On guarantees with respect to equal rights and opportunities for women and men

https://uzkimyosanoat.uz/en/activities/gender-equality/equal-rights

Law of the Republic of Uzbekistan

Adopted by the Legislative Chamber on August 17, 2019

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Chapter 1. General Provisions

Article 1. Purpose of this Law

The purpose of this Law shall be the regulation of relations in the field of ensurance of equal rights and opportunities for women and men.

Article 2. Legislation on Guarantees With Respect to Equal Rights and Opportunities for Women and Men

Legislation on guarantees with respect to equal rights and opportunities for women and men shall consist of this Law and other acts of legislation.

Where an international treaty of the Republic of Uzbekistan establishes rules other than those provided for by the legislation of the Republic of Uzbekistan on guarantees with respect to equal rights and opportunities for women and men, then the rules of the international treaty shall apply.

Article 3. Basic Concepts

The following basic concepts shall be applied in this Law:

temporary special measures to ensure the implementation of gender policy mean measures of a legal, organizational and institutional nature, which are adopted by state bodies to eliminate gender inequality, achievement of specific goals of ensurance of actual or fundamental equality of women and men;

gender means the social aspect of relations between women and men, which manifests itself in all spheres of society’s life, which include politics, economics, law, ideology and culture, education and science;

gender statistics means a part of state statistics, which includes data, which is disaggregated with respect to gender, on the status of women and men in all spheres of society's life, which reflects the corresponding position of persons of different genders in all spheres of social and political life, highlights gender problems and relations in society;

gender legal expertise means analysis of normative legal acts and their drafts with respect to compliance with the principles of ensurance of guarantees of equal rights and opportunities for women and men;

direct discrimination on the basis of gender means any distinction, exclusion or limitation which aims at denying women and men their rights and freedoms in all spheres of society’s life, including discrimination on the basis of marital status, pregnancy, family responsibilities, as well as sexual

harassment, different labor payment for equal work and qualifications;

indirect discrimination on the basis of gender means the creation of a situation, position or criteria which puts persons of one gender in a less favorable position in comparison with persons of the other gender, which include the promotion of gender inequality through the media, education, culture, setting conditions or requirements which may entail negative consequences for persons of a certain gender.

Article 4. Basic Principles of Ensurance of Guarantees of Equal Rights and Opportunities for Women and Men

The basic principles of ensuring guarantees of equal rights and opportunities for women and men shall be:

legality;

democratism;

equality of women and men;

inadmissibility of discrimination on the basis of gender;

openness and transparency.

Article 5. Non-Discrimination on the Basis of Gender

Women and men shall have equal rights and opportunities which are guaranteed by the state.

The following shall not constitute discrimination on the basis of gender:

establishment of differences with respect to the regulation of relations which are connected with the functions of childbearing and breastfeeding;

conscription for fixed-term military service in the manner prescribed by law;

adoption on the basis of this Law of temporary special measures to ensure the implementation of gender policy;

special considerations concerning labor protection for women and men which are connected with the protection of their reproductive health;

production of recommendations for professional qualifications which are based on the ability to perform duties only by persons of a certain gender;

establishment of differences with respect to the regulation of the procedure and conditions of detention in places of detention, execution of sentences and other measures of legal influence;

positive measures which aim at strengthening the social status of women in society, ensurance of equal rights and opportunities for women and men.

Article 6. Guarantees of Ensurance of Equal Rights and Opportunities for Women and Men

The state shall guarantee women and men equal rights upon the exercise of personal, political, economic, social and cultural rights.

The state shall guarantee women and men equal participation in the governance of the affairs of society and the state, the electoral process, ensurance of equal rights and opportunities in the field of healthcare, education, science, culture, labor and social protection, as well as in other spheres of state and public life.

The state shall adopt temporary special measures to ensure the implementation of gender policy with the aim to achieve actual equality between women and men, expand their participation in all spheres of society’s life, eliminate and prevent direct and indirect discrimination on the basis of gender.

