

**TOSHKENT DAVLAT YURIDIK UNIVERSITETI HUZURIDAGI
ILMIY DARAJALAR BERUVCHI DSc.07/30.12.2019.Yu.22.01
RAQAMLI ILMIY KENGASH**

TOSHKENT DAVLAT YURIDIK UNIVERSITETI

GAFFAROVA SHAXNOZA NURITDINOVNA

**O‘ZBEKISTONDA XOTIN-QIZLAR VA ERKAKLAR
TENG HUQUQLILIGINI TA’MINLASHNING
NAZARIY-HUQUQIY MASALALARI**

12.00.01 – Davlat va huquq nazariyasi va tarixi. Huquqiy ta’limotlar tarixi

**Yuridik fanlar bo‘yicha falsafa doktori (PhD) dissertatsiyasi
AVTOREFERATI**

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Gaffarova Shaxnoza Nuritdinovna

О'zbekistonda xotin-qizlar va erkaklar teng huquqliligini ta'minlashning nazariy-
huquqiy masalalari3

Gaffarova Shakhnoza Nuritdinovna

Theoretical-legal issues of ensurance of the equal rights for women and men
in Uzbekistan.....23

Гаффарова Шахноза Нуритдиновна

Теоретико-правовые вопросы обеспечения равноправия женщин и мужчин
в Узбекистане.....41

E'lon qilingan ilmiy ishlar ro'uxati

Список опубликованных научных работ

List of published scientific works.....45

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KIRISH (Yuridik fanlar bo'yicha falsafa doktori (PhD) dissertatsiyasi annotatsiyasi)

Dissertatsiya mavzusining dolzarbligi va zarurati. Dunyoda mavjud demokratik davlatlarda inson huquqlarining ajralmas qismi hisoblangan xotin-qizlar va erkaklar teng huquqliligini ta'minlash va qonuniy manfaatlarini himoya qilish hamda ularning kafolatlanishini amalga oshirish, ularni kamsitilishdan, stereotiplardan himoya qilishga jiddiy e'tibor qaratilmoqda. Xususan, BMTning 2030-yilgacha erishilishi lozim bo'lgan 17 ta Barqaror rivojlanish maqsadlaridan biri sifatida gender tenglikni ta'minlash vazifasi belgilangan bo'lib, mazkur maqsadni amalga oshirishda gender tengligiga erishish va barcha ayollar va qizlarning huquq va imkoniyatlarini kengaytirish dolzarb ahamiyatga ega¹. Ushbu xalqaro-huquqiy e'tirof davlatlar zimmasiga xotin-qizlar va erkaklar huquqlarini teng himoya qilish bo'yicha huquqiy mexanizmlarni hayotga joriy etish vazifasini qo'yimoqda.

Jahonda xotin-qizlar va erkaklar huquqlarini teng himoya qilish, jumladan gender tengligi, barcha turdagi kamsitishlarni bartaraf etish, zo'ravonlik va tazyiqlarning oldini olish, xotin-qizlar va erkaklar o'rtasidagi munosabatlarning jamiyat hayoti va faoliyatining barcha sohalarida siyosat, iqtisodiyot, huquq, mafkura va madaniyat, ta'lim hamda ilm-fanda huquqiy mexanizmlarni shakllantirish, gender tengligini ta'minlashda huquqning fundamental prinsiplarini qo'llashning xususiyatlari, davlatlar tomonidan gender tengligini ta'minlashda ijtimoiy sheriklikni takomillashtirish masalalarida ilmiy tadqiqotlar o'tkazishga alohida e'tibor qaratilmoqda.

Mamlakatimizda xotin-qizlarning manfaatlarini teng himoya qilish hamda huquqiy amaliyotda ta'minlash masalalarida tizimli ishlar amalga oshirilmoqda. Yangi O'zbekistonning 2022–2026-yillarga mo'ljallangan taraqqiyot strategiyasida “jamiyatda xotin-qizlarga tazyiq va zo'ravonlikka nisbatan murosasizlik muhitini yaratish, xotin-qizlarning huquqlari va qonuniy manfaatlarini ta'minlash, shu bilan birga gender tenglikni ta'minlash siyosatini davom ettirish, xotin-qizlarning ijtimoiy-siyosiy faolligini oshirish, ularni qo'llab-quvvatlashga doir islohotlarni amalga oshirish”² ustuvor maqsad sifatida belgilangan. Bu ayni vaqtda xotin-qizlar va erkaklar teng huquqliligini ta'minlash huquqiy mexanizmlarini yanada rivojlantirishni taqozo etadi.

O'zbekiston Respublikasining Konstitutsiyasi, O'zbekiston Respublikasining “Xotin-qizlar va erkaklar uchun teng huquq hamda imkoniyatlar kafolatlari to'g'risida”gi O'RQ-562-son (2019) hamda “Xotin-qizlarni tazyiq va zo'ravonlikdan himoya qilish to'g'risida”gi O'RQ-561-son Qonunlari (2019), O'zbekiston Respublikasi Prezidentining “2022–2026-yillarga mo'ljallangan Yangi O'zbekistonning taraqqiyot strategiyasi to'g'risida”gi PF-60-son Farmoni (2022), “Oila va xotin-qizlar bilan ishlash, mahalla va nuroniylarni qo'llab-quvvatlash

¹ <https://uzbekistan.un.org/en/sdgs/5>

² O'zbekiston Respublikasi Prezidentining 2022-yil 28-yanvardagi PF-60-son “2022–2026-yillarga mo'ljallangan Yangi O'zbekistonning taraqqiyot strategiyasi to'g'risida”gi Farmoni // Qonunchilik ma'lumotlari milliy bazasi, 29.01.2022 y., 06/22/60/0082-son, 10.02.2023 y., 06/23/21/0085-son.

tizimini takomillashtirish chora-tadbirlari to'g'risida"gi PF-81-son Farmoni (2022), "Oila va xotin-qizlarni tizimli qo'llab-quvvatlashga doir ishlarni yanada jadallashtirish chora-tadbirlari to'g'risida"gi PF-87-son Farmoni (2022), "Xotin-qizlarni qo'llab-quvvatlash, ularning jamiyat hayotidagi faol ishtirokini ta'minlash tizimini yanada takomillashtirish chora-tadbirlari to'g'risida" PQ-5020-son Qarori (2021), shuningdek, Oliy Majlis Senati qarori bilan tasdiqlangan SQ 297-IV-son "O'zbekiston Respublikasida 2030-yilga qadar gender tenglikka erishish strategiyasi", Vazirlar Mahkamasining "2030-yilgacha bo'lgan davrda barqaror rivojlanish sohasidagi milliy maqsad va vazifalarni amalga oshirishni jadallashtirish bo'yicha qo'shimcha chora-tadbirlar to'g'risida"gi 83-son Qarorida (2022) va boshqa qonunchilik hujjatlarida belgilangan vazifalarni amalga oshirishda ushbu dissertatsiya tadqiqoti muayyan darajada xizmat qiladi.

Tadqiqotning respublika fan va texnologiyalari rivojlanishining ustuvor yo'nalishlariga mosligi. Mazkur tadqiqot respublika fan va texnologiyalar rivojlanishining I. "Axborotlashgan jamiyat va demokratik davlatni ijtimoiy, huquqiy, iqtisodiy, madaniy, ma'naviy-ma'rifiy rivojlantirishda innovatsion g'oyalar tizimini shakllantirish va ularni amalga oshirish yo'llari" ustuvor yo'nalishi doirasida bajarilgan.

Muammoning o'rganilganlik darajasi. O'zbekistonda xotin-qizlar va erkaklar teng huquqliligi masalasi, ayol huquqlari va uning huquqiy mexanizmlarini takomillashtirishning muayyan jihatlari ayrim tadqiqotlar doirasida amalga oshirilgan va ularga doir umumiy tasavvur hamda fikrlar shakllangan. Mamlakatimizda xotin-qizlar va erkaklar teng huquqliligi, inson va ayollar huquqlarini himoya qilishning hamda gender masalalarining ayrim nazariy-huquqiy jihatlari bir qator olimlar: Q. Azizova, A. Akilov, K. Aliyeva, D. Alimova, D. Alimjonova, F. Ataxodjaev, F. Axmedshina, D. Bazarova, G. Ganieva, M. Inagamova, G. Matkarimova, F. Muxitdinova, N. Muravyova, T. Norboeva, X. Odilqoriev, F. Otaxanov, G. Raximova, A. Saidov, L. Saidova, S. Safaeva, D. Sufieva, Z. Tursunova, F. Xamdama, Sh. Hamraeva, S. Xodjaeva, E. Fayzullaeva, I. Shkolnikov, O. Shnirova, I. Cherkashina, N. Yusupova, G. Yuldashaeva, M. Qodirxonovlar tomonidan o'rganilgan¹.

Masalan, G. Matkarimova tomonidan ayollarning gender va reproduktiv huquqlari milliy va xalqaro huquq kontekstida tadqiq etilgan² bo'lsa, M. Inagamova ayol huquqlarini himoya qilishda ichki ishlar organlari ishtirokining huquqiy mexanizmlarini takomillashtirishning ilmiy-nazariy va huquqiy masalalarini, F. Xamdama tomonidan ayollar huquqlarini ta'minlash va himoya qilish masalalari bo'yicha xalqaro-huquqiy hamkorligi³, K. Aliyeva esa O'zbekistonda gender

¹ Mazkur olimlarning ishlari dissertatsiya tadqiqotining foydalanilgan adabiyotlar qismida keltirilgan.

² Matkarimova G.A. Гендерные и репродуктивные права женщин в международном и национальном праве // Автореф. дис... д-ра.ю.н. – Т., 2002. – 41 с.

³ Inagamova M.M. Ayol huquqlarini himoya qilishda ichki ishlar organlari ishtirokining huquqiy mexanizmlarini takomillashtirish // Yuridik fanlar bo'yicha falsafa doktori (PhD) dissertatsiyasi – T., 2019. – 179 b.; Xamdama F. O'zbekiston Respublikasining ayollar huquqlarini ta'minlash va himoya qilish masalalari bo'yicha xalqaro-huquqiy hamkorligi // Yuridik fanlar bo'yicha falsafa doktori (PhD) dissertatsiyasi Avtoref. – T., 2020. – 56 b.;

tenglikni ta'minlashning konstitutsiyaviy-huquqiy asoslari¹ni ilmiy tahlil etgan.

Xorijiy olimlardan xotin-qizlar va erkaklar tengligini ta'minlash masalalari bo'yicha ilmiy tadqiqotlar olib borgan olimlardan Sh. Bern, M. Veber, O.A. Voronina, Dj.S. Mill, E.M. Yefremova, Y.A. Zdravomislova, A.V. Kochetkov, A.A. Maksimov, S. Bovuar, G. Teylor, X. Teylor, A.A. Temkina, I.A. Shkolnikov, N.A. Shvedova, Ch. Boll, S. Farell, A. Langemann, W.N. Lekfangfu, J. Lober, G. Lordan, E. Murphy, D. Oesch²va boshqalarning ilmiy tadqiqot ishlari o'rganildi.

Lekin xotin-qizlar va erkaklar teng huquqliligini ta'minlashning nazariy-huquqiy masalalari mavzusi kompleks tarzda, alohida dissertatsiya tadqiqoti shaklida hozirga qadar ilmiy tahlil etilmagan.

