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Principles And Norms For Ensuring Women's Labor Rights In The Labor Legislation Of The Republic Of Uzbekistan: Theoretical Foundations And Practical Issues

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Abstract: The article analyzes general principles and norms ensuring women's labor rights in the labor legislation of the Republic of Uzbekistan. The study examines the compliance of national legislation with international standards of the UN and International Labor Organization. The content of the equality principle and non-discrimination principle enshrined in Articles 4 and 392 of the Labor Code is revealed. The article studies the advanced experience of Germany, Sweden, and France in protecting women's labor rights. Based on research results, specific proposals for improving labor legislation have been developed, including mechanisms for introducing the concept of «equal opportunities» into legislation and placing the burden of proof on employers.

Keywords: - women's labor rights, gender equality, labor legislation, discrimination, equal opportunities, labor relations, international standards, Labor Code, legal protection, employer obligations.

Introduction: In the labor legislation of the Republic of Uzbekistan, the general principles and norms ensuring women's labor rights occupy a special place. These principles are recognized not only as the fundamental provisions of national legislation but also as an integral part of international labor standards. Protecting women's labor rights is considered one of the essential features of a modern democratic state.

The principles and norms established in the legislation of the Republic of Uzbekistan are reflected in important international instruments, such as the UN Convention

on the Elimination of All Forms of Discrimination against Women (CEDAW) and the International Labour Organization (ILO) Convention No. 111 on Discrimination in Employment and Occupation. The compliance of Uzbekistan's labor legislation with these international standards serves as an important indicator of the rule of law in the country.

II. MATERIALS AND METHODS

In the labor legislation of the Republic of Uzbekistan, the guarantee of women's labor rights has special importance.

Firstly, national legislation establishes the principle of equality as the foundation for ensuring women's labor rights. According to Article 4 of the Labor Code, any restriction of labor rights based on gender is prohibited. This provision serves as a legal basis guaranteeing that women can participate in labor relations as equal subjects alongside men.

A. Inoyatov notes regarding the principles of labor law that

"The principles of labor law, unlike general legal principles, are not explicitly fixed in individual norms and therefore do not always manifest clearly. Rather, they are embedded within legal norms, and their meaning derives from the essence of these norms."

Secondly, labor legislation guarantees women's freedom to conclude employment contracts. According to Article 392 of the Labor Code, it is prohibited to refuse to conclude an employment contract with women or to reduce their wages due to pregnancy or the presence of children. This provision serves as an important guarantee preventing discrimination against women in the exercise of their labor rights.

In our opinion, the existence of such norms in labor legislation concerning the protection of women's labor rights demonstrates the consistent implementation of gender equality principles in Uzbekistan. At the same time, it is necessary to further improve mechanisms ensuring the effective implementation of these guarantees in practice.

It should also be noted that a number of recent studies have been conducted regarding the principles established in the Labor Code and the protection of women's rights.

Russian scholar E.A. Isaeva, in her monograph "Legal Mechanisms for Ensuring Gender Equality in Employment", proposes a new approach to understanding gender equality in labor relations. According to her, gender equality implies not only equal rights but also equal opportunities. From this perspective, she suggests introducing the concept of

"equal opportunities" into labor legislation and defining its criteria.

Similarly, A.S. Melnikova emphasizes that: "Gender equality is the equal entitlement of men and women to rights, opportunities, freedom of choice, access to resources, and income."

German scholar K. Schultz, in his work "Combating Discrimination in Labor Law: The EU Experience", analyzes new, non-traditional forms of discrimination against women. He argues that in the context of the digital economy, women face new types of discrimination when entering labor relations through online platforms and proposes legal mechanisms to identify and eliminate such practices.

French researcher M. Dupont, in her doctoral dissertation "Procedural Aspects of Protecting Women's Labor Rights", focuses on the distribution of the burden of proof. She substantiates the need to place the entire burden of proof in discrimination cases on the employer and proposes relevant procedural mechanisms.

