included a reference to the provisions of the Constitution of the Republic of Uzbekistan, in accordance with the requirements of the above-mentioned article. The most commonly cited articles were 20, 26, and 60 of the Constitution of the Republic of Uzbekistan.

Diagram 14. # of court decisions where Constitutional provision is cited



# CONCLUSIONS AND SUGGESTIONS

This study is the fifth in a series of research projects conducted under the *Strengthening the rule of law and human rights protection in Uzbekistan* project.

The main objective of these studies is to highlight the lack of statistical data on women's access to justice and methods for using such data.

It is also deemed important to gradually **increase the quantity of gender-disaggregated statistical data**, in line with the general recommendations of CEDAW Committee General Recommendation No. 33 on women's access to justice.

Collaboration with non-governmental organizations in these studies helps build their capacity for public monitoring and to generate clear, evidence-based recommendations for improving legislation based on the findings.

Regarding the results of this study, we focused primarily on the classification of offenses under Article 59-2 of the CoAR. Specifically, in 976 «very simple» cases, courts changed the classification of cases in 43 instances (4.4%), which indicates challenges for law enforcement and investigation agencies in classifying cases under this article.

We believe these challenges stem from two key formulations in the disposition of Article 59-2:

- First, whether the phrase «... resulting in harm to health...» applies only to «defamation» or to all circumstances mentioned in the first part of Article 59-2.
- Second, the wording «in the absence of criminal offense or other violations.»

Based on this, we recommend that the Supreme Court of Uzbekistan **issue clarifications on the classification of offenses under this article.**

Another important aspect influencing the classification of offenses under this article is the issue of expert examination. Specifically, this study revealed a lack of consistency in court practices

regarding the results of medical expert assessments in cases of offenses under Article 59-2 of the CoAR.

As noted above, in 315 cases, 280 cases (88.8 %) lacked information on the results of a medical examination, while in 406 cases of the same category, where only violations provided in the second part of Article 59-2 of the CoAR were considered, this figure was 141 cases (34.7 %).

The difference between the presence and absence of medical expert opinion in cases of offenses under part one of Article 59-2 of the CoAR (psychological violence) and those under part two of Article 59-2 (physical violence) is significant. In our opinion, one of the reasons for this is the lack of developed mechanisms/protocols for conducting forensic medical examinations in cases of psychological violence.

To support our conclusion, it can be noted that at the end of 2023, forensic psychological examination was not listed among the most frequently appointed types of examinations<sup>2</sup>. Overall, for broader development of **mechanisms/protocols for conducting medical assessment, we recommend further and deeper implementation of the Istanbul Protocol<sup>3</sup> on effective investigation of torture and other cruel, inhuman, or degrading treatment and its recommendations.**

Out of 1,111 decisions analyzed in this study, only 8 (0.7 %) mentioned the presence of a lawyer. Furthermore, when analyzing statistical indicators of the courts<sup>4</sup> and the Chamber of Advocates of Uzbekistan<sup>5</sup> for 2023, it was found that out of 600,966 administrative offense cases, only 8,136 (1.35 %) involved lawyers.

In our opinion, the main reason for such a low figure is primarily the insufficient number of lawyers in some regions and the attitude of the population toward administrative offense cases.

Since most of the population does not treat does not treat the consideration and rulings in administrative offense cases as serious matters and

<sup>2</sup> <https://t.me/adliyangiliklari/11867> ва <https://t.me/adliyangiliklari/12815> ҳамда [https://sudex.uz/?robo\\_gallery\\_table=5995-2](https://sudex.uz/?robo_gallery_table=5995-2)

<sup>3</sup> <https://web.dev.ohchr.un-icc.cloud/ru/publications/policy-and-methodological-publications/istanbul-protocol-manual-effective>

<sup>4</sup> <https://stat.sud.uz/file/2024/31.01/%D1%81%D0%B0%D0%B9%D1%82%20%D0%B6%D0%B8%D0%BD%D0%B E%D1%8F%D1%82%202023%20%D0%B9%D0%B8%D0%BB%D0%BB%D0%B8%D0%BA.pdf>

<sup>5</sup> <https://paruz.uz/uploads/2024/01/statistika-2024.pdf>

does not seek legal representation (lawyer), they often resort to free legal assistance providers, as administrative proceedings do not result in criminal convictions.

However, 69 offenses under 57 articles of the Criminal Code of the Republic of Uzbekistan include administrative prejudice. Prejudice, derived from the Latin word “praejudicialis,” means “related to a previous court decision.” Therefore, for the actions to qualify as crimes under the mentioned 57 articles, they must have been committed after the imposition of an administrative penalty<sup>6</sup>. Crimes related to family (domestic) violence fall under this category.

Based on this, we recommend **expanding the types of individuals authorized to represent in courts, including non-governmental and non-profit organizations**, as well as **developing comprehensive and targeted measures to change the population’s attitude toward administrative offenses and further increase legal literacy regarding the negative consequences of administrative responsibility**.

In 552 of the analyzed «very simple» cases (56.5 %) and in 69 «simple» cases (60 %), the offenders committed the offense for the first time. In «very simple» cases, courts imposed administrative fines or administrative imprisonment in 82% of cases, and in 67 % of «simple» cases.

Such administrative sanctions are intended to hold offenders accountable for their violations of administrative regulations, yet they do not necessarily ensure a change in their behavior. On the contrary, in both types of administrative penalties, the offender may develop increased hostility toward the victim, potentially escalating the violence. Therefore, we consider it advisable to introduce a **coercive measure in the form of inclusion in a «violent behavior modification program» for those found guilty of committing family (domestic) violence**.

In the analyzed cases, the courts imposed administrative fines totaling approximately 490 million sums. However, in cases under Article 59-2 of the CoAR, courts rarely (in 2.7 % of cases) addressed compensation for material and moral damages.

<sup>6</sup> <https://proacademy.uz/postfiles/books/sh/gu/index.html>

In 33% of cases, the courts merely indicated the victim's right to file a civil suit for compensation. This situation forces victims to return to court to seek compensation for the material and moral harm they have suffered, which subjects them to additional legal proceedings. As a result, they must endure the emotional toll of re-entering the court process and the enforcement of the judgment.

This situation ultimately leads to a decline in victims' trust in the courts and the judicial system, thereby affecting Uzbekistan's rating in the Rule of Law Index (World Justice Project), particularly regarding the "Access to Civil Justice" criterion. Specifically, Uzbekistan ranked 74<sup>th</sup> for the "Access to Civil Justice" category in the 2024 Rule of Law Index. While the position remained unchanged, the country's score dropped from 0.52 in 2023 to 0.51 in 2024<sup>7</sup>, indicating a decrease.

In the light of this, we believe it is advisable to **reconsider the mechanisms for compensating material and moral damages in cases of family (domestic) violence.**

The study found that, in most of the analyzed cases, courts adhered to the requirements of Article 31 of the CoAR regarding mitigating circumstances.

At the same time, as noted earlier, in «very simple» cases, 29 types of mitigating circumstances were recognized by the courts, and in «simple» cases, 20 types. This may indicate a broad interpretation of the requirements of Article 31 of the CoAR by judges. Such a broad interpretation may not contribute to achieving the intended results of implementing this type of offense.

Based on the results of this study and the aforementioned cases, we consider it advisable for the Supreme Court of the Republic of Uzbekistan to **issue a separate clarification regarding mitigating and aggravating circumstances in family (domestic) violence offenses.**

<sup>7</sup> <https://worldjusticeproject.org/rule-of-law-index/country/2024/Uzbekistan/Civil%20Justice/>