Tadqiqot mavzusining dissertatsiya bajarilgan oliy ta'lim muassasasining ilmiy tadqiqot ishlari rejalari bilan bog'liqligi. Dissertatsiya mavzusi Toshkent davlat yuridik universiteti ilmiy tadqiqot ishlari rejasining "Demokratik islohotlarni chuqurlashtirish sharoitida davlat boshqaruvini yanada erkinlashtirishning asosiy yo'nalishlari" mavzusidagi fundamental loyihasi doirasida bajarilgan.

Tadqiqotning maqsadi xotin-qizlar va erkaklar teng huquqliligini ta'minlashning nazariy-metodologik jihatlari va huquqiy mexanizmini kompleks tadqiq etish hamda uni takomillashtirishga qaratilgan taklif va tavsiyalar ishlab chiqishdan iborat.

Tadqiqotning vazifalari:

O'zbekistonda xotin-qizlar va erkaklar teng huquqliligi mohiyati va bu boradagi nazariy yondashuvlarni ilmiy tadqiq etish;

xotin-qizlar va erkaklar teng huquqliligini hamda imkoniyatlar tengligini ta'minlashning huquqiy asoslarini ilmiy tahlil etish;

xotin-qizlar va erkaklar teng huquqliligini ta'minlash bo'yicha milliy tajribaning o'ziga xos xususiyatlarini tadqiq qilish;

xotin-qizlar va erkaklar teng huquqliligini ta'minlashda davlat va fuqarolik jamiyati institutlarining hamkorligi xususiyatlarini yoritish hamda istiqbollarni ko'rsatib berish;

xorijiy mamlakatlar tajribasida xotin-qizlar va erkaklar huquqlarining teng huquqliligini ta'minlashga qaratilgan huquqiy va institutsional mexanizmlarini tavsiflash;

O'zbekistonda xotin-qizlar va erkaklar teng huquqliligini ta'minlash borasidagi mavjud muammolarni o'rganish asosida ularning huquqiy yechimlarini topish yo'llarini ishlab chiqish;

xotin-qizlar va erkaklar teng huquqliligini ta'minlash borasidagi huquqiy mexanizmlarning ustuvor yo'nalishlarini tahlil etish va yanada takomillashtirishga oid takliflar ishlab chiqish.

Tadqiqotning obyektini xotin-qizlar va erkaklar teng huquqliligini ta'minlash bilan bog'liq huquqiy munosabatlar tizimi tashkil etadi.

¹ Aliyeva K.R. O'zbekiston Respublikasida gender tengligini ta'minlashning konstitutsiyaviy-huquqiy asoslari // Yuridik fanlar bo'yicha falsafa doktori (PhD) dissertatsiyasi Avtoref. – T., 2021. – 48 b.;

² Mazkur olimlarning ishlari dissertatsiya tadqiqotining foydalanilgan adabiyotlar qismida keltirilgan.

Tadqiqotning predmeti xotin-qizlar va erkaklar teng huquqliligiga oid konseptual g'oyalar, ilmiy qarashlar, nazariyalar, huquqiy amaliyot, xorijiy tajriba hamda mazkur sohani tartibga soluvchi normativ-huquqiy hujjatlar tashkil etadi.

Tadqiqot usullari. Tadqiqotni amalga oshirishda ijtimoiy fanlar, xususan, davlat va huquqiy fanlar uchun umumiy bo'lgan qiyosiy-huquqiy tahlil, kompleks yondashuv, tizimli-strukturali yondashuv, mantiqiy, kuzatish, tarixiy va tadqiqot olib borishning boshqa usullardan foydalanildi.

Tadqiqotning ilmiy yangiligi quyidagilardan iborat:

davlat tomonidan gender siyosati amalga oshirilishini ta'minlashga doir xotin-qizlar va erkaklar o'rtasida haqiqiy tenglikka erishish, jamiyat hayotining barcha sohalarida ularning ishtirokini kengaytirish, jins bo'yicha kamsitishni bartaraf etish va oldini olish kabi vaqtinchalik maxsus choralar ko'rilishi asoslab berilgan;

davlat organlarida xotin-qizlar va erkaklar uchun teng huquq hamda imkoniyatlarni ta'minlash masalalari bo'yicha vakolatli mansabdor shaxs belgilanishi va vakolatli shaxsning majburiyatlarini bajarish davlat organi rahbarining o'rinbosarlaridan biri zimmasiga yuklatilishi lozimligi asoslab berilgan;

xotin-qizlarni tazyiq va zo'ravonlikdan himoya qilish sohasidagi davlat siyosatining asosiy yo'nalishlari sifatida xotin-qizlarni tazyiq va zo'ravonlikdan himoya qilish sohasidagi gender siyosatini, davlat dasturlarini hamda strategiyalarni ishlab chiqish va amalga oshirish asoslab berilgan;

Vazirlar Mahkamasining xotin-qizlarni tazyiq va zo'ravonlikdan himoya qilish sohasidagi yagona davlat siyosatini amalga oshirishdagi vakolatlari belgilanib, bu borada davlat dasturlari va strategiyalarni tasdiqlashi xotin-qizlarni tazyiq va zo'ravonlikdan himoya qilishi asoslab berilgan.

Tadqiqotning amaliy natijalari quyidagilardan iborat:

xotin-qizlar teng huquqliligini himoya qilish inson huquqlari doirasida kichik tarmoq sifatida ko'rib chiqilganligi asoslantirilgan;

xotin-qizlar va erkaklar uchun teng huquq hamda imkoniyatlarni ta'minlashga qaratilgan davlat strategiyasi, dasturlar va rejaları bajarilishini nazorat qilishning elektron tizimini (platformasini) yaratish zarurligi asoslab berilgan;

davlat va jamiyat boshqaruvi organlarida, shu bilan bir qatorda, jamoatchilikda gender tenglikka nisbatan noto'g'ri qarash va munosabatlarni o'zgartirmasdan turib xotin-qizlar va erkaklar tengligini ta'minlash borasida kutilgan natijalarga erishib bo'lmaydi. Buning uchun ommaviy axborot vositalari orqali targ'ibot ishlarini kuchaytirish hamda jins bo'yicha bevosita va bilvosita kamsitishni, gender stereotip (salbiy amaliyot)ni targ'ib qilish va ma'qullashni aks ettiruvchi axborotni tarqatishni cheklash va media mahsulotlarini gender ekspertizadan o'tkazish zarurligi ko'rsatib berilgan;

gender tenglik g'oyalarini shakllantirish va jamoatchilik ongiga yetkazish, undan ko'zlangan maqsadga erishish faoliyatini kengaytirish, aholining xotin-qizlar va erkaklarning teng huquqliligi sohasidagi dunyoqarashini demokratik talablar asosida boyitish, ularning gender stereotiplarga bo'lgan qarashlarini o'zgartirish, ijtimoiy tenglik va gender muvozanatni ta'minlashda bag'rikenglik, adolatlilik g'oyalarini singdirish choralari ko'rib borish lozimligi asoslantirilgan;

davlat xizmatida, shu jumladan, rahbarlik lavozimlarida faoliyat yuritayotgan xotin-qizlar manfaatini ifoda etish, ularning ijtimoiy faolligini oshirish maqsadida davlat xizmatidagi xotin-qizlarni qo‘llab-quvvatlovchi “Xotin-qizlar assotsiatsiyasi” nodavlat-notijorat tashkilotini ta’ sis etish zarurligi asoslab berilgan;

gender tenglik yetarli sabablar asosida vaqtinchalik maxsus choralar joriy etgan holda ta’minlanishi kerak. Maxsus choralarni qo‘llash bo‘yicha normativ-huquqiy hujjat qabul qilinishi maqsadga muvofiq bo‘lib, unda maxsus choralar nimalardan iborat ekanligi, ular qo‘llanishi lozim bo‘lgan holatlar, maxsus choralarni qo‘llash muddatlari va boshqa masalalar aniq ko‘rsatilishi lozimligi asoslab berilgan.

Tadqiqot natijalarining ishonchliligi. Dissertatsiya ishida foydalanilgan adabiyotlar va qonun hujjatlari rasmiy manbalardan olingan hamda ularga belgilangan talablar asosida havola qilingan. Ilmiy tadqiqot ishining yakuni bo‘yicha nazariy xulosalar va amaldagi qonun hujjatlarini takomillashtirishga qaratilgan taklif va tavsiyalar, davlat-huquqiy fanlarga tegishli ilmiy-nazariy qarashlar va huquqiy kategoriyalar, shuningdek, xotin-qizlar va erkaklar teng huquqliligini ta’minlovchi qonun hujjatlari, xorijiy mamlakatlarning qonunchiligi va tajribasini qiyosiy tahlil etish asosida ilgari surilgan. Shu bilan birga, dissertatsiya ishining dastlabki natijalari amaliyotda joriy qilingani va bu vakolatli idoralar tomonidan belgilangan tartibda tasdiqlangani tadqiqot natijalarining ishonchliligini tasdiqlaydi.

Tadqiqot natijalarining ilmiy va amaliy ahamiyati. Mazkur tadqiqot natijalarining ilmiy ahamiyati xotin-qizlar va erkaklar teng huquqliligini ta’minlash tizimini takomillashtirishning nazariy-huquqiy asoslari, davlat organlari, fuqarolik institutlari va nodavlat-notijorat tashkilotlari hamkorligini amalga oshirishda, ilmiy izlanishlarni olib borishda hamda ushbu muammoning ilmiy-nazariy asoslarini yanada rivojlantirishda foydalanish mumkinligi bilan izohlanadi.

Tadqiqot natijalarining amaliy ahamiyati ulardan milliy qonunchilikni takomillashtirishda, oliy va o‘rta maxsus ta’lim muassasalari uchun maxsus adabiyotlarni va uslubiy qo‘llanmalar tayyorlashda hamda Inson huquqlari, Davlat va huquq nazariyasi, Konstitutsiyaviy huquq, Oila huquqi, Fuqarolik huquqi, Mehnat huquqi, Davlat va huquq tarixi, Ma’muriy huquq, Gender nazariyasi, Gender huquqi kabi fanlarni o‘qitishda foydalanish mumkinligi bilan izohlanadi.