Article 7. Gender-Legal Expertise

State bodies and other organizations shall carry out gender-legal expertise of normative legal acts and their drafts in the corresponding areas of activities.

Where non-compliance of a normative legal act or its draft with the principles of ensurance of guarantees of equal rights and opportunities for women and men has been established, the conclusion of the gender legal expertise shall be sent for examination to the body which drafted or adopted that normative legal act.

Gender-legal expertise of normative legal acts and their drafts shall aim at:

revealing the non-compliance of a normative legal act or its draft with the principles of ensurance of guarantees of equal rights and opportunities for women and men, which creates the possibility of direct and indirect discrimination on the basis of gender;

an overall assessment of the consequences of the adoption of a draft normative legal act, which creates the possibility of direct and indirect discrimination on the basis of gender;

identification of possible risks of a discriminatory nature in the process of applying normative legal acts;

development of recommendations which aim at elimination of the identified norms, which allow direct or indirect discrimination on the basis of gender.

Article 8. Generation of Gender Statistics

State bodies on statistics shall collect, process, accumulate, store, analyze and publish the statistical information which reflects the status of women and men in all spheres of society’s life on the basis of the gender indicators.

Generation of gender indicators shall base on:

state statistical observations which are carried out by state bodies on statistics;

administrative data of public administration bodies;

statistical observations, which are systematically carried out by public and economic administration bodies, local governance authorities.

Gender indicators may also be generated on the basis of statistical data from citizens' self-government bodies, non-governmental non-commercial organizations and other civil society institutions.

Chapter 2. Regulation of the Sphere of Ensurance of Equal Rights and Opportunities for Women and Men

Article 9. Main Directions of the State Policy in the Sphere of Ensurance of Equal Rights and Opportunities for Women and Men

The main directions of the state policy in the sphere of ensurance of equal rights and opportunities for women and men shall be:

formation and improvement of the normative legal framework in this area;

development and implementation of state programs, national action plans and strategies in this area;

fostering a culture of equal rights and opportunities for women and men;

ensurance of equal participation of women and men in administration of the affairs of society and the state;

ensurance of equal rights and opportunities for women and men upon combining work and family

obligations;

social protection and support of the family, childhood, the formation of responsible motherhood and fatherhood;

protection of society from information aimed at direct and indirect discrimination on the basis of gender;

involvement of citizens' self-government bodies, non-governmental non-commercial organizations and other civil society institutions in the development and implementation of state programs, national action plans and strategies in this area;

financing of measures to ensure equal rights and opportunities for women and men at the expense of the State budget of the Republic of Uzbekistan and other sources which are not prohibited by legislation;

development of effective cooperation at the national, regional and international levels with the purpose of achievement of equal rights and opportunities for women and men.

Article 10. Public Administration in the Field of Ensurance of Equal Rights and Opportunities for Women and Men

The Cabinet of Ministers of the Republic of Uzbekistan, the Commission on the issues of ensurance of gender equality of the Republic of Uzbekistan, as well as state bodies within their powers shall carry out public administration in the sphere of ensurance of equal rights and opportunities for women and men.

Article 11. Powers of the Cabinet of Ministers of the Republic of Uzbekistan in the Field of Ensurance of Equal Rights and Opportunities for Women and Men

The Cabinet of Ministers of the Republic of Uzbekistan shall:

ensure the implementation of a unified state policy which aims at achievement of equal rights and opportunities for women and men in all spheres of society’s life;

ensure the development, approval and implementation of state programs, national action plans and strategies in the field of ensurance of equal rights and opportunities for women and men and the allocation of the necessary funds for financing them;

ensure the interaction of public and economic administration bodies, local governance bodies in the field of ensurance of equal rights and opportunities for women and men;

establish temporary special measures to ensure the implementation of gender policy.

