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# MUNDARIJA

## 12.00.07 – SUD HOKIMIYATI. PROKUROR NAZORATI. HUQUQNI MUHOFAZA QILISH FAOLİYATINI TASHKIL ETISH. ADVOKATURA

### **Sobitova Umidaxon Murod qizi**

FUQAROLARNING REPRODUKTIV SALOMATLIGINI MUHOFAZA QILISH USTIDAN  
PROKUROR NAZORATINI TA'MINLASH MUAMMOLARI ..... 8

## 12.00.08 – JINOYAT HUQUQI. JINOYAT-IJROIYA HUQUQI

### **Niyozova Salomat Saparovna**

JINSIY DAXLSIZLIKKA QARSHI QARATILGAN JINOYATLARDA VOYAGA  
YETMAGAN JABRLANUVCHILARNING VIKTIMOLOGIK TAVSIFI .....18

### **Israilov Dilshod Shavkatovich**

SOG'LIQQA QARSHI JINOYATLAR TUSHUNCHASI, MOHIYATI VA TASNIFLANISHI .....32

### **Kamalova Dildora G'ayratovna, Ibroximov Saidakbar Ilxom o'g'li**

JAZONI O'TASHDAN MUDDATIDAN ILGARI SHARTLI OZOD QILISH  
TUSHUNCHASI VA HUQUQIY AHAMIYATI .....44

## 12.00.12 – KORRUPSIYA MUAMMOLARI

### **Meliyev Xudoyor Xurramovich**

DAVLAT XIZMATLARI TIZIMINI RIVOJLANTIRISH KORRUPSIYA VA  
BYUROKRATIYAGA TA'SIRCHAN CHORA SIFATIDA .....57

### **Majidov Shahzod Abdixalil o'g'li**

KORRUPSIYAGA OID HUQUQBUZARLIK HAQIDA XABAR BERGAN  
SHAXSLARNING HUQUQLARINI BELGILASH ISTIQBOLLARI .....65

### **Oblakulov Davlat Oltinboyevich**

O'ZBEK DAVLATCHILIGI TARIXIDA KORRUPSIYAGA QARSHI KURASHISH  
ETYUDLARI: AMIR TEMURNING KORRUPSIYAGA QARSHI KURASHISH  
SIYOSATI .....78

### **Yusupov Nodirbek Abdujalilovich**

O'ZBEKISTON RESPUBLIKASIDA ISHGA QABUL QILISH JARAYONIGA  
KORRUPSIYANING SALBIY TA'SIRI .....95

## 12.00.15 – KRIMINOLOGIYA

### **O'razaliyev Murod Qorayevich**

OILADA ZO'RLIK ISHLATISH SABABLARI ..... 105

# СОДЕРЖАНИЕ

## 12.00.07 – СУДЕБНОЕ ВЛАСТЬ. ПРОКУРОРСКИЙ НАДЗОР. ОРГАНИЗАЦИЯ ПРАВООХРАНИТЕЛЬНОЙ ДЕЯТЕЛЬНОСТИ. АДВОКАТУРА

**Собитова Умидахон Мурод кизи**

ПРОБЛЕМЫ ОБЕСПЕЧЕНИЯ ПРОКУРОРСКОГО НАДЗОРА ЗА ОХРАНОЙ  
РЕПРОДУКТИВНОГО ЗДОРОВЬЯ ГРАЖДАН ..... 8

## 12.00.08 – УГОЛОВНОЕ ПРАВО. УГОЛОВНО-ИСПОЛНИТЕЛЬНОЕ ПРАВО

**Ниёзова Саломат Сапаровна**

ВИКТИМОЛОГИЧЕСКАЯ ХАРАКТЕРИСТИКА НЕСОВЕРШЕННОЛЕТНИХ  
ПОТЕРПЕВШИХ В ПРЕСТУПЛЕНИЯХ ПРОТИВ ПОЛОВОЙ  
НЕПРИКОСНОВЕННОСТИ .....18