Tadqiqot natijalarining joriy qilinishi. Tadqiqot natijalaridan quyidagilarda foydalanilgan:

xotin-qizlar va erkaklar o‘rtasida haqiqiy tenglikka erishish, jamiyat hayotining barcha sohalarida ularning ishtirokini kengaytirish, jins bo‘yicha bevosita va bilvosita kamsitishni bartaraf etish hamda ularning oldini olish maqsadida davlat tomonidan gender siyosati amalga oshirilishini ta’minlashga doir vaqtinchalik maxsus choralar ko‘rilishiga oid taklif O‘zbekiston Respublikasining 2019-yil 2-sentabrdagi “Xotin-qizlar va erkaklar uchun teng huquq hamda imkoniyatlar kafolatlari to‘g‘risida”gi O‘RQ-562-son Qonuni 6-moddasi uchinchi qismini ishlab chiqishda e’tiborga olingan (O‘zbekiston Respublikasi Oliy Majlisi Qonunchilik palatasi Demokratik institutlar, nodavlat tashkilotlar va fuqarolarning o‘zini o‘zi boshqarish organlari qo‘mitasining 2021-yil 22-maydagi 05/1-01-102-son dalolatnomasi). Mazkur taklif xotin-qizlar va erkaklar uchun teng huquq hamda imkoniyatlar kafolatlanishiga xizmat qilgan;

davlat organlarida xotin-qizlar va erkaklar uchun teng huquq hamda imkoniyatlarni ta'minlash masalalari bo'yicha vakolatli mansabdor shaxs belgilanishi va vakolatli shaxs majburiyatlarini bajarish davlat organi rahbarining o'rinbosarlaridan biri zimmasiga yuklatilishiga oid taklif O'zbekiston Respublikasining 2019-yil 2-sentabrdagi "Xotin-qizlar va erkaklar uchun teng huquq hamda imkoniyatlar kafolatlari to'g'risida"gi O'RQ-562-son Qonuni 13-moddasi ikkinchi qismini ishlab chiqishda e'tiborga olingan (O'zbekiston Respublikasi Oliy Majlisi Qonunchilik palatasi Demokratik institutlar, nodavlat tashkilotlar va fuqarolarning o'zini o'zi boshqarish organlari qo'mitasining 2021-yil 22-maydagi 05/1-01-102-son dalolatnomasi). Mazkur taklif davlat organlarida xotin-qizlar va erkaklar teng huquqliligini ta'minlash majburiyatini bevosita davlat organi rahbari o'rinbosariga yuklashga xizmat qilgan;

xotin-qizlarni tazyiq va zo'ravonlikdan himoya qilish sohasidagi davlat siyosatining asosiy yo'nalishlari sifatida xotin-qizlarni tazyiq va zo'ravonlikdan himoya qilish sohasidagi gender siyosatini, davlat dasturlarini hamda strategiyalarni ishlab chiqish va amalga oshirishga oid taklif O'zbekiston Respublikasining 2019-yil 2-sentabrdagi "Xotin-qizlarni tazyiq va zo'ravonlikdan himoya qilish to'g'risida"gi O'RQ-561-son Qonuni 5-moddasi ikkinchi xatboshisiga joriy qilingan (O'zbekiston Respublikasi Oliy Majlisi Qonunchilik palatasi Demokratik institutlar, nodavlat tashkilotlar va fuqarolarning o'zini o'zi boshqarish organlari qo'mitasining 2021-yil 22-maydagi 05/1-01-101-son dalolatnomasi). Ushbu taklif xotin-qizlarni tazyiq va zo'ravonlikdan himoya qilish sohasidagi davlat siyosatining asosiy yo'nalishlarini belgilashda davlat dasturlari hamda strategiyalari rolini yuksaltirish hamda ularni ishlab chiqish va amalga oshirish vazifasini aniqlashtirishga xizmat qilgan;

Vazirlar Mahkamasining xotin-qizlarni tazyiq va zo'ravonlikdan himoya qilish sohasidagi davlat siyosatining amalga oshirilishini ta'minlashga oid takliflari O'zbekiston Respublikasining 2019-yil 2-sentabrdagi "Xotin-qizlarni tazyiq va zo'ravonlikdan himoya qilish to'g'risida"gi O'RQ-561-son Qonuni 6-moddasi ikkinchi xatboshisini ishlab chiqishda e'tiborga olingan (O'zbekiston Respublikasi Oliy Majlisi Qonunchilik palatasi Demokratik institutlar, nodavlat tashkilotlar va fuqarolarning o'zini o'zi boshqarish organlari qo'mitasining 2021-yil 22-maydagi 05/1-01-101-son dalolatnomasi). Mazkur takliflar Vazirlar Mahkamasining xotin-qizlarni tazyiq va zo'ravonlikdan himoya qilish sohasidagi yagona davlat siyosatini amalga oshirishdagi vakolatlarini aniqlashtirishga xizmat qilgan.

Tadqiqot natijalarining aprobatsiyasi. Mazkur tadqiqot ishining natijalari 2 ta xalqaro, 2 ta respublika miqyosida o'tkazilgan ilmiy-amaliy konferensiya hamda davra suhbatlarida muhokamadan o'tkazilgan.

Tadqiqot natijalarining e'lon qilinishi. Tadqiqot mavzusi bo'yicha jami 11 ta ilmiy ish chop etilgan. Shulardan, O'zbekiston Respublikasi Oliy attestatsiya komissiyasining doktorlik dissertatsiyalari asosiy ilmiy natijalarini chop etish tavsiya etilgan ilmiy nashrlarida hamda ularga tenglashtirilgan nashrlarda 7 ta (6 ta respublika va 1 ta xorijiy jurnallarda) maqola va tezislar chop etilgan.

Dissertatsiyaning tuzilishi va hajmi. Dissertatsiya tarkibi kirish, uchta bob, xulosa, foydalanilgan adabiyotlar ro'yxati, ilovalardan iborat. Ishning hajmi 156 betni tashkil etadi.

DISSERTATSIYANING ASOSIY MAZMUNI

Dissertatsiyaning **kirish qismida** tadqiqot mavzusining dolzarbligi va zarurati, uning respublika fan va texnologiyalari rivojlanishining asosiy ustuvor yo'nalishlariga bog'liqligi, mavzu bo'yicha xorijiy ilmiy tadqiqotlar sharhi, muammoning o'rganilganlik darajasi, mavzuning dissertatsiya bajarilayotgan oliy ta'lim muassasasining ilmiy tadqiqot ishlari bilan aloqasi, uning maqsad va vazifalari, obykti va predmeti, usullari, ilmiy yangiligi va amaliy natijasi, tadqiqot natijalarining ishonchliligi, ilmiy va amaliy ahamiyati, joriy qilinishi, aprotatsiyasi, natijalarning e'lon qilinganligi, dissertatsiyaning tuzilishi va hajmi haqida ma'lumotlar keltirilgan.

Dissertatsiyaning birinchi bobi "**Xotin-qizlar va erkaklar teng huquqliligini ta'minlashning nazariy-huquqiy tavsifi**" deb nomlanib, ushbu bobda xotin-qizlar va erkaklar teng huquqliligi mohiyati va bu boradagi nazariy-huquqiy yondashuvlar hamda xotin-qizlar va erkaklar teng huquqliligini ta'minlashning huquqiy asoslari tadqiq etilgan.

Dissertant ushbu bob doirasida jamiyatda xotin-qizlar mavqeyini yaxshilash xalqaro majburiyatlardan biri hisoblanishi, davlat gender tenglikni kafolatli ta'minlashning huquqiy choralari ko'rishi lozimligi, xotin-qizlar va erkaklar teng huquqliligini ta'minlash borasida qilingan harakatlar ma'lum ma'noda o'zining samarasini berishini tahlil etgan.

Tadqiqotchi gender tenglik masalalari bilan shug'ullanayotgan olimlar (Q. Azizova, A. Akilov, K. Aliyeva, D. Alimova, D. Alimjonova, F. Ataxodjaev, F. Axmedshina, N. Yusupova, G. Yuldasheva, M. Qodirxonova, N.A. Shvedova, Ch. Boll, S. Farell, A. Langemann, W.N. Lekfangfu, J. Lober, G. Lordan, E. Murphy, D. Oesch) ishlari tahlili natijasida gender tengligi amalga oshirilayotgan mamlakatlarni to'rt guruhga ajratib o'rganishni taklif qilgan.

Doktrinal qarashlar tahlili natijasida muallif xotin-qizlar va erkaklar o'rtasidagi jamiyatda qabul qilingan ijtimoiy adolat me'yorlari, mehnat taqsimoti, jins tengligini kamsitmaydigan urf-odatlar, an'analar va qadriyatlar, faoliyat turlari, qarashlar jins va gender farqlanishida inobatga olinishi kerakligini qayd etadi.

Dissertant tomonidan xalqaro huquqiy fundamental hujjatlar tizimli tahlil qilingan holda gender muammosi erkak va ayollarning hayot va faoliyatining barcha sohalarda tengligidir, degan g'oya ilgari surilgan holda u o'z ichiga **to'rtta asosiy yo'nalish**: huquqlar tengligi, mas'uliyat tengligi, imkoniyatlar tengligi, erkaklar va ayollarning teng hamkorlik munosabatlarini qamrab olishi asoslab berilgan.

Tadqiqotchining gender tengligining huquqiy asoslari tahliliga ko'ra, O'zbekistonda gender tengligini ta'minlashning huquqiy asoslari to'rt bosqichga ajratib o'rganilishi zarurligi ko'rsatib berilgan, birinchi bosqich – 1991–2005-yillar, ikkinchi bosqich – 2006–2016-yillar, uchinchi bosqich – 2017–2021-yillar va to'rtinchi bosqich – 2022-yildan boshlandi. Bunda to'rtinchi bosqichni alohida bosqich sifatida ajratish sabablari sifatida: davlatning gender siyosati va tegishli

huquqiy asoslari mazmunan keskin o'zgarishi va yangi sifat belgilariga ega bo'lishi, uning tashkiliy-huquqiy mexanizmida bir qator yangi huquqiy prinsip, tartib-taomil, talab va vazifalar o'z o'rnini topganligi, shu sohaning institutsional va funksional tub o'zgarishlari inobatga olingan.

Dissertant gender masalalari bo'yicha xalqaro tajribada sinalgan uchta asosiy modelni ajratib ko'rsatib ko'rsatgan. Ular: sotsial-demokratik (kontinental); liberal (anglo-sakson); tor milliy modellar. Tadqiqotchining fikricha, O'zbekiston Respublikasi gender masalalari va milliy huquq tizimi qonunchilik taraqqiyoti nuqtayi nazaridan sotsial-demokratik (kontinental) modeliga hamohang ravishda rivojlanmoqda.

Gender tengligining milliy-huquqiy kafolatlar tizimi ayollar va erkaklar tengligini real hayotda ta'minlashga qaratilgan. Dissertant ko'rilgan choralarga qaramay, gender tengligi mamlakatimizda hali kerakli darajada ta'minlanmagan, ishlab chiqilgan 54 turdagi gender tengligini monitoring qilish ko'rsatkichlari tizimi to'liq joriy qilinmaganligini tahlillar asosida ko'rsatib o'tadi.

Tadqiqotchining fikricha, xotin-qizlar va erkaklar teng huquqliligini ifodalashda formal (rasmiy) tenglik va faktik (haqiqiy) tenglik tushunchalaridan foydalanish masalaning mohiyatini ifodalashda muhim ahamiyatga ega hisoblanadi.

Dissertantning fikricha, xotin-qizlar va erkaklar uchun teng huquq hamda imkoniyatlar borasida ijtimoiy ongini shakllantirish maqsadida oliy ta'lim muassasalari gumanitar yo'nalishlari talabalariga gender huquqi va boshqa gender yo'naltirilgan fanlar o'tilishini joriy etish lozim. Ushbu tizim orqali gender muammolarini ayol va erkak talabalar o'rtasida keng o'rganishga, zamonaviy tadqiqotlar olib borilishiga, maxsus amaliy tavsiyalar ishlab chiqilishiga hamda jinslar o'rtasidagi nomutanosiblikni, shu jumladan, davlat xizmatida bartaraf etishga erishish mumkin.