Article 12. Powers of the Commission on the Issues of Ensurance of Gender Equality of the Republic of Uzbekistan

The Commission on the issues of Ensurance of Gender Equality of the Republic of Uzbekistan shall:

implement a unified state policy in the field of ensurance of equal rights and opportunities for women and men;

take measures to achieve actual equality of women and men in all spheres of society’s life;

participate in the development and implementation of state programs, national action plans and strategies in the field of ensurance of equal rights and opportunities for women and men;

take measures to improve the system of social and legal support for women, protection of motherhood, fatherhood and childhood, increase the social and socio-political activity of women on an equal basis with men;

develop proposals for the creation of special institutions for the protection of rights and assistance to persons who found themselves in difficult life situations, which are connected with direct or indirect

discrimination on the basis of gender;

submit proposals to the Cabinet of Ministers of the Republic of Uzbekistan with respect to the adoption of temporary special measures to ensure the implementation of gender policy and rescinding them;

promote the principle of non-discrimination on the basis of gender upon promotion to leading public positions;

coordinate the activities of state bodies which aim at achievement of equal rights and opportunities for women and men in all spheres of society's life;

monitor and analyze the situation in the field of ensurance of equal rights and opportunities for women and men, as well as develop proposals to prevent and eliminate the facts of direct or indirect discrimination on the basis of gender;

interact with citizens' self-government bodies, non-governmental non-commercial organizations and other civil society institutions with the purpose to conduct educational, informational and awareness raising activities in the field of ensurance of equal rights and opportunities for women and men;

monitor the implementation of legislation on guarantees of equal rights and opportunities for women and men;

organize training on issues of ensurance of equal rights and opportunities for women and men;

receipt, consider and analyze applications from physical persons and legal entities on issues of ensurance of equal rights and opportunities for women and men and take measures to restore violated rights;

provide annually the Oliy Majlis of the Republic of Uzbekistan an information on the status of affairs in the field of ensurance of equal rights and opportunities for women and men;

organize scientific research in the field of ensurance of equal rights and opportunities for women and men in all spheres of society's life;

cooperate with international organizations, corresponding bodies of foreign countries in the field of ensurance of equal rights and opportunities for women and men and compliance with international standards in this area.

Article 13. Powers of State Bodies in the Field of Ensurance of Equal Rights and Opportunities for Women and Men

State bodies within the limits of their powers shall:

take measures with respect to implementation of state policy in the field of ensurance of equal rights and opportunities for women and men;

participate in the development and implementation of state programs, national action plans and strategies in the field of ensurance of equal rights and opportunities for women and men;

ensure the regular collection and analysis of statistics and information on cases which may lead to direct and indirect discrimination on the basis of gender;

consider applications of physical persons and legal entities with regard to violations of equal rights and opportunities for women and men and take measures to restore them;

take appropriate measures and contribute to the improvement of the system of professional training of personnel on the issues of ensurance of equality of women and men;

take appropriate measures and contribute to raising the level of culture and awareness of citizens on the issues of ensurance of equal rights and opportunities for women and men;

develop cooperation with citizens' self-government bodies, non-governmental non-commercial organizations and other civil society institutions with the purpose to actively involve them in the implementation of state programs, national action plans and strategies in the field of ensurance of equal rights and opportunities for women and men;

create conditions for women and men to combine professional and family obligations, including by mean of granting parental leave to both parents;

take temporary special measures to ensure the implementation of gender policy and rescind them;

develop cooperation with the private sector in order to promote equality of women and men in the labor market, training and creation of conditions for employment.

An authorized official on the issues of ensurance of equal rights and opportunities for women and men (hereinafter referred to as the authorized person) shall be determined in state bodies. The fulfillment of the duties of the authorized person shall be assigned to one of the deputy heads of the state body.

Heads of state bodies may create consultative and advisory bodies on issues of ensurance of equal rights and opportunities for women and men with the participation of representatives of business entities, as well as citizens' self-government bodies, non-state non-commercial organizations and other civil society institutions.