**Исраилов Дилшод Шавкатович**

ПОНЯТИЕ, СУЩНОСТЬ И КЛАССИФИКАЦИЯ ПРЕСТУПЛЕНИЙ ПРОТИВ  
ЗДОРОВЬЯ .....32

**Камалова Дилдора Гайратовна, Иброхимов Саидакбар Ильхом угли**

ПОНЯТИЕ И ПРАВОВОЕ ЗНАЧЕНИЕ УСЛОВНО-ДОСРОЧНОГО  
ОСВОБОЖДЕНИЯ ОТ ОТБЫВАНИЯ НАКАЗАНИЯ .....44

## 12.00.12 – ПРОБЛЕМЫ КОРРУПЦИИ

**Мелиев Худоёр Хуррамович**

РАЗВИТИЕ СИСТЕМЫ ГОСУДАРСТВЕННЫХ УСЛУГ КАК ЭФФЕКТИВНАЯ  
МЕРА ПРОТИВОДЕЙСТВИЯ КОРРУПЦИИ И БЮРОКРАТИИ .....57

**Мажидов Шахзод Абдихалил угли**

ПЕРСПЕКТИВЫ УСТАНОВЛЕНИЯ ПРАВ ЛИЦ, СООБЩИВШИХ  
О КОРРУПЦИОННЫХ ПРАВОНАРУШЕНИЯХ .....65

**Облакулов Давлат Олтинбоевич**

ЭТЮДЫ ПРОТИВОДЕЙСТВИЯ КОРРУПЦИИ В ИСТОРИИ УЗБЕКСКОЙ  
ГОСУДАРСТВЕННОСТИ: АНТИКОРРУПЦИОННАЯ ПОЛИТИКА  
АМИРА ТЕМУРА .....78

**Юсупов Нодирбек Абдужалилович**

НЕГАТИВНОЕ ВЛИЯНИЕ КОРРУПЦИИ НА ПРОЦЕСС ПРИЁМА  
НА РАБОТУ В РЕСПУБЛИКЕ УЗБЕКИСТАН .....95

## 12.00.15 – КРИМИНОЛОГИЯ

**Уразалиев Мурод Кораевич**

ПРИЧИНЫ СЕМЕЙНОГО НАСИЛИЯ ..... 105



# CONTENTS

## 12.00.07 – JUDICIAL BRANCH. PROSECUTOR'S CONTROL. ORGANIZATION OF LAW ENFORCEMENT. ADVOCACY

**Sobitova Umidakhon Murod kizi**

PROBLEMS OF ENSURING PUBLIC PROSECUTOR'S SUPERVISION OVER  
THE PROTECTION OF REPRODUCTIVE HEALTH OF CITIZENS ..... 8

## 12.00.08 – CRIMINAL LAW. CRIMINAL-EXECUTIVE LAW

**Niyozova Salomat Saparovna**

VICTIMOLOGICAL CHARACTERISTICS OF MINOR VICTIMS IN CRIMES  
AGAINST SEXUAL INTEGRITY .....18

**Israilov Dilshod Shavkatovich**

CONCEPT, ESSENCE AND CLASSIFICATION OF CRIMES AGAINST HEALTH .....32

**Kamalova Dildora Gayratovna, Ibrokhimov Saidakbar Ilkhom ugli**

CONCEPT AND LEGAL SIGNIFICANCE OF PAROLE .....44

## 12.00.12 – CORRUPTION PROBLEMS

**Meliyev Khudoyor Khurramovich**

DEVELOPMENT OF THE PUBLIC SERVICES SYSTEM AS AN EFFECTIVE  
MEASURE TO CORRUPTION AND BUREAUCRACY .....57

**Majidov Shahzod Abdikhalil ugli**

PROSPECTS FOR ESTABLISHING THE RIGHTS OF PERSONS WHO HAVE  
REPORTED CORRUPTION OFFENSES .....65

**Oblakulov Davlat Oltinboyevich**

ANTI-CORRUPTION STUDIES IN THE HISTORY OF UZBEK STATEHOOD:  
AMIR TEMUR'S ANTI-CORRUPTION POLICY .....78

**Yusupov Nodirbek Abdujalilovich**

THE NEGATIVE IMPACT OF CORRUPTION IN THE RECRUITMENT  
PROCESS IN THE REPUBLIC OF UZBEKISTAN .....95

## 12.00.15 – CRIMINOLOGY

**Urazaliev Murod Korayevich**

CAUSES OF DOMESTIC VIOLENCE ..... 105



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# PROBLEMS OF ENSURING PUBLIC PROSECUTOR'S SUPERVISION OVER THE PROTECTION OF REPRODUCTIVE HEALTH OF CITIZENS