Tadqiqotchining qayd etishicha, gender munosabatlardagi muammolarni hal etish davlat va jamiyatning demokratik talablar asosida rivojlanishiga xizmat qiladi. Shu bois jamiyatda gender munosabatlarni shakllantirish jarayonlarida mamlakatning ijtimoiy, tarixiy tajribasiga tayanish hamda davlat boshqaruvining demokratik talablariga asoslanish lozim.

Dissertatsiya doirasida xotin-qizlarning davlat boshqaruvi va siyosiy jarayonlarda keng ishtirok etishini ta'minlash, jamiyat va davlat boshqaruvining barcha sohalarida ularga teng imkoniyatlar yaratilishini huquqiy jihatdan mustahkamlash lozimligi, xotin-qizlarning manfaatlarini himoya qilish, ularning jamiyat hayotidagi o'rnini va nufuzini oshirishga qaratilgan tadbirlar tashkil etish, ularning mamlakat ijtimoiy va iqtisodiy hayotidagi faol ishtirokini ta'minlash uchun zarur teng shart-sharoitlar yaratishga e'tibor qaratish muhim yo'nalish sifatida ko'rsatib berilgan.

Dissertantning fikricha, xotin-qizlar va erkaklar uchun teng huquq hamda imkoniyatlarni ta'minlashga qaratilgan davlat strategiyasi, dasturlar va rejaları bajarilishini nazorat qilishning umumiy elektron tizimini (platformasini) yaratish maqsadga muvofiqdir. Ushbu elektron platformani yuritish vazifasini Oila va xotin-qizlar davlat qo'mitasiga yuklatish, u tomonidan har yarim yilda gender masalalariga oid davlat strategiyasi, dastur va rejaları bajarilishi bo'yicha ma'lumotnomani

hukumat va parlamentga taqdim etishi majburiyatini belgilash maqsadga muvofiq sanaladi.

Tadqiqotda milliy qonunchilikda erkaklar va ayollarning teng huquqliligi borasidagi normalar yetarli bo'lsa-da, uning amaliy natijasi sezilarli darajada emasligi asoslab berilgan. Xotin-qizlarning o'z huquq va yuridik imkoniyatlaridan samarali foydalanishi ularning huquqiy madaniyati, ongi va bilimlar darajasi hamda huquqiy xatti-harakatiga ham bog'liq. Xotin-qizlarning moddiy, ma'naviy qaramligi daromaddagi tengsizlik turli muammolarga sabab bo'ladi. Gender tengligini huquqiy ta'minlashning aniq yuridik mexanizmlarini ishlab chiqish va ijrosini ta'minlash maqsadida O'zbekiston Respublikasi Konstitutsiyasining 46-moddasiga qo'shimcha kiritish zarurligi asoslab berilgan.

Dissertatsiyada xotin-qizlarning mehnat faoliyatidagi maqomi va huquqlari erkaklar huquqlari bilan taqqoslagandagi bir qator muammolari mavjudligi ko'rsatib berilgan. Unda ko'rsatilishicha, xotin-qizlar jinsiga bog'liq holda kasb tanlashida yetarli huquqiy mexanizm va kafolatlar mavjud emas. Bu ayrim hollarda xotin-qizlarning kamsitilishiga sabab bo'ladi. Ular imkoniyati va iqtidoriga mos bo'lgan kasbni tanlash uchun qo'shimcha imtiyoz beruvchi huquqiy vositalarni joriy etish maqsadga muvofiqdir. Shu bois tadqiqotchi xotin-qizlar jamiyatda o'zlarini to'la namoyon qila olishi, liderlikka, rahbarlik lavozimlariga, mas'uliyatli qarorlar qabul qilish ko'nikmalarini shakllantirish maqsadida alohida davlat dasturini ishlab chiqishni taklif qiladi.

Dissertatsiyaning ikkinchi bobi **“Xotin-qizlar va erkaklar teng huquqliligini ta'minlashning huquqiy mexanizmi”**ga bag'ishlangan bo'lib, uch paragrafni o'z ichiga olgan. Mazkur bobda xotin-qizlar va erkaklar teng huquqliligini ta'minlovchi institutsional tizim, xotin-qizlar va erkaklar teng huquqliligini ta'minlashda davlat va fuqarolik jamiyati institutlari hamkorligi hamda xotin-qizlar va erkaklar tengligini ta'minlash borasidagi xalqaro va milliy-huquqiy kafolatlar tizimi kabi masalalar tadqiq etilgan.

Dissertant tomonidan O'zbekiston Respublikasida xotin-qizlar va erkaklar tengligini ta'minlashning O'zbekiston Respublikasi Konstitutsiyasi hamda xalqaro huquq normalariga asoslangan huquqiy tizimi yaratilgani ko'rsatib berilib, gender tengligi qonuniylik, demokratizm, jins bo'yicha kamsitishga yo'l qo'yilmaslik, ochiqlik va shaffoflik prinsiplariga asoslanganligi, xotin-qizlarning asosiy huquq va erkinliklari alohida qonunlar bilan kafolatlangani tahlil etilgan.

Tadqiqotchi xotin-qizlar va erkaklar tengligini ta'minlash borasida qabul qilinayotgan normativ-huquqiy hujjatlarda quyidagilarga e'tibor qaratish lozim, deb hisoblaydi:

- xotin-qizlar manfaatlarini himoya qilishga qaratilgan jamg'armalar sonini ko'paytirish, og'ir moliyaviy ahvolga tushgan xotin-qizlarni qo'llab-quvvatlash, ularning barqaror va qo'shimcha daromad manbaiga ega bo'lishlariga ko'maklashish tizimini yaratishga;

- xotin-qizlarning gender tengligi buzilishiga oid murojaatlarini ko'rib chiqish shaffofligini ta'minlash, xotin-qizlar va erkaklarning ish haqi o'rtasidagi farqni iqtisodiy tahlil qilish orqali aniqlash va ularni tenglashtirish choralarini ko'rishga;

- davlat organlari va jamoatchilik tashkilotlarida faoliyat yuritayotgan iqtidorli va lider xotin-qizlarni aniqlash va ularni rahbarlik lavozimlariga tayyorlash va tayinlashning huquqiy mexanizmlarini yaratishga;

- xotin-qizlarning erkin kasb tanlashi, ijtimoiy-siyosiy sohalardagi faoliyatiga to‘siq bo‘layotgan tizimli muammolarni aniqlash va ularni bartaraf etish choralarni ko‘rishga.

Dissertant hozirda xotin-qizlar va erkaklarning teng huquqliligini ta‘minlash uchun xotin-qizlarning ijtimoiy va huquqiy maqomini oshirish yo‘lidagi to‘siqlarni bartaraf etish, gender tengsizlik natijasida yuzaga keladigan kamsitish va zo‘ravonlikning oldini olishda jamoatchilik ekspertizasi va eshituvlarini tashkil etish amaliyotini kengaytirish lozimligini ko‘rsatib o‘tgan.

Tadqiqotchining fikriga ko‘ra, nafaqat ta‘lim muassasalari, balki NNTlar ham xotin-qizlarni yetakchilikka, jamoatchilik bilan muloqot qilish ko‘nikmalarini shakllantirishga, qarorlar qabul qilish borasidagi salohiyatini o‘stirishga xizmat qiladi. Jamiyatda ayollarga nisbatan salbiy munosabatni o‘zgartirish, xotin-qizlarning mamlakat huquqiy va siyosiy jarayonlarida samarali ishtirok etishini ta‘minlash, ularning ijtimoiy maqomini oshirish, huquqlarini hurmat qilish, stereotiplarga nisbatan murosasiz bo‘lish gender tengsizlik natijasida kelib chiqadigan kamsitish va zo‘ravonlikning oldini olishga xizmat qiladi.

Dissertantning fikricha, xotin-qizlarning siyosiy faolligini oshirish va xotin-qizlar va erkaklarning tengligini ta‘minlash maqsadida barcha davlat hokimiyati va o‘zini o‘zi boshqarish organlarida ayollar uchun kvotalar joriy etilishi maqsadga muvofiq.

Tadqiqotchi tomonidan gender tenglik g‘oyalarini shakllantirish va jamoatchilik ongiga yetkazish, undan ko‘zlangan maqsadga erishish faoliyatini kengaytirish, aholining xotin-qizlar va erkaklarning teng huquqliligi sohasidagi dunyoqarashini demokratik talablar asosida boyitish, ularning gender stereotiplarga bo‘lgan qarashlarini o‘zgartirish, ijtimoiy tenglik va gender muvozanatni ta‘minlash, bag‘rikenglik, adolatlilik g‘oyalarini singdirishda NNTlarning o‘ziga xos o‘rni asoslab berilgan.

Dissertatsiyani ushbu bobi doirasida davlat hamda jamiyat boshqaruvi organlarida faoliyat yuritayotgan, shahar markazlarida yashab, ishlayotgan xotin-qizlar chekka tumanlarda yashayotgan xotin-qizlar bilan taqqoslanganda katta tafovut mavjudligi tahlil qilinib, oliy ma‘lumot olish bilan bog‘liq statistik ko‘rsatkichlar ham xuddi shunday ekanligi ko‘rsatib berilgan.

Tadqiqotchining fikricha, xotin-qizlar huquq va manfaatlarini himoya qilish bilan shug‘ullanuvchi NNTlar o‘z faoliyatlarida mavjud muammolarni bartaraf qilishga ko‘makchi bo‘lishi zarur. Bu, o‘z navbatida, demokratik islohotlar izchilligi va fuqarolik jamiyati g‘oyalarining amaliy natijalariga xizmat qilib, natijada qishloq xotin-qizlari orasidan ham yetuk olim va rahbarlar yetishib chiqishiga amaliy zamin yaratiladi. Qishloq hayotini yaxshi bilgan rahbar ayollar hududlarda yuzaga kelayotgan muammolarning asl mohiyatini tushunadi va uning yechimi bo‘yicha ham asosli takliflar bera oladi.

Shuningdek, qishloqlarda xotin-qizlarning ishsizlik darajasi ham yuqori hisoblanadi. Bu esa, o‘z navbatida, turli ijtimoiy muammolarni keltirib chiqaradi. NNTlar joylarda qishloq xotin-qizlarining kasbiy mahoratini oshirish va ularning

iste'dodlarni ro'yobga chiqarish borasida ijtimoiy loyihalarni muntazam amalga oshirishlari lozim. Qishloq xotin-qizlarining huquqiy, iqtisodiy, siyosiy bilimining kamligi ular adolatsiz qaramlikda qolib ketishiga ham sabab bo'ladi. Qishloq xotin-qizlari asosan qishloq xo'jaligida ko'pincha kam haq to'lanadigan og'ir mehnat bilan bandligi ham hech kimga sir emas. Shu bilan birga, oila xo'jaligida ham jismoniy mehnat kuchi va ko'p vaqtni sarf etishlari ayni haqiqatdir.

