



LEGAL CHANGES IN WOMEN`S RIGHTS IN UZBEKISTAN

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Abstract

Women`s rights lay down at the heart of human rights. Historically women have been discriminated against just based on their gender and were deprived of many rights that were granted to men. During the last decades, the attention to ensuring women`s rights and gender equality has visibly increased. Fundamental rights include the right to live free from violence, slavery and discrimination. They also have the right to be educated, own property, vote and receive a fair and equal salary. A woman is an independent individual who shall have the right to control her life independently and decided when to give birth and how to live her life.

Despite several international conventions and national laws focused on protecting women and ensuring gender equality, there are still barriers to releasing women`s rights all over the world.

Uzbekistan is one of the developing countries with strong social customs. After a new election in 201, the President of the Republic of Uzbekistan, Shavkat Mirziyoyev several times in his speeches mentioned the urge to create conditions for women and to protect them. On 7 March 2017 during event dedicated to International Women Day he said that *“Respect for a woman is a noble value of our people, no matter what profession or position we hold, we are eternally indebted to you, dear women, with all the virtues in our hearts and souls.”* On 1 March 2022 the President also stated that *“As you know, from the first days of our activity, we have identified the issue of alleviating the burden, ensuring the rights and interests of our women, as well as increasing their economic, social and political activity as an important area of state policy. This is the essence of all our reforms, the essence of the principle For the Dignity of Person. If we want our people to be happy with us, we must first of all create decent living conditions for our mothers, sisters and daughters. We have adopted a number of important laws, decrees and decisions on this issue based on this vital fact.”*

In fact, several laws have been enacted, however, there is still the patriarchal system in society in which women usually do not have the right to speak. Females are restricted by societal pressure to marry at a young age and to take care of the household. Their primary function is seen as giving birth and serving the family with limited opportunity to make decisions regarding their future. Child marriage is still





common in Uzbekistan, especially in rural areas outside the capital. Due to early marriage, most females' education also is affected since most of them are confined to staying at home after marriage. There is strong societal pressure to give birth within the first year of marriage otherwise the health condition of the woman is under question. Moreover, one of the main women's rights is to be free and protected from violence and abuse. However, domestic violence is not criminalized under Uzbek law nor is harassment. Rape definition does not comply with international standards and the perpetrators committed sexual act with minors easily escape liability due to gaps in law.

Along with a new President Shavkat Mirziyoyev new governmental and societal alterations have been introduced. The President stated the following words on 21th plenary session of the Oliy Majlis *"I am concerned about the stereotype that has taken root in the minds of our people. We usually revere a woman primarily as a mother, the keeper of the family hearth. this is definitely true. however, today every woman should not be a passive observer, but an active and proactive participant in the democratic transformations taking place in the country."* The focus on protection of women's rights has significantly increased and during last 5 years 25 legal acts, including 4 laws, 6 Decree and Resolution of the President of Uzbekistan and 17 government acts have been enacted.

The Cabinet Ministers of the Republic of Uzbekistan (the "Cabinet Ministers") on 20 October 2018 adopted 16 national goals in for sustainable development and 127 related tasks based on the Resolution of the UN General Assembly No. 70. According to the fifth goal by 2030 all forms of discrimination and shall be eliminated, women shall take comprehensive and effective role in leadership positions, politics, economic and public life.

New opportunities for women were introduced in Uzbekistan's Development Strategy for 2017-2021 (the "Strategy 2017-2021"). Government policy on further development of women's role in government and social governance and their involvement in education and economic activity was based on this strategy.

Several gender-based laws have been enacted in 2019. They include the Law of the Republic of Uzbekistan "On guarantees with respect to equal rights and opportunities for women and men" (the "Law on guarantees of equal rights"), the Law of the Republic of Uzbekistan "On protection of women from harassment and abuse" (the "Law on protection from harassment and abuse") and the Law of the Republic of Uzbekistan "On protection of the reproductive health of citizens." These laws introduced equal marriage age for men and women, restrictions on women for choosing certain professions were abolished. It should be noted that in 2019 for the





first time the portion of women in legislation body – Oliy Majlis was 35% and 25% among members of deputies. As the result, Uzbekistan was included in top-50 countries. The government have been conducted wide explanatory activities to increase awareness of the population regarding government gender policy. Different seminars and trainings are conducted for adults and children to destroy stereotypes about roles of women and men. Moreover, the organizations in all levels teach international standards and laws on women rights.

