

Comparative Analysis of the Main Legal Acts Establishing the Principles of Equal Rights and Prohibition of Discrimination

Israilova Zarina Sadriddinovna

Doctor of Philosophy in Law (PhD), Assoc. Department of International Law and Public Law Sciences of the University of World Economy and Diplomacy. Uzbekistan

Abstract: In this article, the author analyzes the process of guarantees of human rights. It is argued that the effectiveness and efficiency of legal guarantees depends primarily on the maturity of civil society institutions, the high level of legal culture of the population, the quality of work of law-making and law enforcement bodies, their officials..

Keywords: Guarantees of equal rights, human rights, implementation, international experience, national legislation.

Over the centuries, international standards on women's rights have steadily improved, becoming more detailed and equipped with effective mechanisms for their effective implementation. The French scholar C. Vasak noted: "The value of a Convention is determined by its actual mechanism, not by the rights it protects[1]. Thus, to ensure the effectiveness of international treaties, it is necessary to have an effective mechanism for their implementation.

Today, there is an extensive corpus of international instruments devoted to women's rights, which form a solid legal basis for their protection and realization. Tracing the stages of development of international legal cooperation in the sphere of ensuring women's rights, I have identified a number of necessary important documents, namely:

1. *The UN Convention on the Elimination of All Forms of Discrimination against Women, 1979*, which laid the foundation for ensuring equal rights regardless of gender, defining the obligations of states in this area;
2. *The Vienna Declaration and Program of Action of 1993*, namely the third part, which explicitly emphasized that women's rights are an integral part of human rights.
3. *The Beijing Declaration and Platform for Action*, which identified the main challenges and obstacles, as well as a plan of action to ensure women's rights, designed to complement efforts and clarify the obligations of states in this area;

In 2019, Uzbekistan participated in the twenty-fifth anniversary of the Fourth World Conference on Women and the adoption of the Beijing Declaration and Platform for Action (1995) [2]. In her speech, Gulnara Ishankhanova [3] pointed out the changes made in the country regarding the advancement of women. The establishment of the Gender Commission under the chairmanship of the Speaker of the Parliament was emphasized. It was told about the adoption of a number of Decrees of the President of the Republic of Uzbekistan (from February 2, 2018 № UP-5325 "On measures to radically improve activities in the field of support for women and strengthening the institution of the family" and from May 4, 2018 № UP -5430 "On measures to radically increase the role of civil society institutions in the process of democratic renewal of the country"), as well

as the adoption of the Law “On guarantees of equal rights and opportunities for women and men”, from 02.09.2019 [4].

Although the final acts of international conferences are not legally binding, scholars believe that, by virtue of the principle of good faith in the fulfillment of international obligations, they are expected to be respected by the participants as moral and political commitments.

We would also like to note the role and significance of the 2000 Millennium Declaration and the 2030 Agenda for Sustainable Development, which enshrined the basic norms in guaranteeing equal rights for women and men as a global development goal and established ways to achieve it, thus ensuring universal recognition of women's rights.

It is important to note that women's rights instruments and women's empowerment instruments, while sharing the common goal of achieving gender equality, have fundamental differences in their approaches. For example, the 1979 Convention, which enshrines women's rights, is an example of a women's rights instrument, while the Optional Protocol to the 1979 Convention, which provides for measures to be taken when a State violates or fails to comply with its obligations regarding women's rights, is an example of an instrument aimed at protecting women's rights.

A separate group of documents on women's rights consists of a number of ILO conventions and recommendations on women's labor: the Convention on Equal Remuneration, 1951 (No. 100) and the accompanying Recommendation on Equal Remuneration, 1951 (No. 90), the Convention concerning Discrimination in Respect of Employment and Occupation, 1958 (No. 111), the Convention concerning Workers with Family Responsibilities, 1981 (156) and others. Having examined Convention 111, which declares that all human beings, regardless of race, creed or sex, have the right to realize their material well-being and spiritual development in conditions of freedom and dignity, economic sustainability and equal opportunity.

Regarding the documents adopted within the framework of regional organizations in which Uzbekistan participates, the CIS Convention on Human Rights and Freedoms, 1993, has been adopted within the framework of the CIS: Includes a section on gender equality, which includes measures to increase women's access to education, health care, economic opportunities and participation in decision-making. In 2016, the 6th session of the Ministerial Conference on Women in Development of the Organization of Islamic Cooperation (OIC) member countries adopted the Plan for the Advancement of Women. This is a landmark step that demonstrates the OIC's commitment to women's empowerment and gender equality in the region.

