



RECOMMENDATIONS FOR IMPROVING JUDICIAL PRACTICE

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ABSTRACT

This article discusses recommendations for improving judicial practice in the context of combating gender-based violence. It analyzes the current state of judicial practice, identifies the main problems and shortcomings affecting law enforcement. It describes recommendations aimed at training judges, developing specialized programs for working with cases of gender-based violence and establishing clear procedures for their consideration. It also emphasizes the importance of interaction between courts, law enforcement agencies, social services and the public to create an effective law enforcement system. It considers the role of public opinion and the media in shaping a culture of zero tolerance for violence. The article aims to develop practical proposals to improve the quality of judicial practice and increase the level of protection of the rights of victims of gender-based violence.

Introduction

The problem of gender-based violence remains one of the most pressing and acute in modern society. With increasing attention to human rights issues, including women's rights, the importance of combating gender-based violence comes to the fore. Judicial practice in this context plays a key role, since it is the courts that must ensure the protection of the rights of victims, a fair hearing of cases and punishment of the perpetrators. However, despite efforts aimed at improving law enforcement practices, there are many problems that require careful analysis and a search for effective solutions.

The relevance of the article is due to the fact that judicial practice in cases of gender-based violence remains underdeveloped and often faces many obstacles. The inability to ensure high-quality consideration of cases, bias against victims, insufficient awareness of judges about the specifics of gender-based violence - all this leads to ineffective law enforcement. Such circumstances not only threaten the rights of victims, but also contribute to the further spread of violence, since society does not see real consequences for offenders. It is important to consider how judicial practice can be improved so that it becomes more effective in combating gender-based violence and ensuring the protection of victims.

The purpose of this study is to analyze the current state of judicial practice in cases of gender-based violence and to develop recommendations for its improvement. To achieve this goal, several tasks need to be accomplished. First, it is important to identify the main problems and shortcomings in the existing judicial practice that hinder effective law enforcement. Second, it is necessary to consider successful examples of judicial decisions and practices that can serve as a basis for improving the situation. Third, it will be necessary to offer recommendations aimed at training judges, developing specialized programs and establishing clear procedures for handling cases of gender-based violence.

The research methodology includes an analysis of legislation, judicial practice, and scientific publications devoted to the problems of gender-based violence and law enforcement. An important aspect of the methodology is also a comparative analysis of judicial practice in various countries, which will allow identifying best practices and adapting them to domestic conditions. The structure of the article will be organized as follows: first, an analysis of the current state of judicial practice will be presented, then recommendations for its improvement will be offered, and in the conclusion, the results will be summarized and prospects for further research will be outlined.

This article therefore aims to identify ways to improve judicial practice in the context of combating gender-based violence, which is an important step towards ensuring the rights of victims and creating a safer society.

Analysis of the current state of judicial practice

2.1. Main problems and shortcomings in judicial practice

The jurisprudence in the area of gender-based violence faces many serious problems and shortcomings that hinder effective law enforcement and protection of victims. One of the most acute problems is the lack of awareness among judges about the specifics of gender-based violence. This may manifest itself in misinterpretation of facts, insufficient assessment of evidence or ignorance of the context in which the violence occurred. Such shortcomings can lead to unfair decisions, which in turn weakens public trust in the judicial system.

Another significant issue is the existence of bias against victims of gender-based violence. Judges, as well as participants in the trial, may have ingrained stereotypes about how victims should behave. This may lead judges to question victims' testimony if it does not meet their expectations, creating additional barriers to obtaining justice. Fear of secondary victimization may also cause victims to abandon their claims or provide incomplete testimony, which negatively affects the outcome of the trial.

In addition, insufficient coordination between different law enforcement agencies, judicial institutions and social services means that cases of gender-based violence are often handled in isolation. The lack of information sharing and cooperation between these structures can lead to insufficient protection of victims and ineffective investigation of cases of violence. This creates conditions in which victims are left without adequate assistance and protection, and perpetrators may escape accountability for their actions.

An equally important aspect is the problem of access to justice. Many victims of gender-based violence do not have the opportunity to seek help in court due to financial constraints, fear of the perpetrator, or lack of information about their rights. These barriers significantly reduce the likelihood that victims will be able to obtain a fair decision in court. Finally, court

decisions are often inconsistent and non-uniform, which also creates uncertainty for both victims and perpetrators.

