



The Fundamentals of Legal Provision of Gender Equality in Uzbekistan

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Abstract

This article is devoted to one of the pressing problems of human rights protection, gender equality issues. The article partially examines the genesis of gender equality, examines the legal framework based on the Declaration on Human Rights, provides the main indicators for the Human Development Report. It also provides a list of the main international human rights treaties ratified by the Republic of Uzbekistan, analyzed the laws on ensuring gender equality adopted in the Republic of Uzbekistan.

Keywords: *Developed and Developing Countries; High Level of Human Development; Protection of Human Rights; Universal Declaration of Human Rights; Gender Equality; International Treaties; Gender-Oriented Laws; Socio-Economic Support for Women*

Introduction

For many countries, the situation associated with the COVID-19 pandemic has had a negative impact on the social and economic development of many countries. But despite this situation, according to the Human Development Report 2020, Uzbekistan ranked 106th among the countries with a high level of human development [1].

Among the main issues determining human development is the issue of ensuring the protection of human rights. Human rights have essential properties, which are implemented consistently and fully only in the presence of guaranteeing factors, in the system of which the state plays a key role.

In the modern world, the realization of human and civil rights and freedoms has become the focus of the legal and political life of Uzbekistan and the international community as a whole.

Today, thanks to the correctly implemented policy of the head of our state, in the international community Uzbekistan has many times increased its level of development in all spheres among developed and developing countries.

In his address at the inauguration ceremony Shavkat Mirziyoyev stressed that the strict fulfillment of requirements of the Constitution and laws of the country, full implementation of the priority principle

“In the name of human honor and dignity” will continue to be the main criteria of his activity as the guarantor of our Basic Law, and that human dignity is not some abstract, pompous notion. For us it means above all ensuring the peaceful and secure life of every citizen, his fundamental rights and freedoms.

The tremendous work done in the five priority areas has yielded positive results. Among the main indicators of this work is the trust of the people in the President of the Republic of Uzbekistan, as evidenced by the results of the presidential elections.

In our opinion, Uzbekistan has embarked on a new path of development, where one of the priority areas is the protection of human rights. Among the issues related to the protection of human rights the issue of gender equality occupies a special place. This issue is addressed in Article 48 of the Constitution of the Republic of Uzbekistan, which defines equal rights between men and women.

One of the important activities aimed at addressing the urgent issue of gender equality is the campaign “16 days of activism against gender violence” launched in Uzbekistan on November 25 under the slogan “End violence against women now!”. Announcing the launch of the campaign, the head of the Senate, Tanzila Narbáyeva, said that there is still “a long and painstaking work to be done” in the fight against violence and that “participation of each of us” is important.

Results and Discussion

Equality between women and men and the elimination of all forms of discrimination against women are fundamental to human rights and values.

Gender-based violence and inequality know no geographic, social or economic boundaries, as the world shows. It requires serious measures to suppress it both in developing and developed countries. According to the UN, one in three women over the age of 15 is physically or sexually abused [3].

The United Nations has long been concerned with the issue of women’s human rights, and the 1945 Charter of the United Nations seeks to “reaffirm faith in fundamental human rights, in the dignity and worth of the human person, and in the equal rights of men and women”.

According to Article 1 of the Charter, one of the purposes of the United Nations is to promote respect for human rights and fundamental freedoms for all, “without distinction as to race, sex, language or religion. The prohibition of discrimination on the basis of sex is reaffirmed in Art.

13 (powers of the General Assembly) and 55 (promotion of universal respect for human rights).

In 1948, the Universal Declaration of Human Rights was adopted, which also proclaims that both men and women are entitled to the rights enumerated therein, “without distinction of any kind”. The use of the phrase “all men” instead of gender-neutral language caused much controversy in the English version of the Declaration. In the end, the Declaration was adopted with the words “all men” and “every man,” leaving no doubt that the Universal Declaration applies to everyone, men and women alike.

Much has been done to ensure the rights of women around the world in recent decades. However, a number of important issues remain unresolved, and the reality facing women continues to change, revealing more and more forms of discrimination against them.

In addition, some categories of women are discriminated against on other grounds, including age, ethnicity, nationality, religion, health, marital status, education, disability, and socioeconomic status. This combination of different types of discrimination must be taken into account when developing solutions and measures aimed at combating discrimination against women [4].

Gender disparities are universally one of the most entrenched forms of inequality. Because these disadvantages affect half of the world's population, gender inequality is one of the greatest obstacles to human development.

