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ASSESSING THE LEGAL BASE FOR GENDER NEUTRAL SOCIETY IN UZBEKISTAN USING UN SUSTAINABLE DEVELOPMENT GOALS FRAMEWORK

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Annotation: this article critically analyzes existing legal framework with respect to protecting women’s right; substantiating their equal status in society; creating new opportunities to promote better equality between men and women. Author researches UN Sustainable Development Goals framework with the intention of compiling a roadmap to further the agenda on women’s rights in Uzbekistan with global perspective.

Keywords: gender equality, gender neutrality, women’s rights, UN Sustainable Development Goals.

Annotation: муллиф бу мақолада мавжуд юридик структурани қуйидагиларни назарда тутган ҳолда тадқиқ қилди: аёллар ҳуқуқларини ҳимоя қилиб аёлларининг тенг ҳуқуқларини жамиятда акс эттириш; эркаклар ва аёллар ўртасида тенгликни барқарорлаштириш учун яқин имконийлар яратиш. Устувор вазифа муллиф БМТнинг Барқарор ривожланиш мақсадлари концепциясини ўрта қилиб чиқшиб, удан Ўзбекистонда аёллар ҳуқуқларини ҳимоя қилиш соҳаси учун кўлланма сифатида фойдаланиш имконийларини халқаро нуқтаи назардан кўриб чиқди.

Калит сўзлар: гендер тенглик, гендер бетарафлик, аёллар ҳуқуқлари, БМТнинг Барқарор ривожланиш мақсадлари.
Statement of the Problem. While achieving all 17 sustainable goals are inevitably intertwined to each other, issues related to gender equality are likely to receive least attention in developing countries which:

- see issues related to women’s rights and gender equality as secondary to those of race and economic development;
- are underrepresented by women in every level of governance in all three branches of government: legislative, executive and judicial.

However, it is clear that eliminating obstacles for women’s progress in every field is beneficial economically, politically and socially and legal norms need to be used as one of the tools to promote economic, political, environmental and social progress via empowering women.

Current state of affairs. While Uzbek media and local lobby is full of praise for the progress made in the field of women’s rights, international community is not impressed with the current state of affairs in this sphere. As in every other sphere, debate in this field starts from 1991, when Uzbekistan gained independence from former USSR. Power to legislate and enforce its own laws came with responsibility in front of the nation, international watchdog organizations and international community in general.

As per local lobby, following highlights justify the results we have achieved in equating men and women in every aspect of life in Uzbekistan. First of all, Women’s Committee was established in outset of independent Uzbekistan’s new history in 1991 with initiative of the First President of Uzbekistan Islam Abduganievich Karimov. Currently, the committee is headquartered in Tashkent, the capital of Uzbekistan, and has representative branches in every region. However, effectiveness of this committee in helping ordinary women to tackle obstacle in business, local governments, health issues, economic and financial planning, family planning and other important issues is highly debatable and a very good subject for another study. Furthermore, establishment of national award “Zulfiya”, named after famous Uzbek poet of the XX century, has been hailed as globally unique initiative in the name of empowering women. The uniqueness of the award is in the fact that it can be endowed only to females; females who have made a name for themselves or shown big potential in arts, education, law, social life or sports. To this day 240 talented women and girls have been awarded this award and given guidance to further utilize their talents to achieve their highest potential and to benefit the society. Expectation is that these women are to act as inspiration for young girls in every corner of Uzbekistan and have them believe that they will be empowered and supported once they make the first steps. Other bragging points include cooperation of Uzbek local government agencies with UN Women to eradicate health, education, training, skill level, family related issues; promotion and support of women’s sports teams; crediting of female owned business with more lenient conditions by state owned banks, etc.

International community is not impressed with the state of affair for gender equality in Uzbekistan because only 17% of senators in Oliy Majlis, highest legislative organ of Uzbekistan, are women, there are no women khokims or governors throughout Uzbekistan and there has never been a female khokim. Only 10% of farming enterprises are owned or operated by women despite the fact that majority of the workforce in agriculture is made up of women. Only 35% or one in third of entrepreneurs are women and this figure is even lower for companies with 50 or more workers.

Reading through the arguments discrepancy in the views seems to be more due to setting of the perspective rather than the realistic state of affairs in the field of gender equality in Uzbekistan. Local media and lobby is making chronological comparison of Uzbekistan at the end of XX century and Uzbekistan in the beginning of XXI century while international community wants Uzbekistan to achieve Scandinavian levels of gender parity.

This work will strive to give objective analysis of current legal framework, international collaboration, and try to offer roadmap by benchmarking Sustainable Development Goals.