2.2. The impact of judicial practice on law enforcement

Judicial decisions on gender-based violence have a significant impact on the overall application of the law and the perception of the issue in society. Court decisions set precedents that can serve as a basis for future cases. When courts make consistent and fair decisions, this helps to build trust in the justice system and encourages victims to seek protection. Conversely, cases with unfair or inconsistent decisions can weaken trust in justice and reduce the level of victims' recourse to law enforcement.

Law enforcement in the area of gender-based violence may also depend on how the judiciary responds to social changes and public opinion. In recent years, society has become more sensitive to issues of gender-based violence, which in turn requires the courts to be more responsive in their handling of such cases. Judicial decisions that reflect an understanding and recognition of the seriousness of gender-based violence can be a significant step towards changing public perceptions of the issue.

In addition, judicial practice can serve as a tool for shaping public opinion and changing cultural norms. When courts take tough action against rapists and publicly condemn gender-based violence, this can contribute to the creation of a social climate in which violence becomes unacceptable. Court decisions can serve both as punishment for offenders and as a lesson to society, showing that gender-based violence will not go unpunished.

However, despite the potential power of judicial practice, it is important to note that it cannot operate in a vacuum. To achieve real change, it is necessary for the judiciary to work in cooperation with other institutions, such as law enforcement, social services and non-governmental organizations. Only joint efforts can create a holistic support system for victims and ensure more effective law enforcement.

2.3. Examples of successful and unsuccessful solutions

The case law includes both successful and unsuccessful decisions that illustrate different aspects of law enforcement in gender-based violence cases. Successful decisions often demonstrate how courts can effectively protect victims' rights and apply fair measures against perpetrators. For example, in some cases, courts have found perpetrators guilty based on credible evidence and victims' testimonies. These decisions not only ensured punishment for perpetrators, but also became landmark decisions in law enforcement, demonstrating zero tolerance for violence.

One example of a successful decision is when the court imposed a harsh sentence on a rapist, considering the severe consequences of his actions on the victim. The court imposed not only criminal punishment, but also mandatory treatment for the offender, which demonstrated an approach aimed at preventing re-offending. Such decisions send an important signal to society, showing that offenders will not only be punished, but also obliged to correct their behavior.

However, there are also examples of unsuccessful decisions in the courts that highlight the existing problems. In some cases, the courts were influenced by bias, which led to misinterpretation of the facts and insufficient protection of the rights of victims. For example, in one case, the court rejected the victim's claim citing "insufficient evidence," despite the

presence of medical certificates and testimonies from others. This decision caused public outrage and called into question the fairness of the judicial system.

It is also worth noting that sometimes courts make decisions that do not take into account the long-term consequences for victims. For example, in some cases, offenders may receive suspended sentences or reduced sentences that do not correspond to the severity of their actions. Such decisions may encourage repeat offending and send a message to society that gender-based violence can go unpunished.

In conclusion, the analysis of the current state of judicial practice shows that there are both successful and unsuccessful examples of law enforcement in cases of gender-based violence. Successes of the courts in ensuring justice and protecting victims highlight the importance of training judges and developing clear procedures for handling cases of violence. At the same time, unsuccessful decisions highlight the need to reform judicial practice to ensure effective law enforcement and protection of victims' rights.

Recommendations for improving judicial practice

3.1. Training and advanced training of judges

Training and professional development of judges are key elements in the process of improving judicial practice in the field of gender-based violence. Judges who decide on such cases must have in-depth knowledge of the specifics of gender-based violence, its consequences and the peculiarities of interaction with victims. Unfortunately, at present the level of awareness of judges about gender-based violence often remains insufficient, which leads to incorrect conclusions and decisions.

One recommendation is to introduce systematic training for judges on gender-based violence. This training should cover not only theoretical aspects, but also practical skills, such as how to effectively interact with victims, understand the dynamics of violence, and examine the psychological consequences for victims. Special courses and trainings can help judges better understand the context in which gender-based violence occurs and, accordingly, assess evidence and proof more fairly.

It is also important to organize an exchange of experience between judges working in different regions and countries. Creating platforms for discussing practical cases, successful decisions and difficult situations will allow judges to learn from each other and will also contribute to the creation of a unified approach to law enforcement in cases of gender-based violence.

It is also worth considering bringing in experts from various fields, such as psychology, sociology and criminology, to conduct training workshops. These experts can provide judges with a deeper understanding of the issues surrounding gender-based violence and help them understand the importance of sensitivity and professionalism in dealing with victims.