As Tanzila Narbayeva, President of the Senate and head of the Commission on Gender Equality, notes, "We see that violence knows no geographical, social or economic boundaries. It requires serious measures to stop it in both developing and developed countries".

We believe that gender inequality is complex, with varying degrees of progress and regression depending on the specific place and issue. Unfortunately, among the indicators of gender inequality there is an indicator that determines the level of backwardness in primary education of girls.

Beyond these fundamentals, however, there is little reason to rejoice in progress. Inequality remains acute in the power men and women wield at home, in the workplace, or in politics. At home, women do three times as much care work as men. And while in many countries women and men have equal voting rights in elections, there are differences at higher levels of political power. The higher the level of power, the further away from parity between the sexes: the gap reaches up to 90 percent in the case of heads of state and government.

Social and cultural norms often promote behaviors that perpetuate such inequalities. Norms and lack of power influence all forms of gender inequality, from violence against women to the invisible barrier.

The issue of gender equality is also included in one important global report, the Human Development Report, which has been produced since 1990.

Based on this report, one of the main indicators is the Gender Development Index (GDI). This index is designed to assess gender equality, where the ratio of the human development index calculated for women to the human development index calculated for men is considered. This gender gap in human development takes into account three indicators: health, education, control over economic resources.

In determining the gender equality index, Uzbekistan is among the countries with a high level of human development, where this index is divided into five groups. Uzbekistan is included in the third group, which includes countries with average equality in HDI achievements between men and women [1].

These indicators show that Uzbekistan, as an independent state, clearly adheres to international legal norms that provide for the legal, social, and economic protection of women from any form of discrimination and harassment.

In order to protect the rights of women, the Republic of Uzbekistan has ratified the following international normative legal acts on human rights:

- Forced or Compulsory Labor Convention, 1930, Geneva;
- Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others (adopted by General Assembly resolution 317 (IV) of 2 December 1949);
- Convention concerning Equal Remuneration for Men and Women Workers for Work of Equal Value, adopted on 29 June 1951 by the thirty-fourth session of the General Conference of the International Labour Organization;
- Maternity Protection Convention (adopted at the thirty-fifth session of the General Conference of the International Labour Organization, convened;
- (Adopted at the thirty-fifth session of the General Conference of the International Labour Organization, convened at Geneva by the Governing Body of the International Labour Office and held on 4 June 1952);

- Convention on the Political Rights of Women (adopted by General Assembly resolution 640 (VII) of 20 December 1952);
- Convention concerning the Abolition of Forced Labor (adopted on June 25, 1957, by the General Conference of the International Labor Organization at its fortieth session. Entry into force: 17 January 1959);
- International Covenant on Civil and Political Rights (adopted by General Assembly resolution 2200 A (XXI), 16 December 1966);
- Convention on the Elimination of All Forms of Discrimination against Women (adopted by General Assembly resolution 34/180 of 18 December 1979);
- Convention on the Civil Aspects of International Child Abduction (The Hague, 25 October 1980);
- Convention on the Rights of the Child (adopted and opened for signature, ratification and accession by General Assembly resolution 44/25 of 20 November 1989);
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. (Adopted by General Assembly resolution 39/46 of 10 December 1984).

On the basis of the above international instruments, Uzbekistan, taking into account national and cultural values and social and political views and respecting the national interests of the peoples and nationalities living in Uzbekistan, has adopted the following laws to ensure gender equality: the Equal Rights and Opportunities for Women and Men Act; the Protection of Women against Harassment and Violence Act; the Public Health Protection Act; the Family Code Amendment Act; the Labour Code Amendment Act; the Act on Amendments to the Penal Code; the Act on the Status of Refugees; the Act on the Status of Stateless Persons; and the Act on the Status of Stateless Persons; on the removal of restrictions related to women's choice of previously prohibited forms of employment and other gender-asymmetric provisions of labour legislation.

Experts from such UN agencies as the UN Development Program, the Population Fund, the Children's Fund, the Office of the High Commissioner for Human Rights, the Office on Drugs and Crime, the International Organization for Migration and the International Labor Organization participated in their development.

More than 20 presidential decrees and resolutions and government resolutions have also been adopted. A number of changes and amendments have been made to strengthen the prevention of violence against women and domestic violence and to combat outdated practices. Mandatory gender-legal examination of legislative acts was introduced, aimed at eliminating the inconsistency of the provisions of normative legal acts with the principles of gender equality, identifying possible risks of discriminatory nature in the process of their application [5].