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**Abstract.** *This scientific article examines the issues of prosecutorial supervision over the protection of reproductive health of citizens in modern realities. The relevance of this topic is due to the need to protect the rights of citizens to health and access to high-quality medical services related to reproduction. The author of the scientific article analyzes the legislative foundations of prosecutorial supervision, as well as the mechanisms of its implementation in the field of reproductive medicine. The study covers the main areas of prosecutorial activity, including supervision of compliance with legislation in the field of health protection, ensuring the rights of women and men to receive reproductive services, as well as the prevention of violations related to discrimination and misuse of medical technologies. In this regard, effective prosecutorial intervention aimed at improving the situation in this area, as well as cases of abuse and violation of citizens' rights, will be considered. In addition, the article touches on the problems faced by prosecutors in the process of supervision, such as lack of information, interdepartmental interaction, and public opinion. In conclusion, the need to strengthen prosecutorial supervision as a tool for protecting citizens' rights is emphasized, and recommendations are put forward to improve the regulatory framework and practice of prosecutorial activities. The author of this article believes that the active participation of the prosecutor's office in the field of reproductive health will contribute to the creation of a safer and fairer environment for citizens.*

**Keywords:** *prosecutorial supervision, reproductive health, medicine, monitoring, verification, access*





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**Annotatsiya.** Ushbu maqolada zamonaviy voqelik sharoitida fuqarolarning reproduktiv salomatligini muhofaza qilish ustidan prokuror nazorati masalalari ko'rib chiqilgan. Mavzuning dolzarbligi fuqarolarning sog'lig'iga doir huquqlarini himoya qilish va reproduksiya bilan bog'liq sifatli tibbiy xizmatlardan foydalanish zarurati bilan bog'liq. Ilmiy maqola muallifi prokuratura nazoratining qonunchilik asoslari, shuningdek, uni reproduktiv tibbiyot sohasida amalga oshirish mexanizmlarini tahlil qilgan. Tadqiqot prokuratura faoliyatining asosiy yo'nalishlarini o'z ichiga oladi, jumladan, sog'liqni saqlash qonunchiligiga rioya etilishini nazorat qilish, ayollar va erkaklarning reproduktiv xizmatlardan foydalanish huquqlarini ta'minlash, shuningdek, kamsitish va tibbiy texnologiyalardan noto'g'ri foydalanish bilan bog'liq qoidabuzarliklarning oldini olish. Shu munosabat bilan ushbu sohadagi vaziyatni yaxshilashga qaratilgan samarali prokuror aralashuvi, shuningdek, fuqarolarning huquqlarini suiiste'mol qilish va buzish holatlari ko'rib chiqilgan. Bundan tashqari, maqolada prokurorlar nazoratni amalga oshirish jarayonida duch keladigan muammolar, masalan, ma'lumotlarning yetishmasligi, idoralararo hamkorlik va jamoatchilik fikri o'rganilgan. Xulosada fuqarolarning huquqlarini himoya qilish vositasi sifatida prokuratura nazoratini kuchaytirish zarurligi ta'kidlangan, shuningdek, prokuratura faoliyatining me'yoriy-huquqiy bazasi va amaliyotini takomillashtirish bo'yicha tavsiyalar berilgan. Maqola muallifi prokuraturaning reproduktiv salomatlik sohasidagi faol ishtiroki fuqarolar uchun xavfsizroq va adolatli muhitni yaratishga yordam beradi deb hisoblaydi.

**Kalit so'zlar:** prokuror nazorati, reproduktiv salomatlik, tibbiyot, monitoring, tekshirish, kirish.

## ПРОБЛЕМЫ ОБЕСПЕЧЕНИЯ ПРОКУРОРСКОГО НАДЗОРА ЗА ОХРАНОЙ РЕПРОДУКТИВНОГО ЗДОРОВЬЯ ГРАЖДАН

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**Аннотация:** В данной научной статье рассматриваются вопросы прокурорского надзора за охраной репродуктивного здоровья граждан в

*современных реалиях. Актуальность данной темы обусловлена необходимостью защиты прав граждан на здоровье и доступ к качественным медицинским услугам, связанным с репродукцией. Автор научной статьи анализирует законодательные основы прокурорского надзора, а также механизмы его осуществления в сфере репродуктивной медицины. Исследование охватывает основные направления прокурорской деятельности, в том числе надзор за соблюдением законодательства в сфере охраны здоровья, обеспечение прав женщин и мужчин на получение репродуктивных услуг, а также профилактику нарушений, связанных с дискриминацией и неправомерным использованием медицинских технологий. В связи с этим рассмотрены эффективные меры прокурорского реагирования, направленные на улучшение ситуации в данной сфере, а также случаи злоупотреблений и нарушения прав граждан. Кроме того, в статье затрагиваются проблемы, с которыми сталкиваются прокуроры в процессе осуществления надзора, такие как недостаток информации, межведомственное взаимодействие, общественное мнение. В заключение подчёркивается необходимость усиления прокурорского надзора как инструмента защиты прав граждан, предлагаются рекомендации по совершенствованию нормативно-правовой базы и практики прокурорской деятельности. Автор статьи считает, что активное участие прокуратуры в сфере репродуктивного здоровья будет способствовать созданию более безопасной и справедливой среды для граждан.*