3.2. Development of specialized programs for working with cases of gender-based violence

Developing specialized programs to handle cases of gender-based violence is an important step towards improving judicial practice. These programs may include the creation of specialized courts or judicial teams that focus on cases of gender-based violence. Such courts can handle large volumes of information, examine complex aspects of gender-based violence, and provide a more targeted approach to law enforcement.

Specialized programs should also provide for the creation of an effective support system for victims. This may include the provision of legal assistance, psychological support, and access to social services. Such programs will allow victims not only to receive protection of their rights, but will also significantly improve their psychological state, which is very important for recovery from trauma.

In addition, programmes may include the development of standards and protocols for the investigation of gender-based violence cases. This will ensure consistency and transparency in law enforcement and minimise the risk of errors. An important aspect of such protocols is the need to collect and analyse data on gender-based violence cases, which will allow identifying trends and developing effective strategies to prevent recurrence.

Specialized programs can also include training for law enforcement and social service personnel who interact with the justice system. This will ensure a holistic approach to combating gender-based violence and enable all participants to work more effectively.

3.3 Establishing clear procedures for handling cases of gender-based violence

Establishing clear procedures for handling cases of gender-based violence is a necessary step towards improving judicial practice. It is important that all participants in the judicial process know their responsibilities and rights, and follow established standards and protocols. This will ensure consistency and transparency in law enforcement, and will increase trust in the judicial system.

One key aspect is the development of clear guidelines for judges on how to handle gender-based violence cases. These guidelines could include recommendations on assessing evidence, specifics of working with victims, and procedures for conducting interrogations and questioning. This will enable judges to carry out their duties more effectively and make fairer decisions.

It is also important to establish standards for dealing with victims in court. Victims of gender-based violence should feel safe and confident when they testify in court. This requires creating comfortable conditions, such as the ability to testify in a separate room, providing lawyers to accompany them, and using specialized interrogation techniques that help avoid traumatizing the victim.

In addition, setting clear deadlines for the consideration of cases of gender-based violence will help prevent protracted processes and ensure timely protection of victims. This is also important for preventing secondary violence, as a long wait for a trial can negatively affect the psycho-emotional state of the victim.

Establishing clear procedures for handling cases of gender-based violence requires cooperation between the judiciary, law enforcement agencies and social services. All these structures must work together to create an effective law enforcement system that will ensure the protection of the rights of victims and justice for offenders.

Recommendations for training judges, developing specialized programs, and establishing clear procedures are therefore important steps towards improving judicial practice. They will create a fairer and more effective justice system that helps combat gender-based violence and ensure the protection of victims' rights.

Interaction with other institutions

4.1. Cooperation with law enforcement agencies

Cooperation between the judiciary and law enforcement is key to effectively combating gender-based violence. Law enforcement agencies, such as the police and prosecutors, are the first to receive complaints of violence and conduct preliminary investigations. Their actions can have a significant impact on subsequent law enforcement, including how cases are handled in court.

One of the most important tasks is to establish mechanisms for the exchange of information between the judiciary and law enforcement agencies. This includes regular meetings, seminars and trainings where current issues arising in the process of working with cases of gender-based violence can be discussed. Systematic exchange of data on the number of registered cases, the results of investigations and court decisions will allow for a more complete picture of the situation with gender-based violence in the country.

It is also worth paying attention to the need for joint training programs for law enforcement officers and judges. It is important that both parties understand the specifics of gender-based violence cases and have common approaches to their investigation and consideration. This will help to avoid inconsistencies in actions and ensure more effective protection of victims' rights. For example, training could cover methods of interrogating victims, proper evidence collection, and risk assessment related to violence.

In addition, law enforcement agencies should be actively involved in the investigation of cases of gender-based violence, paying particular attention to the emotional state of victims and providing them with the necessary support. It is important that police officers act sensitively and professionally, avoiding bias and stereotypes, which can significantly influence the victim's decision on whether to go to court. In addition, victims' trust in law enforcement agencies can be significantly increased if they are confident that their complaints will be taken seriously and professionally.

4.2. Interaction with social services and NGOs

Social services and non-governmental organizations (NGOs) play an important role in supporting victims of gender-based violence and integrating them into the justice system. Courts' interaction with these institutions can significantly improve the effectiveness of law enforcement and the protection of victims' rights. NGOs and social services have experience working with victims of violence and can offer the necessary resources and support in the process of seeking legal protection.

