



THE ISSUE OF JUSTICE AND ASSISTANCE TO VICTIMS OF SEXUAL VIOLENCE IN SLOVAKIA

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Article history:	Abstract:
Received: June 28 th 2023 Accepted: July 28 th 2023 Published: August 30 th 2023	Sexual violence is recognized as a war crime in international law, but in reality few survivors ever see their attackers brought to justice. Weak rule of law, lack of legal recognition of the crime in many countries, lack of forensic evidence, lack of police response, and the risk of retaliation or stigma for survivors, all work together to prevent many from seeing the end of the long and winding road through the courts
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WORLD SITUATION: The World Health Organization estimates that 35 per cent of women have experienced with wide range of violence.

In the world — approximately 1.3 billion of the world's population — are survivors from sexual violence. This data given that, throughout the world the absence of international cooperation, sexual violence constitutes with a grave threat to justice and the fundamental rights of women, men and children. In every corner of the globe, sexual assault survivors encounter inadequate support and resources, which inhibits survivors' ability to hold perpetrators accountable and access empowering health, legal and economic remedies.

In fact that, when the survivors faced verity of violence and they do not want to notice it for other people in that situation which we can call it shame. Furthermore, the shame and stigma experienced after assault, more than one third of women affected by sexual violence have contemplated suicide. To make matters worse, people perceive that, the sexual violence increased dramatically during the global coronavirus disease pandemic.

SLOVAKIA'S POSITION: Slovakia opposes all forms of sexual violence, considering each of them a monstrous crime.

Slovakia uses the term "sexual violence", which is committed by a person who using violence forces another person to oral sex, anal sex or other sexual activities or who in order to commit such crime abuses another person's vulnerability.

Sexual harassment is understood as a verbal, non-verbal or physical action of a sexual nature aimed at humiliating a person or leading to him, as well as creating an intimidating, hostile, humiliating or insulting environment.

Who have experienced this should be able to seek protection and justice forth harm suffered. Victims of sexual violence will not have access to justice unless the

law properly criminalizes those harmful acts in ways that conform to the relevant principles of national legal systems, including evidentiary standards, witness requirements, protection for victims, due process and respect for the rights of the accused. Clear legal standards must govern evidence collection and preservation. Protection from intimidation, retaliation and violations of privacy must be guaranteed.

Violence in intimate partnership, sexual violence, rape and stalking are considered crime under the Criminal Code of the Slovak Republic.

From other point of view, the marital rape is seems that criminalized in Slovakia. Articles 199 and 127 (5) of the Criminal Code explicitly include marital rape as a crime of rape and sexual violence.

Slovakia is one of the countries whose legislation is focused not on the presence or absence of consent of the victim, but on the fact of an immediate threat of physical violence against her.

Also issues of violence are closely related to issues of discrimination. Discrimination fuels violence. To ban violence, we must ban all forms of discrimination. It is on this principle that the Law of the Slovak Republic No. 365/2004 "On Equal Treatment and Protection from Discrimination" is based.

Most often, female genders become have encounter victims, especially girls. This vital issue the most unprotected and vulnerable segment of the population. Perpetrators have a strong sense of entitlement and use power and control to commit acts of sexual violence. Most perpetrators adhere to rigid "traditional" gender roles that focus on the inequality of women. This allows them to treat women and the targeted victim with no regard or respect.

At the regional level, the Slovak Republic became one of the first States to sign the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence.



The annual scale of violence against women is reflected in the data of the study on victims of crimes in Slovakia. Women face abuse 2-3 times more often than men. Since 2007, there has been a trend towards to increase the number of cases of violence among both male and female genders.

According to investigations conducted by the Institute for Labor and Family Studies in 2017, about 100,000 women in Slovakia have been sexually assaulted at least once in their lives. The results of the current survey show that the vast majority of them — 88% at once — were familiar with the rapist.

Women – the most frequently face violence from their opposite partners. The second place among the perpetrators of violence against women and men is occupied by parents (relatives or foster parents), while this form of violence more often affects men than women.

Slightly less than a fifth of male and female victims of violence contacted the police (19 percent). Among the most common reasons for contacting the police are the need for assistance (70.8 percent) and attempts to prevent repeated cases of violence (50 percent). A third of the victims of violence contacted the police because they wanted their abuser to be punished.

In 21st century inhabitants reject the victims' experiences and often even blame them. This is very worse situation we have ever had, and this fact already creates barrier to access to justice.

According to some facts, the main problem is people's thoughts and it is necessary to solve this problem by working with human perception and vision. The rapist cannot be justified; the victim cannot be blamed. That is why the media is considered a key tool for preventing violence in the long term due to the availability of coverage of broad segments of the population, as well as their ability to influence and form ideas about what is socially acceptable.

The National Action Plan of the Slovak Republic for the Prevention and Elimination of Violence against Women (2014-2019) provides for the need to monitor violence against women in the media and advertising on the basis of annual monitoring to improve the effectiveness of the media law and self-regulation. The plan also includes training activities on combating violence against women and gender equality for media professionals (Government of the Slovak Republic, 2014).

From a perspective, this project has yielded positive results. Thus, now more than 90% of Slovaks agree with the statement that sex without mutual consent should be considered as a crime, it follows from the results of sociological study.

Sexual violence consequences are physical, like bruising and genital injuries, sexually transmitted infections, and pregnancy (for women) and psychological, such as depression, anxiety, and suicidal thoughts. The consequences may be chronic.

Below are the proposed solutions to combat sexual violence, which Slovakia also supports:

1) The introduction of a system of institutions for providing support to victims has many ways. Such as, on the principle of "one window" - an open package and focused on the needs of clients in support measures, including psychological, legal and social assistance, etc. If it was possible, involve other victims in the work of providing social support as first contact persons. The elements determined by the results of the meeting of interested parties include the following: free legal aid through designated State lawyers, support from the same victims, legal aid centers ("legal clinics") or similar legal aid mechanisms; State hotlines/tele-backgrounds of trust for victims of violence, including sexual harassment; psychological consultations; mutual aid groups;

2) Awareness of sexual violence: in activities should be included the awareness-raising about «What sexual violence is», how it can be detected, as well as information about legal mechanisms for protecting and redirecting victims. It is equally important to pay attention to the awareness of both potential victims of what is considered sexual harassment and the general public: bystanders, witnesses, neighbors and also potential criminals, who should also be the target audience;

3) Inclusion in relevant laws and effective application of the transfer principle the burden of proof in cases involving the sexual violence;

4) Elimination of all types of discrimination, awareness-raising activities may include activities aimed at eliminating gender bias;

5) Ensuring the effectiveness of the victim protection and support system: according to the data received, very often victims and observers are not aware of the existing victim protection and support systems provided by the State. Therefore, any planned actions should also be aimed at ensuring the availability of victim protection and support systems;

6) Developing programs of activities aimed at working on the problem of a high level of inaction on the part of bystanders who witness sexual violence;

7) Ensuring that various aspects of sexual violence are taken into account in the legal definition and relevant laws;



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8) Ensuring the non-disclosure of private information about victims without their consent, because this can traumatize them even more.

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