**Ключевые слова:** прокурорский надзор, репродуктивное здоровье, медицина, мониторинг, проверка, доступ

## Introduction

The problem of protecting the reproductive health of citizens is one of the key tasks of modern society, as it directly affects the demographic situation, public health, and social well-being. In the context of growing challenges related to environmental degradation, an increase in the number of diseases, and lifestyle changes, effective regulation and supervision of citizens' rights in the field of reproductive health are becoming especially relevant.

Prosecutorial supervision in this area is an important tool that ensures the protection of citizens' rights, the prevention of offenses, and the supervision of the implementation of legislation. An important aspect of prosecutorial supervision is its versatility: it covers both preventive measures and responses to violations of citizens' rights in the field of reproductive health.

In this regard, the mechanisms for ensuring prosecutorial supervision over the protection of citizens' reproductive health are analyzed, existing problems are investigated, and proposals and recommendations for their solution are put forward. The discussion of this issue is important for the formation of a legal environment conducive to improving the quality of life and strengthening the reproductive health of the population.



## Material and methods

In accordance with the Law of the Republic of Uzbekistan “On the Prosecutor’s Office”, prosecutor’s supervision is carried out over the execution of laws, including those aimed at ensuring the rights and freedoms of citizens.

However, the Order of the General Prosecutor of the Republic of Uzbekistan focuses on the need to protect the right to health protection and qualified medical care enshrined in the Constitution of the Republic of Uzbekistan.

The key documents regulating reproductive health issues include the Constitution of the Republic of Uzbekistan, the Law of the Republic of Uzbekistan “On the protection of reproductive health of citizens”, as well as international human rights treaties such as the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, and the Convention on the Elimination of All Forms of Discrimination against Women, ratified by the Republic of Uzbekistan [1].

To begin with, if we reveal the concept of “reproductive health”, then referring to the Law of the Republic of Uzbekistan “On the protection of reproductive health of citizens”, it can be emphasized that the reproductive health of citizens is a state of physical, mental, and social well-being of a person associated with the reproductive system, its functions, and vital processes that determine the ability to give birth to a child.

In this regard, it is important to analyze that the protection of reproductive health of citizens covers the nuances associated with:

- 1) obtaining reliable and complete information about the reproductive health of citizens;
- 2) measures, procedures and services during pregnancy, childbirth and after childbirth, ensuring pregnancy and childbirth without complications and disorders;
- 3) prevention and treatment of diseases of the reproductive system;
- 4) prevention and treatment of sexually transmitted diseases;
- 5) safe artificial termination of pregnancy, contributing to the prevention of possible complications and consequences of disorders of the reproductive system;
- 6) obtaining information about contraceptive methods and access to them.

In general, if we take into account the directions of reforming the healthcare system of the Republic of Uzbekistan, some of the key issues include: improving legislation in the field of healthcare through its unification and the adoption of direct-action laws aimed at improving the quality of medical services and protecting the rights of patients, as well as strengthening the responsibility and protection of medical workers; formation of a modern management system and a “cluster” model of regional healthcare organization, which ensures the integration of the best practices of management and quality management of medical services based on international standards; improvement of the healthcare financing system, determination of the volume of free medical care guaranteed by the state; phased introduction of compulsory medical insurance; improving the effectiveness, quality and accessibility of medical care, supporting a healthy lifestyle and preventing diseases, including through the formation of a system of medical standardization, the introduction of high-tech methods of diagnosis and

treatment, effective models of patronage and medical examination; improving the system of maternal and child health through the development of medical genetics, emergency and specialized medical care for women and children, the introduction of modern screening programs, the creation of multidisciplinary medical complexes and “Mother and Child” information systems in the regions.