It should be pointed out that, gender-based expertise was introduced in order to eliminate regulations which are inconsistent with gender equality principles and identifying the level of risk of having discriminatory actions while applying legal acts. Under the Decree of President and government resolutions effective measures on preventing violence against women, domestic violence, protection of victims, combat old stereotypes and customs were taken. In 2020 the Ministry for the support of the mahalla and family, which included comprehensive support for women as one the prioritized directions, was organized. Khokims` advisers on issues of women and family in regions and cities were appointed. New position, a deputy chairman of the mahalla on issues of women, family and social was introduced in 9255 mahallas. In 2021 a Strategy for achieving gender equality in Uzbekistan by 2030 and measures to realise them in 2021-2022 were adopted. The main areas in state policy are determined as ensuring equal rights and opportunities for men and women in exercising their election rights, using public services. It is important that, the plan also included prevention of oppression and violence in family.

The following measures have been taken to improve the national law mechanism on women`s rights:

- The Commission on gender equality was created under the direction of the Oliy Maylis`s Chairman;
- In the Upper House of the Parliament the Committee on Women and Gender equality was formed. The Committee on Women and Gender equality established the National Platform for the support and creation conditions for women to participate in all spheres of society life through web site www.gender-platform.uz;
- Parliament Commission is granted authority to control the realization of the National goals and task, which includes firth task as reaching gender equality;
- The Republican Public Council of Women is created to provide comprehensive support to women and implementation of the Beijing Declaration;
- The Ministry for the support of the mahalla and family was reformed to the Committee on Women and Family. The paramount goal of the Committee is helping women and ensuring gender equality.





The Women Support Fund was organized to provide vast support, assisting women in family and private entrepreneurship and helping women to learn demanded professions. The Republican Commission for systemic problem solving and social support for women was organized to learn and identify women`s life problems all over Uzbekistan. It also focuses on reducing poverty and increasing the welfare of the population. “Women diaries” were initiated to help women to recover from COVID-19. Women added in “Women diaries” are provided with support, privileged loans for entrepreneurship, monetary support for covering rent, house subsidy and medical and psychological help.

The Cabinet of Ministers, local government authorities, internal affairs bodies. State education authorities and educational institutions, governing bodies of the state healthcare system and healthcare institutions, self-governing bodies, non-state nonprofit organizations and other civil society organizations are empowered authorities to implement activities to ensure protection of women under the Law on on protection of women from harassment and abuse.

The internal affairs bodies are responsible for prevention oppression and violence against women, this includes eliminating the causes and conditions of violence. The Internal affairs bodies also hold prophylactic work with individuals committing violence against women. They also investigate all claims on oppression and violence against women. According to the law, the victims of violence obtain protection order that includes educational activities aimed at changing behavior of aggressors and adapting them to social life.

It should be highlighted that on 16 July 2020, the Commission on gender equality adapted resolution on approving the standards on enforcement of law on gender violence, also it sets complex of operational standards measures to improve the legal, medical, social and psychological assistance of violence victims. Article 206¹ of the Code of the Republic of Uzbekistan on administrative responsibility (the “Administrative Code”) was amended to include liability for breaching the protection order.

The Resolution of the President “On additional measures for the rehabilitation of women suffered from violence” was enacted to provide social, legal and psychological support to women. The republican center of rehabilitation and adaptation of women (the “Center”) and its 28 territorial departments were created. The main purposes of the Center are the following:

- Providing anonymous urgent medical, psychological, social, pedagogical, legal and other help to women suffered from oppression, harassment or violence. It also deals with individuals who committed suicide;





- Assisting in ensuring guarantee of women`s rights who are in difficult social situation including family issues and domestic violence;
- Drafting proposals on conducting analyses and eliminating conflict situations in family, reasons of suicide;
- Conducting prophylaxis activities with women who are suffered from oppression and violence;
- Assisting women to find a job;
- Conducting research of public opinion and identifying actual social issues;
- Conducting explanatory activities warning about violence, ensuring guarantee of rights and increasing legal education of women via using mass media and the internet.

In 2021 the Institute of Under the Ministry of family, the Call-center number 1146 nu for victims of oppression and violence was opened. Moreover, Internal Affairs of Uzbekistan initiated hot line, with number 1259, on domestic violence. It works day-and-night and provides legal consultation and psychological help to women.

As it can be seen, in last 5 years, developments in sphere of women rights have been introduced in Uzbekistan. There are different committees, Commission, organizations and other which are supposed to help women and ensure their rights. However, in reality the situation is still the same. From paper perspective there are different authorities which help women in social, psychological, legal and other matters, but in real life women are still discriminated and unprotected. There many Committees and Centers which are supposed to help women suffered from domestic violence, but they do not operate. Internal affairs are responsible body for prosecution of oppression and violence against women, but, they in most cases either do not want to take claim or do victim blaming.

Many words have been said on women protection, domestic violence, harassment, oppression by the government authorities, new laws which are supposed to protect women are enacted, however, these are empty words. Protection orders do not work. 5 years have passed but still women are not under the government protection. Aggressor can easily escape liability, rape can be classified differently to get light sentence, harassment is not punished. Chapter 5 will focus on real application and enforcement of laws “protecting women.”