Thus, today there are a great number of international instruments on women's rights, which represent a sufficiently solid legal basis for ensuring women's rights. However, there are still various prejudices and stereotypes in society that lead to discrimination against women [5].

Guarantees of equal rights and opportunities are an integral part of the development of Uzbekistan's national legislation on the realization and protection of women's rights. The President of the Republic of Uzbekistan, Mr. Sh. M. Mirziyoyev, has noted that “today every woman should not be a passive observer, but an active and proactive participant in the democratic transformations taking place in the country” [6].

In 1995 Uzbekistan ratified the Convention on the Elimination of All Forms of Discrimination against Women. Under the Convention, States parties undertake to submit periodic reports to the Committee on the Elimination of Discrimination against Women on the implementation of the provisions of the Convention at the national level (art. 18). The significance of the reports is that they provide the State with an opportunity to critically assess the current situation, clarify its obligations and identify areas requiring reform in order to ensure compliance with the provisions of the Convention [7].

- In Uzbekistan, women's rights are protected not only by the Constitution but also by an extensive set of laws. All the country's codes contain special provisions on women's rights. In addition to the codes, there are numerous other normative and legal instruments, adopted in

the form of laws and by-laws, which are specifically aimed at safeguarding and protecting women's rights.

- State policy is aimed at ensuring equality between women and men, namely:
- Formation, development and improvement of the legal basis for ensuring equality between women and men;
- Improving the activities of the legislative, executive and judicial authorities in the area of equality between women and men;
- creation of institutional mechanisms for the implementation of universally recognized principles and norms of international law, as well as international obligations of the Republic of Uzbekistan on the issue of equality of women and men [8].

The adoption of Presidential Decree No. PP-4235 of March 7, 2019 "On measures to further strengthen guarantees of labor rights and support women's entrepreneurial activities" was a landmark event in the field of ensuring women's rights in the field of labor and employment. This Resolution not only declares general goals for the protection of women's labor rights, but also contains specific measures aimed at achieving them [9].

Uzbekistan is actively implementing measures aimed at increasing the role of women in the political life of the country. One successful example of such efforts was the amendment in 2004 to article 22 of the Oliy Majlis (Elections) Act. This amendment established a quota under which at least 30 per cent of the candidates nominated by political parties for parliamentary elections must be women. This is why the number in Parliament rose from 9.4% to 16% in 2017. However, this figure has remained largely unchanged since then. Women are still underrepresented at decision-making and governance levels in all sectors, i.e. they have not yet reached the critical minority of 30% needed to effectively influence decisions.

Thus, a study of international and regional legal and regulatory instruments and Uzbek legislation leads to the conclusion that equality between women and men is an important aspect of State policy. Uzbekistan is taking measures to ensure the protection of women's rights, including legislative changes, the creation of modern mechanisms for ensuring gender equality, and the implementation of gender quotas in the political sphere. Actions taken in recent years demonstrate a desire to eliminate discrimination and promote women on an equal footing with men. However, the key factor in this issue is not only the adoption of documents, but also compliance with all norms guaranteeing equal rights for women and men.

List of references

1. Kartashkin V.A. Human Rights in International and Domestic Law. - Moscow, 1995. - C.
2. Uzbekistan (Russian).pdf (asiapacificgender.org)
3. Gulnara_Ishankhanova_Russian.pdf (unece.org)
4. ZRU-562-son 02.09.2019. On guarantees of equal rights and opportunities for women and men (lex.uz)
5. Torosyan R. A. International standards of gender equality. Legal Sciences. - Izv. Sarat. un-ta. Nov. ser. Economy. Management. Law. - 2015. - Vol. 15. - Vyp. 3. - C. 347. DOI: <https://doi.org/10.18500/1994-2540-2015-15-3-347-352>
6. Speech by the President of the Republic of Uzbekistan at the 20th plenary session of the Senate of the Oliy Majlis of the Republic of Uzbekistan, July 22, 2019. [Electronic resource]. URL: <http://uza.uz/ru/documents/vystufjfplenie-prezidenta-respublik-i-uzbekistan-shavkat-mirziye-22-06-2019> (accessed June 22, 2019)
7. Bakaeva F. Gender expertise of national legislation: methodological manual / Bakaeva F.H., Kvitkov Y.M. - Tashkent: Baktria press, 2018. - C.75.

8. National database of legislation, 09.03.2019, No. 07/19/4235/2727
9. Convention on the Elimination of All Forms of Discrimination against Women: a guide for parliamentarians. - Inter-Parliamentary Union, 2004. - C.60.