Review of local legal framework relating to women’s rights. Cornerstone of national legal framework for gender equality is the Constitution of The Republic of Uzbekistan. Article 46 of the Constitution is devoted to substantiating the equality of men and women in all matters and affairs as it states: “Women and men are equal in rights.”

Article 18 exerts that “all citizens of Uzbekistan enjoy equal rights and freedoms regardless of their gender, race, ethnicity, language, religion, origin, beliefs, and social status”. While the latter article might seem satisfactory in protecting equal rights of women, the former article was inserted to substantiate the equal rights of female citizens and to serve as backdrop for myriad of other laws in this field. In addition
to the two articles already mentioned articles 63, 64, 65, and 66 enforce the concepts of gender equality and gender neutrality and provide protection of women that is comparable to international standards.

In Uzbek legal system, Codes take up second priority after Constitution and they govern specific areas of life of Uzbek Citizens. Although there is no Code for “Women’s Affairs” per se, equal rights and freedoms of women are substantiated in every code and protection of women’s rights can be observed on Family Code and Labour Code of The Republic of Uzbekistan. In particular, per Decree on Additional Privileges for Women from 14-April 1999, Article 288 was added to the Labor Code which provides mothers with the right to work no more than 35 hours a week with no cut from their full salary until their children reach the age of three. In addition, the same article allows females workers to retire at the age of 54 provided that they have worked for at least 20 years.

Abuse of women and gender-based discrimination has been criminalized in the Criminal Code of Uzbekistan. Articles 118, 119, and 121 of the Criminal Code deal with crimes committed against gender specific freedoms. Articles 128, 129, and 131 deal with crimes committed against women and girls within the families. These articles protect women from abuses of any person be it relative, family, co-worker or stranger. At the same time, victims of abuses are provided with hotlines, psychological and medical support by the local governments.

Family Code protects women’s rights, freedoms and property in the family matters and deals with majority of social issues women face. It clearly states that women have full rights on the property gained after marriage regardless of their employment status and personal income level throughout the marriage.

Political rights of women have been given boost in the new millennium with the intention to introduce gender parity to the highest legislative organs of Uzbek government. Decree on “Elections to Oliy Majlis of The Republic of Uzbekistan” was re-edited in 2003 to enforce political parties to have 30% of their nominees from female pool of members.

**International legal benchmarks and their role in Uzbekistan.** Despite the fact that Uzbekistan is a very young country politically which should allow it to follow the footsteps of many European (Scandinavian countries in particular), Asian (Japan, Turkey, South Korea), and North American Countries, blindly following any of those countries could be fatal for social and political development of Uzbek women as Uzbekistan is culturally different from those countries in its core. Since the issue of gender inequality stems from cultural background in most countries, culture could well be the single factor that cannot be ignored when building gender neutral society. Therefore, Uzbekistan has always followed International Conventions originating in UN which are applicable to all women on Earth, regardless of their ethnicity, culture or origin.

Cornerstone of International Conventions on gender equality originating from UN is the Article 55 of UN Charter which states: “Human rights and their freedoms should be respected regardless of the differences in race, gender, language and beliefs”. Aforementioned, Article 18 of the Constitution of the Republic of Uzbekistan echoes the idea.

Obviously, UN ventured into protecting women’s rights long before Uzbekistan became independent. Legal battle against gender discrimination started in 1967 with the Declaration on the Elimination of Discrimination against Women. In 1979, the “Convention on the Elimination of All Forms of Discrimination against Women” was signed by UN member countries. This convention engaged with the issues relating to healthcare, education, social and political involvement of women and equality of women’s rights in family matters. However, the convention was lacking statures directed at abuse of women within the family.

UN directed its focus on fighting abuse of women in every level of society, starting with family in the 1980s. These efforts culminated in acceptance of Declaration on the Elimination of Discrimination against Women. Around the same time, political rights of women came into focus and “Convention on Political Rights of Women 1952” was accepted.

1993 was fruitful for both UN and Uzbekistan. UN published Declaration on the Elimination of Violence against Women and established Committee on the Elimination of Discrimination against Women. Uzbekistan joined UN in the same year and ratified all of the above-mentioned conventions and declarations. To strengthen its commitment towards women’s rights Uzbekistan declared 1998 as the Year of Family, 1999 the Year of Women, 2001 the Year of Mother and Child and carried out myriad of other initiatives.