One of the key areas of cooperation is the creation of joint programs to inform victims of their rights and opportunities to seek help. NGOs can provide victims with legal and psychological assistance, as well as accompany them in court proceedings. This is especially important for women, who may experience fear and uncertainty when going to court. Thus, having support from NGOs can increase the likelihood that victims will actively participate in court proceedings and seek justice.

Mechanisms should also be put in place to respond quickly to victims' requests through social services. Established cooperation between the courts, social services and NGOs will allow for faster collection of necessary evidence and protection of victims, which is important to prevent repeated acts of violence. For example, the ability to instantly access restraining orders will help prevent potential threats.

An important part of the collaboration with social services and NGOs is also working together to develop educational programs for victims of gender-based violence. Such programs can include training on rights and opportunities for protection, as well as providing information on resources available in their area. This will help victims become more knowledgeable and confident in their actions, which in turn will increase their chances of receiving justice.

4.3. Public participation in law enforcement processes

Public participation in law enforcement processes is an important aspect that contributes to improving judicial practice and protecting the rights of victims of gender-based violence. Public organizations and activists play a significant role in raising awareness of gender-based violence issues, as well as in shaping public opinion and pressuring government agencies to take the necessary measures.

One form of public participation is through awareness campaigns to raise awareness of gender-based violence and the need for effective law enforcement. Public organizations can organize seminars, lectures, and discussions to discuss current issues and solutions. These activities will not only help raise public awareness but also create a platform for the exchange of experiences and opinions among various stakeholders.

In addition, civil society organizations can monitor gender-based violence trials to identify shortcomings in law enforcement and provide feedback to the judiciary. Such monitoring will help the public understand how effectively justice is being administered and how the situation can be improved. It is important that the results of the monitoring are published and made available to a wide audience, which will help maintain public interest in this issue.

Public participation can also be demonstrated through the creation of initiative groups that will actively work with the judicial system, law enforcement agencies and social services. Such groups can act as intermediaries that help victims of gender-based violence in their interactions with these structures. This will help make the process of seeking protection more accessible and understandable for victims.

Finally, it is important to provide a platform for the exchange of views between the judiciary and the public. Regular meetings, round tables and conferences will help create a space for discussing current issues and working together to address gender-based violence. The public should be able to express their ideas and suggestions for improving judicial practice, which in turn contributes to more effective law enforcement.

Thus, interaction of courts with law enforcement agencies, social services and NGOs, as well as public participation in law enforcement processes are key factors contributing to the improvement of judicial practice in the field of combating gender-based violence. A comprehensive approach, including cooperation between various institutions and active participation of society, will create safer and fairer justice for victims of gender-based violence.

The role of public opinion and media

5.1. The influence of public opinion on judicial decisions

Public opinion has a significant impact on judicial decisions in cases of gender-based violence. In an open society where information is widely available, courts cannot ignore public sentiment and expectations. There are many examples of high-profile cases of gender-based

violence that have generated public resonance and media attention, which in turn may have influenced the decision-making process of judges.

One way in which public opinion influences judicial decisions is through pressure from the public and human rights organizations. When cases of gender-based violence become widely discussed in society, it creates an atmosphere in which courts may feel the need to act more harshly against offenders. Thus, public condemnation of violence and demands for justice may lead to harsher decisions and measures against offenders.

On the other hand, negative public opinion can lead to bias in judicial proceedings. Judges may unintentionally be influenced by public opinion when making decisions, which may affect their objectivity. For example, if the public perceives the victim as guilty, this may affect how the judge considers evidence and testimony. It is therefore essential that judges remain independent and make decisions based solely on facts and the law.

In addition, research shows that public opinion can contribute to changes in law enforcement practices. If there is an understanding in society of the need to change the legislation on gender violence, this can lead to its reform. Social movements and activists can initiate discussions at the level of state structures, achieving the adoption of new laws or changes to existing ones.

However, public opinion can also be ambiguous. Sometimes it may contain stereotypes or preconceived notions about gender-based violence, which can have undesirable consequences. It is important that the public is aware of the real factors that influence gender-based violence and that information is provided by competent sources.