Article 14. Powers of the Authorized Person in the Field of Ensurance of Equal Rights and Opportunities for Women and Men in State Bodies

The authorized person shall:

ensure compliance with the principles of ensurance of equal rights and opportunities for women and men in the corresponding field of activity;

analyze the state of ensurance of equal rights and opportunities for women and men, study the need for application of temporary special measures to ensure the implementation of gender policy and submit proposals on their application;

carry out on constant basis informational activities to eliminate direct and indirect discrimination on the basis of gender in cooperation with citizens' self-government bodies, non-governmental non-commercial organizations and other civil society institutions;

analyze gender indicators in the field of ensurance of equal rights and opportunities for women and men;

consider, analyze applications of physical persons and legal entities on issues of ensurance of equal rights and opportunities for women and men and inform the authorized bodies about themupon necessity;

take measures to improve the professional level of employeeson issues of ensurance of equal rights and opportunities for women and men;

take measures to eliminate the facts of manifestation of direct and indirect discrimination on the basis of gender.

Article 15. Participation of Citizens' Self-Government Bodies, Non-Governmental Non-Commercial Organizations and Other Civil Society Institutions in the Field of Ensurance of Equal Rights and Opportunities for Women and Men

Citizen’s self-government bodies, non-governmental non-commercial organizations and other civil society institutions shall:

take part in the implementation of measures on improvement of the system of social and legal support for women, protection of motherhood, fatherhood and childhood, increasing the social and socio-political

activity of women on an equal basis with men;

contribute to the ensurance of equal rights and opportunities for women and men in employment, which include the organization of home labor, the creation of a network of social services for families;

take part in the development and implementation of decisions of state bodies, state programs, national action plans and strategies in the field of ensurance of equal rights and opportunities for women and men;

interact on the basis of social partnership with state bodies, the mass media, scientific and educational institutions and other organizations on the issues of ensurance of equal rights and opportunities for women and men;

carry out educational, informational and awareness raising activities which aim at creating a culture of equal rights and opportunities for women and men;

participate in conduction of gender-legal expertise of normative legal acts and their drafts;

assist state bodies in carrying out activities which aim at ensurance of equal rights and opportunities for women and men;

promote the protection in government bodies and in court of the rights of persons, who have been discriminated directly or indirectly on the basis of gender;

exercise public control over the implementation of legislation on guarantees of equal rights and opportunities for women and men.

Chapter 3. Guarantees of Equal Rights and Opportunities for Women and Men in the Sphere of Public Service

Article 16. Ensurance of Equal Rights and Opportunities for Women and Men in the Sphere of Public Service

Creation of conditions for the participation of persons of different gender in governing the state by mean of ensurance of equal rights and opportunities for women and men in the sphere of public service shall be guaranteed.

The state shall adopt appropriate measures with respect to ensurance of opportunities for women to represent the state at the international level and participate in the work of international organizations on equal conditions with men and without any discrimination.

Direct and indirect discrimination on the basis of gender shall not be allowed upon admission to public service and during service.

Equal access for women and men upon admission to the public service shall be ensured in accordance with qualifications and professional training.

The formation of a personnel reserve for filling positions of public servants, their promotion shall be carried out with the ensurance of equal rights and opportunities for women and men.

Application of temporary special measures to ensure the implementation of gender policy in the public service shall be allowed, with account taken of the categories of positions of employees, which provide for the establishment of a quota system for filling positions by employees of the same gender. The quota shall be introduced as a temporary measure and may be rescinded as a balanced representation of women and men in state bodies is achieved.

Observation of the equality of women and men shall be necessary upon formation of a personnel reserve for the positions of heads of state bodies.

Heads of state bodies and corresponding officials shall be obliged to ensure equal treatment of women and

men upon admission to the public service, in accordance with their capabilities and professional competencies.

Article 17. Equal Access of Women and Men to Competitions for Filling Positions in the Public Service

Equal access to the competition for filling positions in the public service must be ensured for women and men, including chief positions.

The personnel services of state bodies shall be obliged to provide the competition commissions not only with information about the education and professional competencies of persons who participate in the competition, but also data on the ratio of the number of women and men who work on the relevant positions of the public service. Similar information shall be provided by the personnel services of state bodies upon adoption of decisions on issues with respect to attestation, promotion of public servants with the purpose to take measures on ensurance of equal rights and opportunities for women and men.