In our country, the number of prosecutor’s control documents used by the prosecutor’s office during the inspections carried out by the authorities on the implementation of the health law documents from 2018 to 2022 and 9 months of 2023 is increasing from year to year. For example, 2,611 in 2018, 3,169 in 2019, 4,171 in 2020, 5,116 in 2021, 5,465 in 2022, and 4,411 in 9 months of 2023. Additionally, the number of violations of the law determined by the prosecutor’s office for 2021-2022 and 9 months of 2023 is 2086 in the field of higher education, 3645 in the field of physical education and sports, 6369 in the field of culture and cultural heritage, while the number of violations of the law in the field of health is 20891 [2]. According to the statistics agency, in 2023, the average monthly salary of healthcare workers was the lowest (2.9 million soums) compared to other sectors. Furthermore, a survey by the Center for Social Thought found that almost 32 percent of participants recorded the health sector as the most followed by corruption [3].

If we consider the priority areas in the field of reproductive health, they include issues related to: expanding the volume and improving the quality of primary medical care provided to women of reproductive age, pregnant women, and children; the development of modern infrastructure to provide qualified specialized high-tech medical care to women and children; strengthening the material and technical base, as well as the reconstruction, major repairs, and construction of new facilities for institutions offering specialized high-tech medical care to pregnant women and children; implementing measures to create conditions for medical and social rehabilitation, as well as the participation of children with disabilities in public life; improving the quality of medical care provided to women of reproductive age, pregnant women, and children through the training, retraining, and advanced training of highly qualified medical personnel who meet modern requirements and have mastered advanced technologies; and strengthening awareness-raising efforts among the population regarding the birth, development, and upbringing of a healthy child, as well as promoting healthy lifestyle habits among young people.

### **Research results**

In this regard, the prosecutor’s supervision is a system of supervision over the observance of laws and the protection of citizens’ rights. In the context of reproductive health, this involves checking the legality of the activities of medical institutions, ensuring access to necessary services, and protecting the rights of women and men in the field of reproductive health.

At the same time, the main sources of information on violations of citizens’ rights to health protection and medical care include citizens’ statements and appeals to the prosecutor’s office, as well as materials from inspections conducted by prosecutors based on these complaints.

Prosecutorial supervision plays an important role in overseeing compliance with legislation in this area. However, despite the importance of this area, there are a number of problems that impede the effective implementation of prosecutorial supervision.

Firstly, there is a lack of comprehensive legal regulation in the industry. The significant predominance of subordinate and departmental acts, particularly in the areas of disease prevention and social protection of the population from illnesses that lead to high mortality and disability rates, prevents the stability of the healthcare system.

Secondly, the disorder of key areas such as transplantology, assisted reproductive technologies, and telemedicine leads to a lag in the national health system from modern achievements of medical science and practice.

Thirdly, it can be noted that conditions have not been created for the introduction of a compulsory health insurance system, as a result of which healthcare financing is still carried out mainly at the expense of budgetary funds. The Republic has not developed clinical cost groups that are closely related to clinical recommendations (protocols) and standards of medical services.

Fourthly, the effectiveness of preventive, patronage, and timely therapeutic and diagnostic work of primary health care, including outpatient follow-up, remains unsatisfactory, as a result of which expensive inpatient care acts as the main level in the public health system.

Fifth, the level of patronage for the population, especially for children and women of reproductive age (72-77%), remains low. Additionally, the qualifications of general practitioners are insufficient to fully provide medical care to mothers and children.

Sixth, the existing barriers to the active involvement of the dynamically developing private healthcare sector in partnership with public medical organizations do not allow the effective use of additional financial resources for healthcare.

Seventh, there is a delay in the implementation of modern systems for the training and retraining of medical personnel. As a result, the insufficient level of professional knowledge among doctors and nursing staff negatively impacts the quality of medical services provided.

Eighth, the low level of social and material security of medical workers, as well as the discrepancy between their socio-legal status and the degree of responsibility imposed, create conditions for the outflow of qualified personnel and corruption manifestations.

Ninth, the weak integration of information and communication technologies into the healthcare system, along with the excessive reliance on paper-based medical records, hinders prompt monitoring and the effective implementation of decisions. This also contributes to unnecessary bureaucratization and high costs.

### **Analysis of research results**

*Case from practice:* On February 13, 2023, at 10:40 a.m., a citizen of R.D., born in 1990, was admitted to the obstetric complex at the Khiva District Medical Association. At 18:35 (20 minutes after the start of regular labor), the patient's condition



deteriorated sharply. She complained of severe pain all over her body, shortness of breath, and blurred vision. On this day, at 19:10, the cesarean section process was started, and at 19:13, the boy was delivered stillborn. At 19:25, the cesarean section process was temporarily suspended due to the clinical death of the patient. The procedure was resumed at 20:40. According to medical protocol 928/51, drawn up by patient R.D., biological death was recorded at 22:40. Postmortem diagnosis: “Condition after uterine extirpation, cardiovascular insufficiency of II-III degree, circulatory disorders of II-III degree”.