Currently, UN Women Council on Gender Issues has been working in Uzbekistan in close collaboration with local government and local organizations devoted to protecting women’s rights and empowering women. Current focus of the mission is enhancing economic rights and opportunities of women, supporting female entrepreneurs, and preventing spread of HIV among women.
**UN Millennium development goals and their implementation to strengthen women’s rights in Uzbekistan.** In the outset of new millennium, Millennium Summit of the United Nations culminated in adoption of United Nations Millennium Declaration and establishment of eight international development goals known as Millennium Development Goals. 8 MDGs focusing on fighting poverty, providing universal primary education, promoting gender equality and empowering women, health of children, mothers and population in general, and environmental sustainability were expected to guide UN member countries and international organizations who committed themselves to these goals to better future for everyone by providing first most oppressed layers of society.

Women had direct stake in every MDG maybe except goal 7, which sets ensuring environmental sustainability as priority. Goal 3 stated outright that every country should guarantee gender equality and work towards empowering women. Goals 1 and 2 also directly affect women as the bigger proportion of people suffering from poverty were and are women and primary education is mostly refused for women rather than men. Achievement of goal 4, which is reducing child mortality, depended on pulling women out of poverty, providing nutrition, healthcare, allowing them to get married when they are ready biologically, physically, and psychologically and myriad of other measures that had to be taken in relation to women.

As a country that has ratified Millennium Development Goals and welcomed the MDGs as a tool to achieve its own goals that aligned with MDGs, Uzbekistan made full efforts to integrate MDGs into economic, social, political, and environmental development plans of the country. Uzbek government welcomed the targets set by MDGs and took the responsibility to achieve the targets by 2015. Uzbek government and society prioritized the reduction of poverty, improving people’s lives, increasing role of women in development of sustainable growth trajectories, and providing gender equality for men and women in all walks of life.

Efforts to provide gender equality started with introducing changes in the highest level of governance in Uzbekistan. Members of Uzbek Parliament went through series of lectures and training to improve their sensitivity to gender related issues. These efforts led to passing of law on “Guarantees of providing equal rights and opportunities for men and women”.

As a result of using MDGs as a framework to further women’s cause, the role of Women’s Committee of Uzbekistan was enhanced to give it advisory role. Previously, Women’s Committee had played the role of “go to” organization for women and was not involved in governance. In the aftermath of incorporating MDGs into national strategic development plan, Women’s Committee was invited to play advisory role to the Cabinet of Ministers and OliyMajlis in the areas of women’s rights, gender equality, and promoting business, economic, social and political opportunities for women.

**Persistent problems to tackle.** Despite the existing legal base that can be expected to fully protect, promote and create new opportunities for women and the goals that have been achieved by implementing Millennium Development Goals on national level, gender equality in Uzbekistan leaves much to be desired as evidenced by Human Development Indicators.

First and foremost, proportion of economic resources commanded by males and females of Uzbekistan catches the eye. Every female commands $4687.00 of national income, while the figure is almost a double for every male at $8264.00. This means that males have more opportunities, more doors open for them, and they have better control over their life and their surroundings. Secondly, expected years of schooling is also lower females than males (11.8 and 12.2 years respectively). While the first indicator can be seen as a result of low female labour force participation, second measure – years of schooling – could be the reason for low female labor force participation. Currently, 53.8% of females are considered to be part of labor force in Uzbekistan while this figure stands at 77.9% for males.

These statistics stem from male centered culture of East Asian countries and enforce the same views by allocating more wealth and power to males. At the same time political inactivity or passivity of women evidenced by low number of female senators, members of political parties and members of Parliament show that all of these problems are intertwined.

Despite the provisions of law and establishment of quotes to have at least one third of the candidates for seats in legislative structures, female representation stays below 20%. Analysis shows that females are not ready to fight for seats and win elections in terms of political education, understanding mechanisms of election and gaining voter confidence, awareness of political atmosphere in the country, political psychology other areas. Furthermore, women possess lower informational and financial backing to participate and win elections.

Collection of main part of national wealth in the hand of males combined with male centered culture dictates that during elections women follow the lead of their husbands, fathers, brothers or other males present in their life to make political decisions. This takes away even female electorate for running
candidates. In other words, even the candidates championing women’s issues might not be guaranteed votes in the elections.

Moving from planned economy of 70 years under Soviet rule to market economy has forced women into fierce competition with men for available jobs. Currently, service area jobs such as education and healthcare have become mostly female dominated areas, while business, politics, banking and other areas have been left to males. Increasing female labor force participation could be best started by creating opportunities for women in areas where they most under-represented.

**UN Sustainable development goals as roadmap for gender neutral future.** As Millennium Development Goals were expected to be achieved by 2015 but did not succeed in every country, Sustainable Development Goals were introduced in 2016. SDGs are set of 17 goals aimed at fighting global warming, providing access to water, sustainable energy utilization, urbanization, and social justice besides the goals already included in MDGs. In a way, rather than replacing MDGs, SDGs were logical and expanded continuation of efforts of the first fifteen years of the new millennium. Issues relating women’s rights and gender equality are as stressed in SDGs as they were in MDGs.

