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LEGAL ASPECTS OF THE PROTECTION OF WOMEN'S RIGHTS WITHIN UN SYSTEM

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ABSTRACT

Keywords:

UN, elimination, discrimination, women's rights, the role of women, society, Platform for Action, Optional Protocol.

Article analyses the international mechanisms for the protection of women's rights, the elimination of all forms of discrimination against women, to create and improve the effectiveness of national mechanisms for the advancement of women at the highest political level, as well as the importance of UN activities in resolving this problem.

INTRODUCTION

Multidimensional cooperation with the United Nations is a strategic vector of foreign policy in the framework of the reforms being carried out in our country. Of particular relevance it is significant revitalization of the UN throughout the world community. This fact is explained by the fact that the problems of war and peace, genocide and discrimination on various grounds have increased to such an extent that the states could

not solve these problems at the local level, and in order to maintain relative balance, it became necessary to attract international forces.

In particular, the problem of discrimination against women over the past decades has not only gained territorial distribution, but also reached a qualitatively new level. On the one hand, the continuous struggle for gender equality led to a wide wave of emancipation, starting with the countries of the

Scandinavian Peninsula and Western Europe, and ending with the countries of the post-Soviet region. On the other hand, the acquisition of independence by a number of states became the basis for returning to historical sources and, unfortunately, not always compatible with universal human values. Thus, under the slogan of reviving historical values and cultural traditions of nations, today there is practically a return to those forgotten and outdated relations in society, when a woman did not belong to subjects who could have rights.

The spread of discrimination against women, and especially its form as violence, reached the critical point when there was a real danger for the future of all mankind. After all, it is no secret to anyone that the gene pool of the nation, and on the scale of the entire planet, the gene pool of the whole nation depends for the most part on the woman. It is the position of a woman, the conditions in which she lives, that is an indicator of the positive or negative state of a given people.

Realizing the seriousness of this problem and realizing the impossibility of states to eradicate it at the national, domestic level, recently the UN began to intensify and strengthen international mechanisms for the revival,

preservation, maintenance and protection of women's rights.

MAIN BODY

At present, the UN activities on resolving women's issues have achieved successful results and have established themselves in the world community as a whole system - the UN system for the protection of women's human rights. This system assumes the existence of various international mechanisms for the protection of women's rights.

The concept of an international mechanism for the protection of women's human rights is very broad. Its most important components are:

- ✓ International documents (conventions, declarations, treaties)
- ✓ International organizations and their bodies
- ✓ Practice of application of international documents
- ✓ International control and dispute resolution procedures.

Taking into account the geographical and other features of the Republic of Uzbekistan, it should be noted that not all international mechanisms for the protection of women's rights may be applicable in relation to our republic.

From the point of view of international legal protection of women's rights, a special role is assigned to the 1979 Convention on the Elimination of All Forms of

Discrimination against Women. The specificity of this Convention lies not only in the broad coverage of the gender problems it regulates, but also in the fact that it has now been ratified by most of the existing states, to which, however, the United States is not. [1]

In accordance with article 17 of the 1979 Convention, a Committee on the Elimination of Discrimination against Women is established to review the implementation of its provisions.

The functions of the Committee are carried out mainly through the consideration of reports submitted by States parties. Based on the results of its consideration, the Committee makes suggestions and recommendations. He may also invite UN specialized agencies to submit their reports and may receive information from non-governmental organizations. Each year, the Committee submits a report on its work to the General Assembly through the Economic and Social Council, and the status of women for information.

By ratifying or acceding to the Convention, States parties undertake a legal obligation to submit exhaustive reports. Many states do not fulfill this obligation. Regardless of the reason for the failure to fulfill this obligation, the end

result is a large number of unreleased reports and a significant proportion of incomplete or inadequate reports.