Chapter 4. Guarantees of Equal Rights and Opportunities for Women and Men upon Exercise of Electoral Rights

Article 18. Ensurance of Equal Rights and Opportunities for Women and Men upon Exercise of Electoral Rights

Women and men shall have equal rights to elect and be elected to representative bodies of power.

Equal rights and opportunities shall been sured for women and men upon nomination of candidates from political parties for deputies of the Legislative Chamber of the Oliy Majlis of the Republic of Uzbekistan and local Kengashes of People's Deputies.

Article 19. Ensurance of Equal Rights and Opportunities for Women and Men upon Establishment of Election Commissions

Equal rights and opportunities shall be ensured for women and men upon establishment of the composition of the Central Election Commission of the Republic of Uzbekistan, regional, district, city, and precinct election commissions on elections and referendums.

Chapter 5. Guarantees of Equal Rights and Opportunities for Women and Men in the Economic and Social Spheres

Article 20. Guarantees of Equal Rights and Opportunities for Women and Men in the Economic Sphere and Entrepreneurial Activity

State bodies and heads of organizations, irrespective of forms of ownership, shall be obliged to ensure women and men equal access to the economic resources of society, including movable and immovable property, land, financial assets, loans, public funds, as well as freely chosen types of entrepreneurial activity.

The state shall ensure equal rights and opportunities for women and men in carrying out entrepreneurial activities.

Article 21. Guarantees of Equal Rights and Opportunities for Women and Men in Labor Relations

For purposes of implementation of equal rights and opportunities for women and men in labor relations, the employer shall ensure:

equal opportunities for women and men upon employment;

equal wages (remuneration) for women and men for equal labor, and an equal approach to assessment of

the quality of work of women and men;

equal opportunities for career advancement, retraining and advanced training;

equality of rights of women and men upon termination of an employment contract with employees due to changes in technology, organization of production and labor, reduction in the volume of work which entailed a change in the number (staff) of employees or a change in the nature of work, or liquidation of an enterprise, institution and organization with the granting of preferential rights established by law;

implementation and development of the practice of social protection and family support, which is accessible for women and men with children, creation of favorable working conditions for pregnant and lactating women;

safe working conditions, which ensure the preservation of the vital activity and health of women and men, including the preservation of reproductive function;

avoidance of unacceptable treatment which degrades the dignity of persons in labor relations or creates discriminatory working conditions;

equal conditions for women and men for combining labor activities, participation in public life with family obligations, including by means of creation and expansion of a network of childcare institutions which provide opportunities to labor.

Article 22. Guarantee of Equal Rights and Opportunities for Women and Men in Collective Contracts and Agreements

Provisions which ensure equal rights and opportunities for women and men, improve conditions for combining professional and family obligations shall be mandatorily included in collective contracts and agreements where the labor relations are governed by collective contracts.

Collective contracts and agreements shall provide for:

imposition of the duties of ensurance of equal rights and opportunities for women and men on an authorized person of organizations and their structural units;

creation of equal rights and opportunities for women and men upon recruitment and promotion;

elimination of inequality in labor payment of women and men.

Article 23. Guarantees of Equal Rights and Opportunities for Women and Men in the Sphere of Social Protection

State bodies, as well as organizations, irrespective of their form of ownership, and their officials shall be obliged to account the rights of women and men equally, upon implementation of measures of social protection of the population.

Women and men shall have equal access to social benefits.

Article 24. Guarantees of Equal Rights and Opportunities for Women and Men in the Sphere of Family Relations and Parenting

Family, motherhood, fatherhood and childhood shall be under the protection of the state.

Women and men shall have equal rights and obligations in the sphere of family relations.

Equality of rights and opportunities for women and men in the sphere of family relations shall base on:

voluntariness of marriage between a woman and a man;

avoidance of forced and early marriage;

equality of personal and property rights and obligations of spouses;

resolution of intra-family conflicts by mutual agreement;

equality of rights and obligations of women and men in relation to domestic work;

equal participation in the maintenance, upbringing and education of children, ensuring the protection of the rights and interests of minors and disabled family members.