Tadqiqot ishida milliy olimlar tadqiqotlari (F. Axmedshina, E. Fayzullaeva, G. Mamatkarimova, K. Aliyeva va boshq.) va huquqni qo'llash amaliyoti tahlili asosida gender tengligini ta'minlashdagi asosiy muammolar ko'rsatib berilgan bo'lib, unga ko'ra, qarorlar qabul qilishda xotin-qizlarning vakilligi yetarli darajada ta'minlanmaganligi, gender ta'lim tizimining zaifligi, mehnat bozorida ayollarning raqobatbardoshligi pastligi tufayli qashshoqlikning feminizatsiyasi, ishsizlikning o'sishi, gender stereotiplari kabilar alohida ajratib berilgan.

Dissertantning fikricha, gender tengligini faqat ijtimoiy huquqiy davlat sharoitidagina ta'minlash mumkin bo'lib, bunda davlat va jamoatchilik kuchlarini birlashtirish orqali ta'minlangan gender siyosati xotin-qizlar va erkaklarning jamiyatdagi mavqeyini tenglashtirishga, oila institutini mustahkamlashga qodir.

Tadqiqot doirasida o'tkazilgan ilmiy izlanishlar natijasida jahon davlatlarida "gender tenglik" tushunchasi bir-biridan farq qilishi asoslab berilgan. Ishda gender tenglik borasida xalqaro tan olingan tashkilotlarning dastur va rejalarida belgilangan qarashlarga qo'shilish mumkinligi ko'rsatib o'tilgan.

Dissertantning fikricha, gender tengligiga erishish darajasini xolis o'rganish va baholashni ta'minlash, ayollarning davlat boshqaruvi jarayonida ishtirokini kengaytirishga imkon beradigan, gender jihatdan tengligini ta'minlaydigan aniq va konkret ko'rsatkichlar va indikatorlardan foydalanish lozim.

Dissertatsiyada O'zbekistonda xotin-qizlarning huquq va manfaatlarini har tomonlama ta'minlashga qaratilgan 25 dan ortiq normativ-huquqiy hujjatlar qabul qilinganligi ko'rsatilib, ushbu hujjatlarda gender tengligini ta'minlashga qaratilgan asosiy chora-tadbirlar va ularning xalqaro tendensiyalarga mosligi masalalari ham tahlil qilingan.

Tadqiqotchining fikricha, bugungi kunda gender tenglik masalasida ilmiy tadqiqotlarda gender mafkurasi o'z aksini topganligi, buning qanday amalga oshirilishini tushunish uchun birinchi navbatda gender mafkurasining asosiy tarkibiy qismlarini aniqlash zarurligi asoslab berilgan.

Dissertant gender tenglik borasidagi jahon tajribasini o'rganish va tahlil qilish jarayonida bu sohada ham yovuz maqsadlar va qarama-qarshi fikrlar mavjudligiga guvoh bo'lish mumkin, degan xulosaga kelgan. Uning fikricha, gender tengligi sohasida ilmiy tadqiqotlar olib borayotgan izlanuvchilardan ma'lumotlarni o'rganish va tahlil qilish jarayonida hushyorlik va sezgirlik talab etiladi. Milliy ma'naviyatimiz, o'ziga xos bo'lgan qadriyatlarimiz, sof insoniy munosabatlarimiz har narsadan ustun turishini unutmasligimiz kerak. Bizda ajdodlarimizdan meros bo'lib kelayotgan oilada, jamiyatda, yaxshi qo'shnichilik munosabatlarida xotin-qizlar va erkaklar o'rtasida tenglik va adolatga asoslangan qadriyatlar borki, ularsiz o'zbek millatini tasavvur etib bo'lmaydi.

Dissertatsiyaning uchinchi bobi **“O‘zbekistonda xotin-qizlar va erkaklar teng huquqliligini ta‘minlashga oid xorijiy tajriba va milliy qonunchilikni takomillashtirish yo‘nalishlari”** deb nomlanib, ushbu bobda xotin-qizlar va erkaklar teng huquqliligini ta‘minlash borasida xorijiy tajriba, bu boradagi muammolar va ularning yechimlari hamda uning huquqiy mexanizmini takomillashtirishning ustuvor yo‘nalishlari tadqiq etilgan.

Dissertatsiyada xalqaro tajribani qiyosiy-huquqiy tahlil qilish natijasida Yevropa davlatlarida ham xotin-qizlar va erkaklar teng huquqliligini ta‘minlash borasidagi ishlar xalqaro huquq normalari talablari darajasida emasligi, ammo keyingi yillarda gender tenglikni ta‘minlash borasida muayyan ishlar amalga oshirilganligi ko‘rsatib berilgan.

Ayol va erkak jins egalarining tengligi bo‘yicha hali mavjud muammolar bo‘lishiga qaramay, Yevropa Ittifoqi so‘nggi o‘n yilda sezilarli yutuqlarga erishdi va bu yutuqni takomillashtirib bormoqda, jumladan, teng huquqlilik bo‘yicha normativ-hujjatlarni shakllantirish, gender tenglikni joriy qilish, gender tenglik yondashuvini barcha sohalarga joriy etish, xotin-qizlarning faolligini oshirish bo‘yicha aniq choralarni shakllantirishga e‘tibor qaratilgan.

Dissertant Yevropa davlatlarida gender tengligini ta‘minlash va unga rioya etilishi ustidan nazoratni tashkil etishning turli modellari qo‘llanishi, shu bilan birga, bu tamoyil ko‘pincha konstitutsiyaviy darajada mustahkamlangan va bu sohada vakolatli maxsus davlat organlari mavjudligini ko‘rsatib bergan.

Tadqiqotchining fikricha, gender tengligini ta‘minlash, xotin-qizlarning davlat boshqaruvidagi ishtirokini kengaytirish bo‘yicha Niderlandiya, Irlandiya, Germaniya tajribasi O‘zbekiston uchun samarali model hisoblanadi. Ushbu davlatlarda davlat xizmatchilarining jinsi bo‘yicha tanlash davlat kadrlar siyosatining ustuvor yo‘nalishlariga aylangani bilan izohlanadi. Natijada hokimiyat vakillik organlarida, vazirlik va boshqa davlat organlarida rahbarlik lavozimlarida xotin-qizlarning keng vakilligi ta‘minlangan.

Xorijiy tajriba tahliliga ko‘ra, dissertant mehnat faoliyatidagi gender tafovutlari imkon qadar qisqartirilishi kerakligi, ayollarning ish bilan ta‘minlanishiga yordam beradigan strategiyalar ikki baravar ko‘p natijani keltirib chiqaradi, degan xulosani ilgari suradi. Mehnat va oilaviy majburiyatlarni bajarishdagi har qanday yaxshilanish ayollarga o‘z iste‘dodlarini yanada yaxshiroq ishlatishga yordam beradi, deb hisoblaydi.

Dissertantning fikricha, xalqaro huquqda mustahkamlangan gender tengligi tamoyiliga rioya qilish talabi har qanday mamlakatda gender tafovutini sezilarli darajada qisqartirish uchun zarur, ammo yetarli bo‘lmagan shartdir. O‘zbekistonda xotin-qizlar va erkaklarning huquq va imkoniyatlaridagi tafovutni samarali ravishda qisqartirish uchun xalqaro huquq normalarini kiritish orqali milliy qonunchilikni tegishli tashkiliy-huquqiy mexanizmlar bilan to‘ldirish zarur.

Tadqiqotchining fikricha, respublikamizda gender tenglikni ta‘minlash maqsadida tashkil etilgan mas‘ul va hamkor tashkilotlar o‘zaro hamjihat harakat qilishlari zarur, gender tenglikni ta‘minlashga mas‘ul organ va tashkilotlarning yagona maqsadi, umumiy rejasi bo‘lishi kerak. Har bir organ, tashkilot, muassasaning bu boradagi alohida-alohida rejaları gender tenglikni ta‘minlash borasida olib borilayotgan islohotlar izchilligi, uyg‘unligi va samaradorligini yetarli darajada ta‘minlash imkonini

bermaydi. Gender tenglikni ta'minlash borasidagi maqsad va rejalarning aniq va mushtarakligi ish samaradorligini ta'minlashga xizmat qiladi.

Ilmiy tadqiqotlar natijalariga asoslanib dissertantning qayd etishicha, hozir jahonda xotin-qizlar va erkaklar o'rtasida gender tengsizlik borasidagi asosiy muammolar ish haqi o'rtasidagi farq, erkaklarga qaraganda xotin-qizlarning yuqori lavozimlarga kam o'sishi, oiladagi zo'ravonliklar va jinsiy tegajog'lik (harassment) kabilar kiradi. O'tkazilgan so'rov natijasida tadqiqot ishtirokchilari "Kam maosh to'lanadigan kasblarda ayollarning erkaklarga nisbatan ko'proq ishlashining asosiy sababi nima?" degan savolga "Erkak oilaga pulning asosan ko'p qismini olib kelishi lozim, shuning uchun unga yuqoriroq maoshli ish kerak", degan javobni 26,8 foiz respondent tanlagan. Shundan 26,3 foizi esa Ayollar fiziologik va psixologik xususiyatlari (tug'ish, jismonan erkakdan zaifroq bo'lishi va boshq.)ga ko'ra kam maosh to'lanadigan kasblarda ishlasa bo'laverishini bildirgan. Vaholanki, 21,1 foizi "Ayolning ilm va kasb malakasini oshirishiga yetarli e'tibor qaratilmagan", 11,3 foizi "Ayolning oilaga biroz sarmoya kiritishining o'zi yetarli", deb biladi, ulardan 8 foizi "Ayollar umuman ishlamagani ma'qul", deb hisoblaydi.

Tadqiqotchining fikricha, xotin-qizlar va erkaklar tengligini ta'minlashga qaratilgan normativ-huquqiy hujjatlarining ijro sifati tenglikni ta'minlashning asosiy sharti va talabi hisoblanadi. Shu sababli ijro nazoratini ta'minlashda jamoatchilik nazorati mexanizmini ham joriy etishni taklif qilgan. Dissertatsiyada hokimiyatning barcha darajalarida xotin-qizlar va erkaklar tengligini ta'minlash, normativ-huquqiy hujjatlar loyihalarida jins borasida kamsitishning oldini olish bo'yicha ekspertiza xulosasini asosiy talablardan biri sifatida belgilab qo'yish gender tenglikni ta'minlash jarayonlari samaradorligini oshirishga xizmat qilishi asoslab berilgan.

Xotin-qizlarning huquqiy maqomini oshirish, oila va jamiyatda ularning o'rni va rolini mustahkamlash, qishloq xotin-qizlarining ishsizlik darajasini kamaytirish choralarini muntazam ko'rib borish, har bir hudud kesimiga joylardagi mavjud imkoniyatlardan kelib chiqib, ularga ish o'rinlari yaratib berish tizimini joriy qilish, xotin-qizlar o'rtasida ishsizlik darajasini kamaytirish bilan birga oilalar daromadini yaxshilashga xizmat qiladi. Tadqiqotchining nazarida, bu adolatli va to'g'ri yechim hisoblanadi.

Dissertantning fikricha, huquqiy targ'ibot ham gender tenglikni ta'minlash mexanizmlaridan biridir. Joylarda gender tenglik, sohaga oid qonunchilik, xotin-qizlar va erkaklarning an'anaviy rollari haqidagi stereotipik tushunchalarni o'zgartirish borasida treninglar, seminarlar davra suhbatlari tashkil etib, ommaviy axborot vositalarida keng yoritib borish muhim hisoblanadi.