The cause of death was confirmed by the conclusion of the commission of forensic medical examination of the Khorezm branch of the Republican Scientific and Practical Center for Forensic Medical Examination dated 03/02/2023 No. 108. In addition, according to the expert opinion, had the patient been prepared for surgery in a timely manner, both the infant and the patient's life could have been saved. Specifically, if the child had been extracted earlier during the operation, the outcome could have been different.

Based on the above circumstances, the prosecutor's office of the city of Khiva initiated a preliminary investigation. As a result, on March 3, 2023, a criminal case was opened under Part 3 of Article 116 of the Criminal Code of the Republic of Uzbekistan, concerning the death of patient R.D. at the Khiva District Medical Association's obstetric complex.

*Recommendations.* To increase the effectiveness of prosecutorial supervision in the field of reproductive health, the following measures can be proposed:

- The creation of training programs for prosecutors on reproductive health issues will help to improve their skills and improve the quality of supervision.
- It is necessary to intensify cooperation between the Prosecutor's Office and medical institutions and public organizations, which will make it possible to more effectively identify violations and raise public awareness.
- The creation of accessible materials explaining the rights of citizens in the field of reproductive health and the mechanisms for protecting these rights will help to increase the legal literacy of the population.

At the same time, an important factor in the problems of ensuring prosecutorial supervision of the reproductive health of citizens is that this nuance requires an integrated approach and active actions on the part of all participants in this issue [4]. At the same time, the successful solution of these tasks is possible only if there is a clear regulatory framework, sufficient resources, and effective interaction between various state and public structures.

*From foreign experience.* Approaches to prosecutorial supervision of reproductive health vary in different countries. For example, in the Nordic countries such as Sweden and Norway, there is a clear system of control over the quality of medical services, including reproductive ones. Prosecutors are actively involved in protecting women's rights by providing access to family planning services and safe abortions.

In Norway, a reproductive health monitoring system has been established, including the interaction of the prosecutor's office with public organizations and



medical institutions [5]. This makes it possible to respond promptly to violations and increase the level of awareness of citizens about their rights.

### ***Facts on reproductive health***

- The health of women and girls is affected by gender-related biological aspects, gender factors and other social determinants [6].
- At the same time, women are ill and use health services more than men, in particular due to their reproductive health needs [7].
- Noncommunicable diseases remain the leading cause of death for women globally, with 18.9 million deaths worldwide in 2015 [8].
- Women (5.1%) are more prone to depression than men (3.6%). Unipolar depression is twice as likely to develop in women [9].
- Cardiovascular diseases are the leading cause of death in women. Cervical cancer and breast cancer are the most common cancers, and lung cancer is the leading cause of death [10].
- Self-harm, including suicide, occurs throughout life and in 2016 was the second leading cause of death among women aged 15-29 years globally [11].
- Every third woman in the world is likely to be physically and/or sexually abused throughout her life [12].
- Approximately 830 women die every day from preventable causes related to pregnancy and childbirth [4].
- In families and communities, women perform basic caregiving functions [5].
- Women make up 70% of medical and social workers in the world, however, half of women's contribution to global health is in the form of unpaid care, which is equivalent to 3 trillion US dollars per year [13].
- For women aged 15-49, the main health threats are HIV and tuberculosis.
- Conditions related to pregnancy, childbirth and the postpartum period contribute significantly to morbidity and mortality. Approximately 830 women of reproductive age die daily as a result of obstetric complications [14].
- Complications of pregnancy and childbirth, including perinatal depression, obstetric fistula and other complications resulting from obstetric procedures, occur 20 times more often than maternal death [15].
- Women are at higher risk of developing depression and anxiety disorders than men. Prenatal and postpartum depression has severe consequences for women and their children [16].
- Women have a longer life expectancy than men [17]. In 2016, global life expectancy at birth was 74.2 years for women and 69.8 years for men [18].

### **Conclusion**

Five main aspects of reproductive health protection have been identified: improving prenatal, perinatal, postpartum and newborn care, as well as providing high-quality family planning services.

As a result, the central role in reducing maternal morbidity and mortality, as well as perinatal mortality, is played by the involvement of qualified medical personnel in each birth and the provision of comprehensive emergency obstetric care to eliminate complications.

Indeed, it will also be possible to effectively identify violations and raise public awareness by intensifying cooperation between the prosecutor's office, medical institutions, and public organizations.

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