Parents shall have equal rights to receive allowances for the care of young children, family members with disabilities.

Both parents shall be entitled to paid maternity leave. The length of parental leave may be divided between parents at their discretion, and,in this respect, parents may use the leave in installments.

Article 25. Guarantees of Equal Treatment in the Performance of Domestic Work

Domestic work may not be the basis for direct or indirect discrimination on the basis of gender, it shall be carried out equally by women and men.

Chapter 6. Guarantees of Equal Rights and Opportunities for Women and Men in the Field of Education, Science, Culture and Health Care

Article 26. Guarantees of Equal Rights and Opportunities for Women and Men in the Field of Education, Science and Culture

The state shall ensure the creation of equal opportunities for women and men in realization of the right to education.

The state shall guarantee:

equal rights and opportunities for women and men with respect to access to all types of education, retraining and advanced training, to participation in the implementation of the educational and scientific process and access to culture, cultural values and heritage;

promotion of gender education of citizens by means of introducing gender issues into various educational programs;

preparation and publication of educational literature, which is free from misconceptions based on the idea of superiority of one of the genders;

regular monitoring of curricula and textbooks for compliance with the principle of non-discrimination on the basis of gender;

encouragement and comprehensive support of informational and educational activities which aim at enhancing the legal culture of the population on issues of ensuring the implementation of gender policy.

The authorized body in the field of education shall ensure the examination of educational programs, educational institutions' programs and plans for their compliance with the principles of ensurance of guarantees of equal rights and opportunities for women and men.

Educational programs of higher education institutions and retraining courses shall include a course on ensurance of equal rights and opportunities for women and men.

Article 27. Guarantees of Equal Rights and Opportunities for Women and Men in the Sphere of Health Care

The state shall guarantee:

equal opportunities for women and men with respect to exercise of their rights in the sphere of health

care, which include qualified health care, affordable medical services, family planning and protection of reproductive rights;

implementation of health care policies and programs, with account taken of the different needs of women, especially during pregnancy, childbirth and the postpartum period, with provision of women with free services upon necessity, and provision of appropriate nutrition during pregnancy and lactation;

adoption of initiatives in the field of medical education which aim at strengthening reproductive health, prevention of direct and indirect discrimination on the basis of gender;

promotion of development of scientific research in the sphere of health care, which takes into account the differences between women and men.

Chapter 7. Final Provisions

Article 28. Appealing the Facts of Direct or Indirect Discrimination on the Basis of Gender

A person, who believes to have been discriminated on the basis of gender directly or indirectly, shall have the right to appeal to the authorized bodies or the court. In this respect, a person who has been discriminated directly or indirectly on the basis of gender, shall be exempt from payment of a state fee.

Upon examinations in courts of cases with respect to violations of the equality of women and men, the payment for legal services, which are rendered by lawyers, shall be covered at their request by the state in the manner prescribed by legislation.

Article 29. Liability for Violation of Legislation on Guarantees of Equal Rights and Opportunities for Women and Men

Persons who are found guilty of violation of legislation on guarantees of equal rights and opportunities for women and men shall be liable in the established manner.

Article 30. Ensurance of Execution, Communication, Explanation of the Essence and Meaning of this Law

The Cabinet of Ministers of the Republic of Uzbekistan and other interested organizations shall ensure execution, communication to the executors and explanation among the population of the essence and meaning of this Law.

Article 31. Aligning Legislation with this Law

The Cabinet of Ministers of the Republic of Uzbekistan shall:

align government decisions with this Law;

ensure the revision and rescinding by the public administration bodies of their normative legal acts which contradict this Law.

Article 32. Entry into Force of this Law

This Law shall enter into force from the day of its official publication.

President of the Republic of Uzbekistan Sh. MIRZIYOYEV

Tashkent city,

September 2, 2019,

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