The reports submitted by the participating States do not always accurately reflect the human rights situation of women in a given country and do not always identify specific problems of concern. Information and statistics from independent human rights organizations bring great value to the Committee when assessing the actual situation of women in individual states. Such materials would be extremely useful for the members of the Committee in their tasks of analyzing the reports of the States parties. To the extent possible, these materials should contain references to specific articles of the Convention that are related to the issues or issues under consideration. Non-governmental and other organizations may apply in writing to the Committee through the Division for the Advancement of Women. This division may also provide information on which States parties' reports will be considered at a particular session. It should be noted that accredited representatives of non-governmental organizations may attend the sessions of the Committee as observers. Thus, in order to end widespread and systematic

violations of human rights, an effective mechanism is to prepare a “shadow report” and send it to the Committee on the Elimination of Discrimination against Women, where the government violating rights already submits periodic official reports. In addition, a shadow report should be sent to any internal human rights administrative body.

The Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, [2] approved by the UN General Assembly on October 6, 1999, allows the right to file individual complaints by women and women’s non-governmental organizations about a violation of the Convention. However, the Republic of Uzbekistan has not ratified this protocol; accordingly, this mechanism is not available for our country.

However, the CEDAW Convention does not fully regulate relations in the protection of women’s rights. Thus, the Convention does not define the term “violence” against women. Consequently, due to the lack of authority, the CEDAW Committee is not entitled to address this issue.

At the same time, the main obstacles to the realization of the rights of women and their participation on an equal basis with men in society are violence and the

threat of violence against women. Meanwhile, acts of violence often go unnoticed and unregistered, and therefore no action is taken against them. With the growth of general tension and violence in society, as is the case in a region in transition, the safety of women at home, at work and in public places is often seriously weakened.

Since the recognition that violence against women is an important part of the subordination of women, different types of violence have been interpreted differently. Initially, international human rights bodies did not engage in violence against women, because it was considered a “private” affair, involving individuals and not subject to international conventions. The international community considered the problem in the context of state sovereignty in the sense that any intervention by the United Nations or other international body would be perceived as a violation of the sovereignty of the state.

However, on the basis of the principle of state responsibility towards its citizens, stipulated in international conventions, it became possible to transfer the concept of violence against women from the “private” to the “nation-wide” sphere.

The Declaration on the Elimination of Violence against

Women, adopted by the United Nations in 1993, defines the term "violence against women" as actions that include "any act of violence committed on the basis of a sexual attribute that causes or may cause physical, sexual or psychological damage or the suffering of women, and the threat of such acts, coercion or arbitrary deprivation of liberty, whether in public or private life. "Violence against women has its own specifics, and therefore requires special measures. The conditionality of such violence by gender is quite obvious; women, for example, are more at risk of violence at home than on the street, and violence against women often manifests itself in the form of sexual assault.

Acts of violence against women and girls are a serious violation of their human rights and cause great harm to their physical and mental health. The World Bank estimates that in industrialized countries, rape and domestic violence account for 19 percent of the total mortality rate for women aged 15-44 years. This means that women lose every fifth year of healthy life as a result of injuries, illness or premature death due to acts of violence.

The Fourth World Conference on Women, held in Beijing in 1995, reaffirmed that one of the priorities of

government and UN policies is the full and equal enjoyment of human rights and fundamental freedoms that are vital for women's progress. The conference stressed that governments should not only curb the violation of women's human rights, but also take active steps to support and protect these rights.

The Platform for Action adopted at the Beijing Conference includes the lack of respect for the human rights of women among the 12 most urgent tasks requiring the adoption of state and international measures. The platform calls for the maximum use of all mechanisms and instruments for the protection of human rights, especially the UN Convention on the Elimination of All Forms of Discrimination against Women. It also stresses the importance of guaranteeing equality and non-discrimination in law and in practice and the dissemination of legal literacy.

The action platform contains a set of measures for each identified problem, which should lead to radical changes. Their implementation is a primary responsibility of governments, but it also depends on a wide range of institutions in the public, private and non-governmental sectors at the community level, as well as at the

national, regional and international levels. [3]

Governments have primary responsibility for implementing the Platform for Action. Its implementation requires commitment to the Platform at the highest political level, and governments should act as leaders in coordinating, monitoring and evaluating progress in the advancement of women.