XULOSA

O'zbekistonda xotin-qizlar va erkaklar teng huquqliligini ta'minlashning nazariy-huquqiy masalalari mavzusidagi tadqiqot ishi natijasida quyidagi ilmiy-amaliy taklif va tavsiyalar ishlab chiqildi:

I. Nazariy-huquqiy xulosalar:

1. Xotin-qizlar va erkaklar teng huquqliligi (gender tengligi) – ayollar huquqlarining erkaklar huquqlari bilan real teng himoya qilingani, ularning milliy,

hududiy va xalqaro miqyosda siyosiy-huquqiy hamda ijtimoiy-iqtisodiy hayotda to'liq, teng ishtiroki ta'minlangani, xavfsiz va zo'rvonliksiz yashash huquqi yaratilgani, ular huquqlarining jamiyat va davlat tomonidan qo'llab-quvvatlanishi hamda kafolatlanganidir.

2. Ayollar va erkaklar o'rtasidagi tenglikni ta'minlashning institutsional mexanizmini tahlil qilish asosida gender tenglikni amalga oshiruvchi organlar ko'rsatib berildi: umumiy vakolatli organlar (Prezident, parlament, hukumat, Ombudsman, Inson huquqlari bo'yicha O'zbekiston Respublikasi Milliy markazi), maxsus vakolatli organlar (sud, prokuratura, ichki ishlar organlari, O'zbekiston Respublikasi Kambag'allikni qisqartirish va bandlik vazirligi huzuridagi Oila va xotin-qizlar qo'mitasi hamda ularning hududiy bo'linmalari va boshqalar).

3. Davlat organlarida faoliyat olib borayotgan xotin-qizlarga bo'lgan munosabat (stereotip)ni, jamiyat ongini o'zgartirish, xotin-qizlarning ijtimoiy va siyosiy hayotdagi o'rnini oshirish bo'yicha keng jamoatchilik ishtirokini ta'minlash muhim hisoblanadi. Shu jihatdan olganda, xotin-qizlarning ijtimoiy va siyosiy hayotdagi o'rnini oshirish borasida quyidagi takliflarni ilgari surish mumkin:

- oilaviy munosabatlarda xotin-qizlar va erkaklarning o'rnini haqida jamiyatda shakllangan salbiy qarashlarni o'zgartirish, bu borada zamonaviy ommaviy axborot vositalari ishtirokida targ'ibot-tashviqot ishlarini qo'llab-quvvatlash lozim;

- davlat xizmatining turli xil yo'nalishlarida faoliyat olib borayotgan xotin-qizlar mavqeyini oshirish bo'yicha televidion dasturlar, davra suhbatlari, ijtimoiy roliklarni ishlab chiqish va ularni OAV va ijtimoiy tarmoqlar orqali targ'ib qilish, milliy seriallarda davlat xizmatida faoliyat yuritayotgan xotin-qizlarning ijobiy imijini ko'rsatish kerak;

- gender tenglikni ta'minlash masalalarida aholining xabardorlik darajasini oshirish, davlat boshqaruvining turli bo'g'inlarida mehnat qilib muvaffaqiyatlarga erishayotgan xotin-qizlar faoliyatini kelgusi avlod vakillariga namuna sifatida gavdalantirish bo'yicha OAV, ijtimoiy tarmoqlarda tizimli maxsus dasturlar, qisqa, o'ziga jalb etuvchi videoroliklar tayyorlashni yo'lga qo'yish lozim.

4. Xotin-qizlar va erkaklar teng huquqliligini ifodalashda formal (rasmiy) tenglik va faktik (haqiqiy) tenglik tushunchalaridan foydalanish masalaning mohiyatini ifodalashda muhim ahamiyatga egaligi asoslab berildi. Xususan, formal (rasmiy) tenglik deganda barcha uchun muayyan huquqlarga ega bo'lish borasida amaldagi qonunchilikda teng imkoniyatlar yaratilgani tushuniladi. Faktik (haqiqiy) tenglik deganda esa shaxslarning muayyan huquqlarga ega bo'lishi va majburiyatlarni amalga oshirishda real tengligi nazarda tutiladi.

5. Davlat hokimiyati va boshqaruvi organlarida xotin-qizlar va erkaklar teng huquqliligini ta'minlash maqsadida zarur hollarda *kvota joriy etish orqali* barcha boshqaruv lavozimlarida ayollar sonini sezilarli darajada oshirish hamda saylov tizimlari doirasida ayollarni saylanadigan va tayinlanadigan davlat lavozimlariga erkaklar bilan bir xil nisbatda va sharoitlarda jalb etish bo'yicha siyosiy partiyalarni rag'batlantirish choralarini ko'rish lozimligi asoslab berildi.

6. Xotin-qizlar va erkaklar teng huquqliligini ta'minlashning huquqiy asoslari rivojlanishining **to'rt bosqichga** ajratilishi lozimligi asoslab berildi. Xususan, birinchi bosqich – 1991–2005-yillar, ikkinchi bosqich – 2006–2016-yillar, uchinchi

bosqich – 2017–2021-yillar va to‘rtinchi bosqich – 2022-yildan boshlandi. Bunda to‘rtinchi bosqichni alohida bosqich sifatida ajratish sabablari sifatida: davlatning gender siyosati va tegishli huquqiy asoslari mazmunan keskin o‘zgarishi va yangi sifat belgilariga ega bo‘lishi, uning tashkiliy-huquqiy mexanizmida bir qator yangi huquqiy prinsip, tartib-taomil, talab va vazifalar o‘z o‘rnini topgani, shu sohaning institutsional va funksional tub o‘zgarishlari ko‘rsatilmoqda.

7. Xotin-qizlar va erkaklar uchun teng huquq hamda imkoniyatlar borasida *ijtimoiy ongni shakllantirish* maqsadida oliy ta’lim muassasalari gumanitar yo‘nalishlari talabalariga gender huquqi va boshqa gender yo‘naltirilgan fanlar o‘tilishini joriy etish lozim. Bu orqali gender muammolarini ayol va erkak talabalar o‘rtasida keng o‘rganishga, zamonaviy tadqiqotlar olib borilishiga, maxsus amaliy tavsiyalar ishlab chiqilishiga hamda jinslar o‘rtasidagi nomutanosiblikni, shu jumladan, davlat xizmatida bartaraf etishga erishish mumkin.

II. Amaldagi qonunchilikni takomillashtirish bo‘yicha taklif va tavsiyalar:

8. Xotin-qizlar va erkaklar tengligini to‘laqonli ta’minlash maqsadida O‘zbekiston Respublikasining Konstitutsiyasiga quyidagi o‘zgartish va qo‘shimchalar ishlab chiqildi:

a) 18-moddasining ikkinchi qismiga quyidagi tahrirda qo‘shimcha kiritish taklif etiladi: *“Insonning qadr-qimmat, asosiy huquq va erkinliklari daxlsiz, ajralmasdir. Har qanday tahdid javobgarlikka asos bo‘ladi”*;

b) 18-moddasining uchinchi qismiga *“Davlat inson va fuqaro huquqlari va erkinliklarini himoyalash va ta’minlashni kafolatlaydi”*;

v) 46-moddasiga ikkinchi qism sifatida quyidagi tahrirda to‘ldirish kiritish taklif etiladi: *“Davlat xotin-qizlar va erkaklarga jamiyat hamda davlat ishlarini boshqarishda, shuningdek, davlat va jamiyat hayotining boshqa sohalarida teng huquq hamda imkoniyatlarni kafolatlaydi”*.

9. O‘zbekiston Respublikasi Saylov kodeksiga muvofiq, Oliy Majlis Qonunchilik palatasi va mahalliy kengashlarga saylov jarayonida ayollarning soni siyosiy partiyadan ko‘rsatilgan deputatlikka nomzodlar umumiy sonining kamida o‘ttiz foizini tashkil etishi kerak (70 va 91-moddalar), ammo ushbu talab davlat rahbari tomonidan tayinlanadigan o‘n olti nafar Senat a‘zosi nomzodlariga qonunchilikda qo‘yilmagan. Fikrimizcha, ushbu o‘rinda davlat boshlig‘i tayinlaydigan senatorlarning kamida o‘ttiz foizi gender tenglik nuqtayi nazaridan xotin-qizlardan tashkil topishi maqsadga muvofiqdir. Ushbu normani O‘zbekiston Respublikasining “O‘zbekiston Respublikasi Oliy Majlisining Senati to‘g‘risida”gi Konstitutsiyaviy qonuni 2-moddasiga kiritish maqsadga muvofiq. Xususan, ushbu moddaning 3-qismini quyidagi tahrirda keltirish o‘rinli: “Senatning o‘n olti nafar a‘zosi fan, san‘at, adabiyot, ishlab chiqarish sohasida hamda davlat va jamiyat faoliyatining boshqa tarmoqlarida katta amaliy tajribaga ega bo‘lgan hamda alohida xizmat ko‘rsatgan eng obro‘li fuqarolar orasidan, *shundan kamida o‘ttiz foizi ayollar* O‘zbekiston Respublikasi Prezidenti tomonidan tayinlanadi”.

10. O‘zbekiston Respublikasining “Xotin-qizlar va erkaklar uchun teng huquq hamda imkoniyatlar kafolatlari to‘g‘risida”gi Qonuni 13-moddasini quyidagi

to'rtinchi qism bilan to'ldirish maqsadga muvofiqdir: *“Xotin-qizlar va erkaklar uchun teng huquq hamda imkoniyatlarni ta'minlash masalalari bo'yicha vakolatli mansabdor shaxsning axboroti yuzasidan yilda kamida bir marotaba tegishli Xalq deputatlari kengashlari yig'ilishlarida eshituvlar tashkil etiladi”*.

11. O'zbekiston Respublikasida xotin-qizlar va erkaklar teng huquqliligi ta'minlanishining tahlili asosida O'zbekiston Respublikasi *“Xotin-qizlar va erkaklar uchun teng huquq hamda imkoniyatlar kafolatlari to'g'risida”*gi Qonunga quyidagi tushunchani kiritish taklif etiladi: *“Gender stereotiplari – ma'lum bir davrda vujudga kelgan ayollar va erkaklarning gender rollari va farqlari, xususiyatlari to'g'risidagi jamiyat a'zolarida shakllangan barqaror salbiy g'oyalar, fikrlar (amaliyot) yig'indisi”*.