5.2. The role of media in covering cases of gender-based violence

The media plays an important role in reporting on gender-based violence and shaping public opinion. Journalists can highlight important issues related to violence and draw public attention to the problems faced by victims. However, reporting on gender-based violence requires special responsibility, as misinterpretation of facts or use of sensational headlines can reinforce existing stereotypes and biases.

One of the main tasks of the media is to inform the public about cases of gender-based violence, as well as the consequences and factors that contribute to this phenomenon. Correct coverage of these issues can contribute to a deeper understanding of the problem and the formation of a culture of zero tolerance for violence. Journalists should use their platforms to convey the message that violence is unacceptable and that victims have the right to protection and justice.

The media can also influence judicial decisions by covering specific cases and shaping public opinion. Positive coverage of successful cases where victims have received protection and justice can encourage others to seek help and highlights the importance of the justice system in combating gender-based violence. In contrast, negative coverage of cases where victims have not received adequate protection or where perpetrators have gone unpunished can create public outrage and demand for change.

Unfortunately, the media can also be a source of misinformation and bias. Often, news reports use language that can reinforce stereotypes about victims and perpetrators. For example, using the term "victim" in a derogatory context or focusing on "provocation" by the victim can create the false impression that violence is acceptable. It is therefore vital that

journalists and editors adhere to ethical standards and report responsibly on cases of gender-based violence.

To improve the quality of coverage of gender-based violence, media can work in partnership with experts and advocacy organizations. This will help ensure that information is presented accurately and responsibly, and contribute to positive public opinion and change regarding gender-based violence.

5.3. Formation of a culture of zero tolerance for violence

Forming a culture of zero tolerance towards violence is one of the most important tasks in the fight against gender violence. This culture assumes that violence will not be accepted in any form and that everyone has the right to safety and respect. Public opinion, supported by the media, plays a key role in this process.

One way to create such a culture is through education and awareness. Educational programs aimed at children and adolescents can help create a new generation that is aware of the problems of violence and will actively speak out against it. It is important to teach children from an early age to respect each other and to understand that violence is unacceptable. Programs aimed at developing critical thinking skills and the ability to recognize violence can also play an important role.

In addition, working with adults is important in this context, especially those who may be both victims and perpetrators. Programs to raise awareness about gender-based violence and its consequences can help change attitudes and beliefs that contribute to violence. For example, courses that teach men healthy behavior and communication patterns can reduce violence in society.

Civil society organisations and activists can also play an important role in creating a culture of zero tolerance. They can organise campaigns to raise awareness of gender-based violence and create spaces for discussion and exchange of experiences. Large-scale actions such as marches and public speeches can raise awareness and demonstrate unity against violence.

Legislation is also an important aspect of creating a zero-tolerance culture. The government must promote laws that protect victims of violence and punish perpetrators. Creating clear rules and procedures for investigating cases of gender-based violence will help ensure that perpetrators are held accountable and that victims receive the protection they need. This, in turn, will create an environment in which violence is perceived as unacceptable.

Thus, the role of public opinion and the media in creating a culture of zero tolerance for violence is key. Through education, awareness and active public action, it is possible to create a safe and supportive space in which violence is rejected. Combining the efforts of various institutions and activists working towards this goal will help to significantly change the approach to gender violence and ensure the protection of victims.

Conclusion

Gender-based violence is a serious problem that requires a comprehensive approach to its solution. In this article, we have considered key aspects related to the role of court decisions in preventing gender-based violence, and also analyzed the influence of public opinion and the media on law enforcement in this area. The judicial system plays a vital role in protecting the rights of victims, and its decisions not only shape law enforcement practice, but also serve as an example for society.

It is important to note that shortcomings in judicial practice can negatively affect victims' trust in justice. Therefore, it is necessary to continuously work on improving the judicial system, including training judges, developing specialized programs and establishing clear procedures for handling cases of gender-based violence. Cooperation with law enforcement agencies, social services and non-governmental organizations is also critical to creating an effective system for the protection of victims.

The role of public opinion and the media in this fight cannot be underestimated. Responsible reporting on gender-based violence, as well as the development of a culture of zero tolerance towards violence, contribute to changing public perceptions and raising awareness of the problem.

In conclusion, to achieve significant progress in combating gender-based violence, it is necessary to unite the efforts of all stakeholders – government agencies, public organizations, the media and society itself. Only joint actions can lead to the creation of a safe environment in which victims are protected and violence does not take place.

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