Goal 5 of Sustainable Development Goals focuses directly on issues stemming from the inequality between man and women, boys and girls. In most cases inequality starts from birth in countries where son, preferred to daughter, is rightful heir. Even though this was the case in the history of Uzbekistan, today, actually, girls have higher life expectancy at birth (74.2 years) than boys (68.6). Inequality follows most girls into school years by denying them education based on their gender. Again, Uzbekistan has done well to be able to provide secondary education for 99.9% of both: boys and girls. Secondary education in Uzbekistan comes free of charge and it is mandatory for everyone until the age of 17-18.

However, at the tertiary level gender bias shows itself. According to UNDP, only 36.5% of students gaining entrance to tertiary educational institutions are girls in Uzbekistan. This would mean that girls are not as well prepared as their male counterparts for competitive entrance exams and in addition parents are not as willing financially support girls in the form of paying expensive tuition fees and supporting financially for every day expenses until the end of 4 year study.

Another problem plaguing girls before the teenage years are over is early marriage. According to UN Stats, 15 million girls under the age of 18 are married off annually. Uzbekistan has solved this issue by presidential decree to set the minimal age for marriage at 18. However, the decree can be and should be questioned as it has set the minimum age for marriage for boys at 19. Marrying younger also affects girls’ chances of getting tertiary education as the husband or the husband’s family is usually reluctant to have the newcomer educated.

Work in this front should start early at primary and secondary schools where school administration and councilors work together with girls and their parents to extend the concept of gender-blind professional paths and employment opportunities. It could be argued that in male dominant society a young girl’s aspirations are not as high as a young boy’s. In addition, parents and the society do not project as high expectations towards girls as they do towards boys. Therefore, society and public education institutions including school and local governance institutions need to commit to nationwide declaration of support for girls and females. In this manner, development of girls and catch up experience they have to go through can be supported by government and the community in similar fashion to the phenomenon of “infant industry” which was globally employed to develop economies of newly independent countries.

To continue addressing the persistent issues of Uzbekistan, Uzbek government should bolster the efforts to create level competing field for young man and women by allocating more gender specific scholarships for tertiary education. Scholarship directed at helping young female adults from poorer families to gain qualification at tertiary educational institutions can help to achieve several SDGs at the same time: reducing poverty, improving gender equality, etc. These should be done while at least maintaining amount of scholarships provided for boys.

In addition, political awareness should be raised among women and think-tank hubs consisting of female leaders should focus on involving all women in political life of the country and increase their participation in politics. Men need to take the lead in involving women in political life of the country by inviting them for political discourses and discussions. Political parties need charter educational and training initiatives for their female member and recruits. Recruitment of females into political parties needs to be prioritized by the same parties.

To increase the labor force participation of women, besides the privileges already provided for mothers, fathers also should be provided paternity leave in case woman who gave birth does not want to take lengthy break from her career due to childcare. This would make females equally attractive employees for the employers and increase their chances of being employed and promoted. Gender
equality awareness programs need to be implemented across businesses operating in all industries to welcome females in all roles available. Private and public companies need to highlight their position towards gender equality in the company charter, human resource management policies and in the office atmosphere.

Women’s Committee of Uzbekistan should be provided funds to establish skills and knowledge enhancement hubs in all regions Uzbekistan where females can be trained to find employment, provided information about political life of Uzbekistan and trained on insights into political career.

**Conclusion**

Since independence, Uzbekistan has made progress in the field of gender equality and this progress has been felt in social life, politics, economics and business by both man and women. Targets set as part of Millennium Development Goals have been mostly achieved and acknowledged by both local and international observers. At the same time, it is obvious that there is a lot more to be done to achieve desired level of gender equality and build gender neutral society. Targets in the field of human rights and women’s rights are moving targets and with the introduction of Sustainable Development Goals, new targets have been set. Now it is time to start new initiatives with the aim of enrolling equal number of males and females into tertiary institutions, having equal rate of female and male labor force participation, and equate the number of female politicians to the number of male politicians. Introducing measures towards educating more females, hiring more females, giving more females positions of responsibility and power should lead to profound changes in the perception of role of females in the society. Once increasingly bigger number of females are hired and given positions of power parents can be expected to become more willing to invest into their daughters’ education and future rather than hurrying to marry them off. This investment will in turn create a chain reaction of producing better educated and better empowered women. The family, the society and the women themselves will expect more from females which will change the paradigm of male and female roles in society. More importantly, investment made into women’s development will be felt by the families created by these women and children reared by the same women which should lift the society to the next level of civilization.

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