In order to implement the Platform for Action, it is necessary for governments to take measures to create and improve the effectiveness of national mechanisms for the advancement of women at the highest political level, relevant internal and inter-departmental procedures and personnel structures and other institutions that have the authority and capacity to increase women's participation and inclusion gender analysis in policies and programs. Governments should commit themselves to ensuring gender balance, in particular through the creation of special mechanisms in all state-appointed committees, councils and other official bodies, as appropriate, as well as in all international bodies, institutions and organizations, primarily through the presentation and promotion of for more women candidates.

The United Nations Commission on the Status of Women at the forty-second session in 1998 invited UN member countries and the international community to take further measures to support women's human rights, including the incorporation of a gender perspective into all relevant policies and programs. Among the findings of the Commission is the need to organize and support the holding of national and local dialogues on the importance of human rights, gender discrimination and violations of women's rights. The resolution also stressed the need for a guaranteed legal and regulatory framework that ensures the full realization of the human rights of women and girls.

In the advancement of women and the achievement of gender equality, the Platform for Action highlights the role of the UN Convention on the Elimination of All Forms of Discrimination against Women. The Convention is not only an international document on the rights of women, but also a guide to action for governments to ensure that these rights are respected.

It is impossible to overestimate the importance of the special action program for the advancement of women adopted in the Republic of Uzbekistan. This program is called the National Platform for Action to

improve the status of women in Uzbekistan and enhance their role in society. It defines the general strategy and priority directions of the state policy on women and is aimed at implementing the principle of equal rights and freedoms, creating equal opportunities for women and men in accordance with the Constitution of the Republic of Uzbekistan, international commitments and recommendations of the IV World Conference on Women "Actions for Equality, development and peace", taking into account the real socio-economic situation in modern Uzbekistan.

The National Action Platform envisages uniting the efforts of the Government, parliamentarians, state and public organizations, and the civil sector to increase the activity of women in the processes of the formation and development of a democratic society.

In 2017, the Republic of Uzbekistan submitted the V report to the Committee on the Elimination of Discrimination against Women. This document reflects all measures to bring national legislation and law enforcement practice in line with the requirements of the Convention. Following the consideration of the fifth periodic report by the UN Committee, the strategic measures of Uzbekistan were positively

evaluated and final recommendations were presented.

It should be noted that today Uzbekistan has joined more than 70 international documents, including 10 UN treaty documents, and fulfills all its obligations in the field of human rights. In order to ensure the rights of women in accordance with international norms and legal standards, the country has also acceded to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). [4]

In turn, Uzbekistan also joined such crucial in the field of human rights documents as:

(a) The Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, on 23 December 2008;

(b) The Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, on 23 December 2008;

(c) The Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, on 23 December 2008;

(d) The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and

Children, supplementing the United Nations Convention against Transnational Organized Crime, on 12 August 2008;

(e) The International Labor Organization Convention No. 138 on Minimum Age for Admission to Employment and No. 182 on the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labor, in April 2008.

At the same time, Uzbekistan today is one of the few non-aligned countries to the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women. This fact means that our state, our society and our Woman are extremely limited in their ability to protect their violated rights at the international level.

In conclusion, I would like to say that the accession of the Republic of Uzbekistan to the Optional Protocol to the Convention

will allow our state to make a significant step towards fully ensuring the principle of not discrimination not only in legislation, but also in society. Moreover, by joining the Protocol, Uzbekistan will be able at the international level to declare itself as a state, fully following the course of the advancement of women, proclaimed by the Beijing Platform for Action and the National Platform for Action.

Thus, the significance of the UN activities in resolving this problem is undoubtedly great. However, there is a need for mutually complementary, interpenetrating and interdependent cooperation between the UN and governments and NGOs of states. Indeed, without the existence of appropriate national, intra-state mechanisms for the implementation of UN programs and documents, the achievement of this goal is impossible.

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