The Decree of the President of the Republic of Uzbekistan of May 19, 2021 "On additional measures for rehabilitation of women-victims of violence" was adopted in a timely manner and is aimed at creating a system of assistance to women who have been subjected to violence, prevention and elimination of negative consequences of family and domestic violence [6].

In particular, 29 centres for the rehabilitation and adaptation of women have been set up under the Ministry for the Support of the Mahalla and the Family.

In particular, 29 centers for the rehabilitation and adaptation of women have been set up by the Ministry for the Support of the Mahalla and the Family. If before, the rehabilitation centers functioned as non-governmental non-profit organizations, now their activities are fully funded from the state budget.

In order to establish communication and provide prompt psychological, psychotherapeutic and legal assistance, counseling and information to women who have suffered from harassment and violence, committed suicide or have suicidal tendencies, the "1146" hotlines are aligned with the national interactive platform "Aziz-ayol.uz".

Also, more than 74,000 women included in the “women’s notebook”, who have appealed about violations of their rights and legitimate interests, have received legal assistance from leading specialists. More than 71,000 women on the “women’s notebook” who have suffered harassment and violence and have social problems have received psychological help from qualified psychologists.

The fifteenth plenary session of the Senate of the Oliy Majlis approved the Strategy for Achieving Gender Equality in Uzbekistan by 2030.

In her speech, the chairman of the Upper Chamber of Parliament Tanzila Narbayeva said that for the first time in the history of Uzbekistan the number of women in the national parliament has reached the level (32%) – the country ranks 37th among 190 countries by this indicator.

According to her, the share of women in political parties has reached 44%, in higher education – 40% and in entrepreneurship – 35%. Women are widely involved in information and communication, innovation, energy and engineering.

In 81 ministries and agencies, there is a reserve of more than 15 thousand personnel, consisting of advanced and educated women, she said.

According to the head of the Senate, the proportion of women in senior positions has reached 27 percent. Six women have been appointed hakims, and one is an ambassador.

A “women’s notebook” system has been introduced to provide social and economic support for women and target them. There is a system of covering the cost of education of needy girls who have lost a parent or one of them, single women without a breadwinner, the number of grants for girls from low-income families when entering higher educational institutions was doubled [7].

Directions of the strategy are defined in accordance with the UN Sustainable Development Goals for the period up to 2030. It is expected that through the implementation of the strategy:

- The practice of appointing women to leadership positions in higher and lower levels of government will increase;
- Equal representation of women and men in government bodies where there is a gender imbalance will be ensured through the introduction of a temporary quota system;
- The effectiveness of work to provide employment, create decent working conditions and support for socially vulnerable and low-income women, especially women from families in rural areas, will be improved, and self-employment will be promoted;
- Prevention of harassment and violence against women in the workplace and redressing the negative attitudes that have developed in society towards them will be ensured.

And in conclusion, I would like to note that the new Uzbekistan is developing cooperation with the UN Convention on the Elimination of All Forms of Discrimination against Women, as well as the Beijing Declaration and Platform for Action in the field of improving the status of women and their rights and opportunities.

Our country periodically submits information to the UN Committee on the Elimination of Discrimination against Women on the implementation of its obligations in this area. International experts of the UN, have noted many positive changes, the progress made in changing the role and status of women in the political, socio-economic and cultural spheres of society.

Based on the above, to implement and protect women’s rights and combat gender inequality the following proposals are introduced:

- Improving the system of coverage of gender equality issues through the media, changing attitudes towards violence, consideration and justified communication of the legal side of any information, prevention of gender-based violence and systematic training of representatives of the media in overcoming existing stereotypes in this area;
- Increasing the responsibility of officials and authorized (competent) bodies to respond in a timely manner to all questions and cases regarding gender inequality, protection of women's rights, oppression of women, violation of their rights and freedoms appeared in public life (in particular in social networks) in order to prevent negative impact on public opinion; i.e. ensuring the principle of legality and equality.

Conclusion

In conclusion, I would like to point out that equality of rights concerns the whole life of a person. Women and men, from a very young age until old age, may be confronted with various manifestations of gender discrimination, which has clear distinctive features, depending on the period of life of the person. Today, a growing number of governments as well as social partners recognize that in the absence of corrective measures, disadvantages are likely to multiply and intensify over time and across generations, with negative consequences for women, families and society. Well-being in motherhood and guaranteed health care for the survival of mother and child is the foundation of the very foundations of the lives of mothers, babies, communities and nations. It is also the linchpin of decent work and productivity for women.

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