American scholar S. Thompson, in her study "Affirmative Action in Ensuring Women's Labor Rights", analyzes positive discrimination and proposes mechanisms to ensure the realization of women's labor rights through additional benefits and privileges.

III. RESEARCH FINDINGS

Our study confirms that the norms and principles reflected in Uzbekistan's labor legislation regarding women's labor rights are based on several important international legal instruments.

In particular, the principle of prohibiting discrimination in labor is enshrined in ILO Convention No. 111, which obliges member states to implement national policies aimed at eliminating gender-based discrimination.

Similarly, the UN CEDAW Convention obliges participating states to ensure equal labor rights for women and men.

Scholars' views on this issue are also significant:

- "Discrimination in employment manifests itself in various forms: during hiring, dismissal, opportunities for vertical mobility, and wage distribution. To resolve this issue, effective legal mechanisms must be developed."
- "Gender-based discrimination in labor leads to an unequal distribution of resources, which may reduce society's economic potential."
- "Ensuring women's economic rights, including equal working conditions, wages, and access to financial resources, requires a comprehensive approach encompassing labor, financial, and entrepreneurial rights."

N.L. Lyutov studied the role of anti-discrimination legislation in regulating women's labor and concludes that: "Legal equality norms alone are insufficient; therefore, we require strict imperative norms that guarantee equality of outcomes."

S.V. Lemekhov highlights that: "The principle of equal pay for equal work is a key element of prohibiting discrimination in labor relations. Lower pay for women, especially in education, healthcare, and social protection, is still widespread, and women with children or older women are particularly vulnerable."

A.A. Otazhonov emphasizes the necessity of aligning women's labor protection measures with international standards, noting that such processes are closely linked to gender equality, youth employment rights, and the prohibition of child labor.

Research by Musick et al. explores the reconciliation of women's family and work roles, showing that increasing women's share of household income can enhance gender equality.

E.A. Buribaev argues that gender equality is not only a fundamental human right but also a global objective for ensuring decent work and combating poverty: "Eliminating all forms of discrimination against women is one of the most powerful drivers of sustainable development."

IV. COMPARATIVE INTERNATIONAL EXPERIENCE

To study advanced international practices on protecting women's labor rights, we analyzed legislation from several developed democratic countries and compared them with Articles 4 and 392 of the Uzbek Labor Code.

Germany: The General Equal Treatment Act (Allgemeines Gleichbehandlungsgesetz) establishes clear mechanisms to ensure gender equality in labor relations, holding employers liable for direct and indirect discrimination in hiring, promotions, and training.

Sweden: The Discrimination Act (Diskrimineringslag 2008:567) obliges employers to develop and implement annual gender equality plans and to take preventive measures to protect women's labor rights.

France: The Code du Travail introduces reversed burden of proof in discrimination cases, placing full responsibility on the employer, and provides simplified procedures for women to appeal labor rights violations.

V. CONCLUSIONS

Based on the conducted analysis and scholars' opinions, the following theoretical and practical conclusions can be drawn:

1. The general principles of Uzbekistan's labor legislation ensuring women's labor rights fully comply with international standards established by the UN and ILO. Specifically, Article 4 (equality) and Article 392 (non-discrimination) of the Labor Code are fully aligned with globally recognized norms.

2. Analysis of foreign experience demonstrates that developed countries implement effective mechanisms for ensuring women's labor rights, including:

- Clearly defined employer obligations
- Reversal of the burden of proof onto employers
- Simplified procedures for protecting rights

3. Gender equality encompasses not only equal rights but also equal opportunities. Restricting women from hazardous labor or granting additional maternity-related guarantees does not constitute discrimination but rather represents necessary social protections.

4. It is recommended to introduce the concept of "equal opportunities" into the Labor Code and define its legal framework to strengthen mechanisms for achieving gender equality.

5. Simplified procedures should be adopted for reviewing cases of women's labor rights violations, including:

- Shifting the burden of proof onto the employer in discrimination cases
- Granting specialized authorities expedited review powers in such matters

Implementing these proposals will improve the mechanisms for protecting women's labor rights in Uzbekistan and ensure full compliance with international standards.

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