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Protection from Violence: A Constitutional Guarantee of Human Dignity

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Abstract: The article examines protection from violence as a constitutional guarantee of human dignity. Based on Articles 13, 26 and 78 of the Constitution of the Republic of Uzbekistan and the laws on protecting women and children from violence, the protection system is divided into three stages: prevention, protection and recovery. It is argued that the protection order is the main tool for an early response to violence. Recommendations are made to ensure continuity between the stages.

Keywords: Human dignity, violence, Constitution, children's rights, protection order, rehabilitation, prevention.

Introduction: Violence causes a person not only physical but also psychological and social harm. Its gravest consequence is the loss of self-respect and of a sense of safety. Combating violence is therefore not only a matter of criminal law but a constitutional task of protecting human dignity.

Violence often takes place in closed settings — in the family, in an educational institution or among acquaintances. A victim may not seek help out of fear, shame or dependence. State protection should therefore not wait for the victim to come forward but be aimed at identifying risks early.

The new Constitution of Uzbekistan expresses this approach clearly. Under Article 13, the human being, his or her life, freedom, honour and dignity are the highest value. Article 26 enshrines the inviolability of a person's honour and dignity and provides that no one may be subjected to torture, violence or cruel or degrading treatment. Article 78 establishes the protection of children's rights as a duty of the state [1].

On the basis of these constitutional norms, special laws were adopted: the Law "On the Protection of Women from Harassment and Violence" in 2019 and the Law "On the Protection of Children from All Forms of Violence" in 2024. The aim of the study is to analyse the protection system established on the basis of these norms and to identify its weak links.

LITERATURE REVIEW AND METHODOLOGY

One of the main international instruments on protection from violence is the 1989 UN Convention on the Rights of the Child. Its Article 19 obliges states to take legislative, administrative, social and educational measures to protect the child from all forms of physical and mental violence [2]. An important feature of this approach is that protection is not limited to punishment but also covers prevention and recovery.

A.T. Yakubov, analysing social work with victims of harassment and violence, considers assistance to the victim as an integrated system of legal, psychological and social measures [3]. This article develops that approach by linking it to constitutional norms and the new legislation.

The study used formal legal analysis, the comparative legal method and a systemic approach.

RESULTS AND DISCUSSION

1. The three stages of the protection system. The analysis showed that the system of protection from violence can be divided into three stages (Table 1).

Table 1. Stages of the system of protection from violence

Stage	Purpose	Main instruments	Responsible actors
Prevention	Preventing violence from occurring	Legal awareness, work with at-risk families, prevention in educational institutions	Mahalla, educational institutions, social services
Protection	Stopping violence immediately	Protection order, helpline, temporary shelter	Internal affairs bodies, courts
Recovery	Returning the victim to normal life	Psychological, medical and legal assistance, compensation for harm	Rehabilitation centres, social services

The table shows that each stage has its own purpose and responsible actors. The traditional approach focuses on the second stage — stopping violence and punishing the perpetrator. The constitutional approach, however, requires equal attention to all three stages, because dignity needs protection both before and after violence occurs.

2. The broadening concept of violence. The 2024 Law defines six types of violence against a child: physical, sexual and psychological violence, neglect, exploitation and bullying [4]. The Law defines psychological violence as acts such as insults, threats and humiliation, defines bullying as persistent aggression among children and takes into account that it may be committed via the Internet. This reveals the practical meaning of "degrading treatment" in Article 26: dignity must be protected not only from physical blows but also from words, neglect and systematic pressure.

3. The protection order as a tool for early response. The most important instrument of the protection stage is the protection order. Under the 2024 Law, a protection order for a child is issued by the internal affairs bodies for 30 days, and if the risk persists a court may extend it for up to one year. A free helpline is also available to victims [5]. The advantage of the protection order is that it makes it possible to prevent repeated violence without waiting for criminal proceedings to be opened. This is consistent with Article 26, since the protection of dignity should begin, as far as possible, before harm is done rather than after.

New preventive instruments. The 2024 Law also extended parents' responsibilities: physical punishment in upbringing was prohibited, and parents were obliged to protect the child from harmful information [5]. This change is important because in many families physical punishment is still regarded as a "method of upbringing". The Law changes this view by declaring the child's dignity inviolable within the family as well. However, the prohibition alone is not enough: it works in practice only if parents are taught non-violent methods of upbringing. This increases the role of educational institutions and the mahalla in the prevention stage.

The recovery stage. Under the Law, a victim may apply to a competent body or a court, receive free legal, social, psychological and medical assistance through special centres, and claim compensation for material and moral damage [5]. These guarantees are aimed at restoring life after violence. The right to compensation for moral damage is particularly important, as it gives legal recognition to the harm done to dignity.

4. Gaps between the stages. The analysis also revealed the main weakness of the system: the stages are carried out by different bodies, and the exchange of information between them is not always continuous. For example, if social work with the family does not continue after a protection order expires, violence may recur. Likewise, if a victim has to recount the same events repeatedly to several agencies, this becomes an additional psychological trauma. The effectiveness of the system therefore depends not on how each stage works separately but on the continuity between them.

This conclusion is also consistent with the approach of the Convention on the Rights of the Child, which interprets protective measures as an integrated process including identification, reporting, investigation and follow-up [2].

CONCLUSION AND RECOMMENDATIONS

The study led to the following conclusions. First, Articles 13, 26 and 78 of the Constitution establish protection from violence as a guarantee of human dignity. Second, on the basis of the 2019 and 2024 laws, a three-stage system of prevention, protection and recovery has been formed, in which the protection order is the main instrument of early response. Third, the weak point of the system is insufficient continuity

between stages and agencies.

On the basis of the results, the following is proposed:

– to assign one responsible specialist (case manager) to each victim and to introduce a procedure for following the case from prevention to recovery;

– to establish a period of mandatory social work with the family after a protection order expires;

– to introduce the practice of interviewing the victim once, in special conditions, and using that interview as the basis for all competent bodies;

– to organise regular training courses for teachers and mahalla staff on recognising signs of violence.

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