12. Xorijiy qonunchilik va ijobiy tajriba tahlili negizida O'zbekiston Respublikasining *“Xotin-qizlarni tazyiq va zo'ravonlikdan himoya qilish to'g'risida”*gi Qonunning 3-moddasiga qo'yidagi tahrirda qo'shimcha kiritish taklif etiladi:

“oilaviy-maishiy zo'ravonlik – oilaviy munosabatlar ishtirokchilari tomonidan ushbu munosabatlarning boshqa ishtirokchilariga nisbatan jismoniy, ruhiy, jinsiy yoki iqtisodiy ta'sir o'tkazish yoki ta'sir o'tkazish bilan tahdid qilish ularning hayoti, sog'lig'i, jinsiy daxlsizligi, sha'ni, qadr-qimmati va qonun bilan himoya qilinadigan boshqa huquq va erkinliklarga tajovuz qiladigan ta'sir choralari qo'llash orqali sodir etiladigan harakat yoki harakatsizlik;

Tegajog'lik (harassment) – barcha ijtimoiy munosabatlarda, ishda va xizmatda, moddiy yoki boshqa bo'ysunishda hamda tobelikda bo'lgan xotin-qizlar va/yoki erkaklarga nisbatan bevosita yoki bilvosita qo'rqitish orqali sha'ni va qadr-qimmatini tahqirlovchi munosabat yoki jinsiy majburlash, shuningdek, axloqqa zid xulq-atvor orqali yoki haq evaziga yoxud jinsiy xizmatlar uchun nomunosib rag'bat va'da qilish, boshqa og'zaki yoki jismoniy xatti-harakat yoxud imo-ishora (quchoqlash, zo'rlash maqsadida teginish, chimchilash, tajovuz qilish, qo'ng'iroqlar qilish, xatlar va sms-xabarlar orqali ishoralar yuborish, qo'pol so'zlar, shahvoniy harakatlar), jinsiy tavsifdagi haqoratlash, jinsiy ta'qib, xo'rlashdir;

13. O'zbekiston Respublikasi Prezidentining 2022-yil 7-martdagi *“Oila va xotin-qizlarni tizimli qo'llab-quvvatlashga doir ishlarni yanada jadallashtirish chora-tadbirlari to'g'risida”*gi PF-87-son Farmoni bilan 2024-yil 1-yanvarga qadar ayrim vazirlik hamda ularning tizimidagi tashkilotlar xodimlari orasida xotin-qizlarning ulushini kamida 30 foizga yetkazish vazifasi belgilangan. Fikrimizcha, ushbu o'rinda 2030-yilga qadar barcha vazirliklar tizimida xotin-qizlarning ulushini kamida 30 foizga yetkazish vazifasini belgilash va bu borada tizimli ishlarni amalga oshirish maqsadga muvofiq. Shu tufayli 2022–2026-yillarda xotin-qizlarning mamlakat iqtisodiy, siyosiy va ijtimoiy hayotining barcha jabhalarida faolligini oshirish bo'yicha Milliy dasturni amalga oshirishga qaratilgan kompleks chora-tadbirlar rejalarida yillar kesimida vazirliklar tizimida xotin-qizlarning ulushini kamida 30 foizga yetkazishga qaratilgan tadbirlarni nazarda tutib borish lozim.

14. Bugungi kunda ayol sudyalalar sonini oshirishga to'siq bo'layotgan muammolar qatorida xotin-qizlarning o'z uyidan ajralgan holda Toshkent shahriga

kelib, bir o'quv yili davomida turli obyektiv va subyektiv sabablarga ko'ra Sudyalar oliy maktabi o'qish imkoniyatlarining cheklanganini ko'rsatish mumkin. Shu tufayli mazkur muammoni hal etish uchun sudya lavozimiga nomzod ayollarga Sudyalar oliy maktabida masofaviy ta'lim olish imkonini yaratish lozim. Ushbu tizim orqali, fikrimizcha, sud korpusida gender tenglik va barqarorlikni ta'minlashga erishish mumkin.

III. Huquqni qo'llash amaliyotini takomillashtirish bo'yicha taklif va tavsiyalar:

15. Xotin-qizlar va erkaklar uchun teng huquq hamda imkoniyatlarni ta'minlashga qaratilgan davlat strategiyasi, dasturlar va rejalari bajarilishini nazorat qilishning umumiy elektron tizimini (platformasini) yaratish maqsadga muvofiqdir. Ushbu elektron platformani yuritish vazifasi Oila va xotin-qizlar qo'mitasiga yuklatilishi maqsadga muvofiq. Qo'mita har yarim yilda gender masalalariga oid davlat strategiyasi, dastur va rejalari bajarilishi bo'yicha ma'lumotnomani hukumat va parlamentga taqdim etishi majburiyatini belgilash lozim.

16. Davlat organlarida faoliyat olib borayotgan xotin-qizlarning ijtimoiy faolligini oshirish, ular o'rtasida hamda davlat xizmatiga kirish istagidagi yoshlar bilan o'zaro muloqot (networking) o'rnatish tizimini yo'lga qo'yish lozim va bu borada quyidagilarni amalga oshirish maqsadga muvofiq:

– davlat xizmatidagi xotin-qizlar o'z tajribasini “sharing”, “exchange” qilishga imkon beruvchi klublar, jamoat birlashmalari faoliyatini rag'batlantirish;

– o'rta va quyi bo'g'in ayol xodimlarining o'z fikrlarini erkin bildirishi, amaliyotda qo'llayotgan ijro intizomi samaradorligini oshirishdagi zamonaviy metodlar, innovatsion usullar haqida fikr almashishi uchun ular orasida tizimli davra suhbatlari va munozaralar o'tkazish uchun sharoit yaratish;

– davlat xizmatida faoliyat yuritayotgan xotin-qizlar manfaatini ifoda etish, ularning ijtimoiy faolligini oshirish maqsadida davlat xizmatidagi xotin-qizlar “Xotin-qizlar assotsiatsiyasi” nodavlat-notijorat tashkilotini ta'sis etish.

17. Tegajog'lik (harassment), abyuz, femitsid tushunchalarining huquqiy atamalarini qonunchilikka kiritish, Ayollarni reabilitatsiya va moslashtirish respublika markazi va uning hududiy bo'limlarida, Ichki ishlar tizimida zo'ravonlikdan jabr ko'rgan xotin-qizlar uchun qisqa “Ishonch raqamlari”ni takomillashtirish va ularni maxsus suitsidiolog-mutaxassislar bilan ta'minlash tavsiya etildi. Bunda zo'ravonlik holati yuzaga kelganida, tezkor tekin sms-xabar yoki SOS belgisi yuborish, imo-ishora belgisini ko'rsatish kabi xalqaro amaliyotda ijobiy natija ko'rsatgan boshqa usul va uslublardan amaliyotda foydalanish mexanizmlarini joriy etish asoslantirildi.

18. Nafaqat davlat va jamiyat boshqaruvi organlarida shu bilan bir qatorda jamoatchilikda gender tenglikka nisbatan noto'g'ri tushuncha va munosabatlarni o'zgartirmasdan turib xotin-qizlar va erkaklar tengligini ta'minlash borasida kutilgan natijalarga erishib bo'lmaydi. Buning uchun ommaviy axborot vositalari orqali targ'ibot ishlarini kuchaytirish hamda jins bo'yicha bevosita va bilvosita kamsitishni, gender stereotip (salbiy amaliyot)ni targ'ib qilish va ma'qullashni aks ettiruvchi axborotni tarqatishni cheklash hamda media mahsulotlarini gender

ekspertizadan o'tkazish lozim. Bu borada doimiy faoliyat olib boradigan komissiya tashkil etish tavsiya etiladi. OAVda uzatilayotgan barcha media mahsulotlar uchun gender, zo'ravonlik va tazyiq masalalarida mas'ul mansabdor shaxsni belgilash va noto'g'ri targ'ibot yoki zo'ravonlikni qo'llab-quvvatlaganlik uchun javobgarlikni belgilash maqsadga muvofiq.

19. Zo'ravonlikdan jabr ko'rgan erkaklar bilan ishlashning alohida mexanizmini ishlab chiqish lozim. Ularga huquqiy, psixologik, tibbiy va boshqa yordamning maxsus metodlarini ishlab chiqish tavsiya etiladi. Ayollar reabilitatsiya va moslashtirish markazi va hududiy bo'limlariga 2022-yilning besh oylik holatiga ko'ra jami 3 183 ta murojaat kelib tushgan bo'lsa, shulardan 94 tasi erkaklardandir.

20. Gender tengligini ta'minlashga doir davlat tashkilotlari va nodavlat tashkilotlarning o'rtasida qilinayotgan ishlarni muvofiqlashtirish uchun tegishli tuzilmani tashkil etish, uning uzoq va yaqin muddatga mo'ljallangan harakatlar rejasi ishlab chiqish, barcha mavjud normativ-huquqiy hujjatlarni yaxlit bir to'plamga jamlab nashr etish yoki elektron nusxasini yaratish lozim. Gender mutaxassislariga, mahalla faollariga, inspektorlariga, reabilitatsiya markazlari xodimlariga asosiy qo'llanma sifatida foydalanish uchun taqdim etish zarur. Mobil ilova sifatida ham normativ-huquqiy hujjatlar to'plami yaratish ijobiy samara beradi.

**SCIENTIFIC COUNCIL No. DSc.07/30.12.2019.Yu.22.02
FOR AWARDING SCIENTIFIC DEGREES
AT TASHKENT STATE UNIVERSITY OF LAW**

TASHKENT STATE UNIVERSITY OF LAW

GAFFAROVA SHAKHNOZA NURITDINOVNA

**THEORETICAL-LEGAL ISSUES OF ENSURANCE OF THE EQUAL
RIGHTS FOR WOMEN AND MEN IN UZBEKISTAN**

12.00.01 – Theory of state and law. History of legal doctrines

**Doctoral (PhD) dissertation abstract
on legal sciences**

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The doctoral dissertation is available at the Information Resource Center of Tashkent State University of Law (registered under 1141), (Address 100047, Amir Temur Street, 13. Tashkent city. Phone:(998971) 233-66-36).

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INTRODUCTION (abstract of PhD thesis)

The actuality and relevance of the dissertation theme.In the existing democracies of the world, serious attention is paid that ensuring of the equal rights of women and men, which are considered an integral part of human rights and protecting of their legal interests and guarantees, protecting of them from discrimination and stereotypes. In particular, it is defined that “The task of providing gender equality as one of the 17 Sustainable Development Goals of the United Nations to be achieved by 2030”, achieving gender equality and expanding the rights and opportunities of all women and girls has urgent importance in the implementation of this goal¹. This international legal recognition imposes on the states the task of implementing legal mechanisms for the equal protection of the rights of women and men.

The special attention is paid to conducting scientific research that equal protection of the rights of the women and men in the world, including gender equality, eliminating of all forms of discrimination, preventing violence and harassment, forming of legal mechanisms of relations between women and men in all spheres of public life and activity in politics, economy, law, ideology and culture, education and science, applying of features of the fundamental principles of law in providing gender equality, improving of social partnership in providing gender equality by states.

In our country, systematic work is carried out on issues of equal protection of interests and provisions of women in legal practice. In the development strategy of New Uzbekistan for 2022-2026 “creating an environment of intolerance towards harassment and violence against women in the society, providing the rights and legal interests of women, in addition, continuing the policy of providing gender equality, increasing social and political activity of women, implementing reforms to support them”² has been set as a priority goal. At the same time, it requires that further development of legal mechanisms to the ensurance of the equal rights of women and men.

