



GENDER EQUALITY IN LABOUR LEGISLATION OF UZBEKISTAN: LEGAL GAPS AND WAYS TO ADDRESS THEM

Abdurashidova Mohlarbegim Shavkat qizi
student, Faculty of Law, SARBON University, Uzbekistan

Abstract: *This article presents a systematic analysis of the regulatory framework of Uzbekistan with respect to ensuring gender equality in the sphere of labour. Drawing on comparative legal methodology and an examination of law enforcement practice, the study identifies key institutional gaps: the declaratory character of anti-discrimination provisions, the absence of mechanisms for holding employers accountable, occupational segregation, and unequal access to career advancement. A set of practical corrective measures applicable within a short-term legislative horizon is proposed.*

Keywords: *gender equality, labour legislation, Uzbekistan, discrimination, legal gaps, institutional mechanisms.*

1. INTRODUCTION

Uzbekistan has embarked on a consistent modernisation of its legal system, including with regard to ensuring equal rights for men and women in the labour market. Reforms to labour legislation adopted between 2019 and 2024 have formally enshrined the principle of non-discrimination, while the ratification of key ILO Conventions (No. 100 and No. 111) has established an international legal foundation for further transformation. Nevertheless, the gap between proclaimed guarantees and their effective implementation remains substantial.

According to data from the Statistics Agency of the Republic of Uzbekistan (2023), the female employment rate stands at approximately 43% compared with 74% for men; the gender pay gap reaches 30–35%; and the share of women in senior positions in the public sector does not exceed 18%. These indicators reveal the

systemic character of the problem, which cannot be resolved through targeted legislative amendments alone.

2. THE REGULATORY FRAMEWORK: DECLARATIONS AND REALITY

The Labour Code of the Republic of Uzbekistan (as amended in 2023), in Article 6, prohibits discrimination on the basis of sex in hiring, remuneration, and promotion. The Law "On Guarantees of Equal Rights and Opportunities for Women and Men" (2019) establishes a general framework for gender equality. At first glance, the legal architecture appears sufficiently comprehensive.

However, a detailed analysis reveals three structural deficiencies. First, anti-discrimination provisions are largely declaratory in nature: neither direct nor indirect discrimination is defined, and no procedure for the burden of proof in employment disputes has been established. Second, Cabinet of Ministers Resolution No. 511 (as amended in 2021) retains a list of 252 types of work prohibited for women, substantially restricting their professional choices on health protection grounds without adequate medical evidence. Third, provisions on equal pay for work of equal value lack any monitoring mechanism: employers are not required to publish data on the gender pay gap.

The area of maternity protection presents a particular challenge. Existing legislation provides extensive guarantees for pregnant women and mothers; however, this very "protection" produces a discriminatory effect: employers avoid hiring women of reproductive age, fearing mandatory payments and restrictions on dismissal. At the same time, parental leave de facto remains a "female" institution, which perpetuates traditional role divisions and weakens women's bargaining power in the labour market.

3. INSTITUTIONAL GAPS

An institutional analysis identifies several interrelated deficiencies in the law enforcement system.

The first is the weakness of complaint and sanction mechanisms. The State Labour Inspectorate is vested with supervisory powers but lacks specialised procedures for handling gender-related complaints. Sanctions for violations of the equal pay principle are negligible (a fine of up to five base calculation units), and judicial practice in labour discrimination cases is extremely rare.

The second is the fragmentation of accountability. Responsibilities in the field of gender equality are dispersed among the Ministry of Employment and Labour Relations, the Committee on Women and Family Affairs, and the Human Rights Commissioner (Ombudsman). The absence of a single coordinating body with sufficient resources and a dedicated mandate in the area of gender equality in employment leads to a diffusion of accountability.

The third is a deficit of gender-disaggregated statistics. Official labour market monitoring does not provide for the mandatory collection of sex-disaggregated data by sector and qualification level, which makes evidence-based policy development impossible.

The fourth is limited access to legal protection. High transaction costs of litigation, insufficient awareness among workers of their rights, and the social stigmatisation of women who file complaints against employers create effective barriers to the exercise of formally existing rights.

4. RECOMMENDATIONS FOR ADDRESSING THE GAPS

On the basis of the foregoing analysis, a set of measures is proposed for implementation in the short term (2025–2027).

4.1. Legislative Measures

– Introduce into the Labour Code definitions of direct and indirect sex-based discrimination, establishing a presumption of discrimination where a statistical pay gap exists, thereby shifting the burden of proof to the employer.

- Conduct an evidence-based review of the list of types of work prohibited for women, with the involvement of independent medical experts and ILO bodies, removing restrictions that lack scientific justification.
- Introduce mandatory gender pay gap reporting for organisations with more than 50 employees, as well as a right for workers to request comparative information on the remuneration of colleagues of equivalent qualification.
- Enshrine in legislation gender-neutral parental leave with a uniform minimum period for both mothers and fathers, incentivising the shared assumption of parental responsibilities.
- 4.2. Institutional Measures
- Establish a dedicated gender equality unit within the State Labour Inspectorate, with clear powers to investigate complaints and impose sanctions.
- Substantially increase the level of financial penalties for violations of the equal pay principle, indexing them to the offending organisation's total wage bill.
- Develop a state programme of legal awareness-raising for workers (with particular focus on women in informal employment) using digital platforms and the network of employment centres.
- Require the Statistics Agency to publish annually gender-disaggregated labour market data broken down by sector, qualification level, and form of employment.

5. CONCLUSION

The analysis demonstrates that the labour legislation of Uzbekistan provides formal protection against gender discrimination, yet suffers from significant structural deficiencies: provisions are declaratory in character, enforcement mechanisms are underdeveloped, and institutional accountability is fragmented. The gap between legal guarantees and the actual position of working women is reproduced at both the legislative and law enforcement levels.

The proposed measures do not require a fundamental overhaul of the legal system and can be implemented within the current cycle of legislative reforms. Their key value lies in the transition from a declaratory to a functional model of gender equality: clear definitions of discrimination, effective sanctions, transparent statistics, and accessible protection mechanisms. It is precisely the combination of normative precision and institutional capacity that constitutes the necessary condition for genuinely equalising the opportunities of men and women in the labour market of Uzbekistan.

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