This research work contributes to the implementation of the tasks stipulated in the Constitution of the Republic of Uzbekistan, the Laws of the Republic of Uzbekistan “On Guarantees with Respect to Equal Rights and Opportunities for Women and Men” No. LRU-562 (2019) and “On Protection of Women from Harassment and Violence” No. LRU-561 (2019), in the Decrees of the President of the Republic of Uzbekistan “On the development strategy of New Uzbekistan for 2022-2026” DP-60 (2022), “On measures to improve the system of working with family and women, supporting the neighborhood and clergy” DP-81 (2022), “On measures to further accelerate work on systematic support of families and women” DP-87 (2022), in the Resolution of the President of the Republic of Uzbekistan “On measures to further improve the system of supporting women and providing their active participation in the life of society” RP-5020 (2021), and approved by the Resolution of the Senate of the Oliy Majlis “Strategy for achieving gender equality in the Republic of Uzbekistan until 2030” No. RS-297-IV, in the Resolution of the Cabinet of Ministers “On additional measures to accelerate the

¹<https://uzbekistan.un.org/en/sdgs/5>

²Decree of the President of the Republic of Uzbekistan, January 28, 2022 No. PF-60 “On the development strategy of New Uzbekistan for 2022-2026”. // National database of legislation, 29.01.2022, No. 06/22/60/0082.

implementation of national goals and objectives in the sphere of sustainable development until 2030” No. 83(2022) and other normative legal acts related to the research topic.

The dependence of the research on the priority areas of development of science and technologies in the country. This research was carried out in the priority direction I of the development of science and technology of the republic “Formation of a system of innovative ideas and implement them in the social, legal, economic, cultural, spiritual and educational development of an informed society and a democratic state”.

The extent of the study of the research problem. The issue of equal rights of women and men in Uzbekistan, certain aspects of improving rights of women and its legal mechanisms have been carried out within the basis of some studies, and a general vision and opinions about them have been formed. In our country, some theoretical and legal aspects of the equal rights of women and men, the protection of rights of the human and women, and gender issues are discussed by our scientists, such as Q. Azizova, A. Akilov, K. Aliyeva, D. Alimova, D. Alimjonova, F. Atakhodjaev, F. Akhmedshina, D. Bazarova, G. Ganieva, M. Inagamova, G. Matkarimova, F. Mukhitdinova, N. Muravyova, T. Norboyeva, Kh. Odilqoriev, F. Otakhanov, G. Rakhimova, A. Saidov, L. Saidova, S. Safayeva, D. Sufieva, Z. Tursunova, F. Khamdamova, Sh. Khamrayeva, S. Khodjayeva, E. Fayzullaeva, I. Shkolnikov, O. Shnirova, I. Cherkashina, N. Yusupova, G. Yuldasheva, M. Kadir Khanova have been studied¹.

For instance, it is analyzed scientifically that the gender and reproductive rights of women were researched in the context of national and international law by G. Matkarimova², scientific-theoretical and legal issues of improving the legal mechanisms of the participation of internal affairs bodies in the protection of rights of women by M. Inagamova, international-legal cooperation on issues of providing and protecting rights of women by F. Khamdamova³, the constitutional and legal basis of providing gender equality in Uzbekistan by K. Aliyeva⁴.

The foreign scientists who conducted scientific research on issues of equality between women and men, such as, Bern Sh., Weber M., Voronina O.A., Mill Dj.S., Efremova E.M., Zdravomyslova E.A., Kochetkov A. V., Maksimov A.A., Simona de Beauvoir, Taylor G., Taylor H., Temkina A.A., Shkolnikov I.A., Shvedova N.A., Boll Ch., Farrell S., Langemann A., Lefkangfu W.N., Lober J., Lordan G., Murphy E., Oesch D and scientific research works of others have been researched.

However, the topic of theoretical and legal issues of providing the equal rights of women and men have not been studied as a holistic monographic research work.

Relation of the dissertation’s theme to the scientific-research work of higher education institution where it was implemented.

¹The works of these scientists are presented in the reference section of the dissertation research

²Маткаримова Г.А. Гендерные и репродуктивные права женщин в международном и национальном праве // Автореф. дис... д-ра.ю.н. – Т., 2002. – 41 с.

³Инагамова М.М. Аёл ҳуқуқларини ҳимоя қилишда ички ишлар органлари иштирокининг ҳуқуқий механизмларини такомиллаштириш // Юридик фанлар бўйича фалсафа доктори (PhD) диссертацияси – Т., 2019. – 179 б.; Хамдамова Ф. Ўзбекистон Республикасининг аёллар ҳуқуқларини таъминлаш ва ҳимоя қилиш масалалари бўйича халқаро-ҳуқуқий ҳамкорлиги // Юридик фанлар бўйича фалсафа доктори (PhD) диссертацияси Автореф. – Т., 2020. – 56 б.;

⁴Алиева К.Р. Ўзбекистон Республикасида гендер тенглигини таъминлашнинг конституциявий-ҳуқуқий асослари // Юридик фанлар бўйича фалсафа доктори (PhD) диссертацияси Автореф. – Т., 2021. – 48 б.;

The theme of the dissertation is included in the plan of research plan of Tashkent State Law University and is carried out within the priorities of scientific research “The main directions of further liberalization of state administration in the conditions of deepening democratic reforms”.

The aim of the research is to develop a comprehensive study of the theoretical and methodological aspects and the legal mechanism of providing equal rights of women and men and to improve proposals and recommendations aimed at its improvement.

The tasks of the research:

to research scientifically the essence of equal rights of women and men in Uzbekistan and theoretical approaches in this regard;

to analyze scientifically the legal basis of providing equal rights of women and men and equal opportunities;

to research the specific features of the national experience in providing the equal rights of women and men;

to depict the specifics of the cooperation of state and civil society institutions in providing equal rights of women and men and showing the prospects;

to describe legal and institutional mechanisms aimed at providing equal rights of women and men in the experience of foreign countries;

to develop ways to find their legal solutions based on the research of the existing problems of providing equal rights of women and men in Uzbekistan;

to analyze priorities of legal mechanisms for providing equal rights of women and men and developing of proposals for further improvement.

The object of the research is the system of legal relations related to ensurance of the equal rights of women and men.

The subject of the research is conceptual ideas, scientific views, theories, legal practice, foreign experience and normative legal acts regulating the sphere of equal rights of women and men.

Research methods. Methods such as comparative-legal analysis, complex study, systematic-structural approach, logical, observational, historical and other research methods common to social sciences, especially state and legal sciences, were applied in the research.

Scientific novelty of the research is as follows:

it is justified that achieving the real equality between women and men, expanding their participation in all spheres of society, the possibility of taking temporary special measures to provide the implementation of gender policy by the state in order to eliminate direct and indirect discrimination based on gender and to prevent them;

it is justified that it is necessary to appoint an authorized official on issues of ensurance of the equal rights and opportunities for women and men in state bodies, and one of the deputies of the head of the state body shall be entrusted with the fulfillment of the rights and obligations of the authorized person;

it is justified that development and implementation of gender policy, state programs and strategies in the sphere of protection of women from harassment and violence as the main directions of the state policy in the sphere of protection of women from harassment and violence;

it is justified that determining the competences of the Cabinet of Ministers of the Republic of Uzbekistan in the implementation of the unified state policy in the sphere of protection of women from harassment and violence, and approving state programs and strategies to protect women from harassment and violence.

Practical results of the research include the following:

it is justified that the protection of equal rights of women is considered as a small branch within the basis of human rights;

it is justified that the necessity to create an electronic system (platform) for monitoring the implementation of state strategies, programs and plans aimed at ensurance of the equal rights and opportunities for women and men;

it is justified that expected results in terms of ensuring equality between women and men cannot be achieved without changing prejudices and attitudes towards gender equality in state and society management bodies, as well as in the public. It is indicated that it is necessary to strengthen propaganda work through the mass media and limit the dissemination of information that reflects direct and indirect gender discrimination, the promotion and approval of gender stereotypes (negative practices), and the need to carry out a gender examination of media products;

it is justified that forming the ideas of gender equality and bring them to the public consciousness, expanding the activities to achieve the intended goal, enriching the worldview of the population in the sphere of equal rights of women and men based on democratic requirements, changing their views on gender stereotypes, considering measures to accommodate the ideas of tolerance and justice in the ensurance of social equality and gender balance;

it is justified that the necessity of expressing the interests of women working in public service, including leadership positions, increasing their social activity, establishing a non-governmental non-commercial organization “Association of Women in Public Service”;

it is justified that gender equality should be provided by introducing temporary special measures on the basis of sufficient reasons. It is desirable to adopt a normative legal act on the application of special measures, which should clearly state what special measures, the circumstances in which they should be used, the terms of application of special measures and other issues have been justified.

Reliability of research results.The literature and legal acts used in the dissertation work were obtained from official sources and referred to them based on the established requirements. Theoretical conclusions at the end of the scientific research work and proposals and recommendations aimed at improving the current legal acts, scientific and theoretical views and legal categories related to state-legal sciences, as well as legal actsof ensurance of thr equal rights of women and men, comparative analysis of the legislation and experience of foreign countries advanced on the basis. It is confirmed that the fact that the preliminary results of the dissertation work were implemented in practice and approved by the competent authorities in the prescribed manner the reliability of the research results.

The scientific and practical significance of the results of the research.The scientific significance of the results of this research is explained by the theoretical and legal basis of improving the system of the ensurance of the equal rights of women and

men, the possibility of using it in carrying out scientific research in the implementation of cooperation between state bodies, civil institutions and non-governmental non-commercial organizations and in the further development of the scientific and theoretical basis of this problem.

The practical significance of the research results is in the improvement of national legislation, in the preparation of special literature and methodical manuals for higher and secondary special educational institution and “Human rights”, “Theory of State and Law”, “Constitutional law”, “Family law”, “Civil law”, “Labor law”, “History of state and law”, “Administrative law”, “Gender theory” training modules can be used for teaching and further enrichment of these modules in scientific and theoretical terms.

Implementation of the research results. The results of the research were used as follows:

the proposal that achieving real equality between women and men, expanding their participation in all spheres of society, eliminating of direct and indirect discrimination based on gender and in order to prevent them, taking temporary special measures to provide the implementation of gender policy by the state has been submitted in the development of the third part of Article 6 of the Law of the Republic of Uzbekistan “On Guarantees of Equal Rights and Opportunities for Women and Men”, on September 2, 2019 No. LRU–562 (Reference of the Committee of Democratic Institutions, Non-Governmental Organizations and Self-Government Bodies of Citizens of the Legislative Chamber of the Oliy Majlis of the Republic of Uzbekistan, on May 22, No. 05/1-01-102, 2021). This proposal served to guarantee equal rights and opportunities for the women and men;

the proposal that the appointment of an authorized official on issues of ensurance of the equal rights and opportunities for women and men in state bodies and on the assignment of the duties of the authorized person to one of the deputies of the head of the state body have been submitted in the development of the second part of Article 13 of the Law of the Republic of Uzbekistan “On Guarantees of Equal Rights and Opportunities for Women and Men” on September 2, 2019 No. LRU–562 (Reference of the Committee of Democratic Institutions, Non-Governmental Organizations and Self-Government Bodies of Citizens of the Legislative Chamber of the Oliy Majlis of the Republic of Uzbekistan, on May 22, 2021, No. 05/1-01-102) This proposal served to assign the responsibility of ensurance of the equal rights of women and men in state bodies directly to the deputy head of the state body;

the proposal that the development and implementation of gender policy, state programs and strategies in the sphere of protection of women from harassment and violence as the main directions of the state policy in the sphere of protection of women from harassment and violence have been submitted in the development of the second paragraph of Article 5 of the Law of the Republic of Uzbekistan “On Protection of Women from Harassment and Violence”, on September 2, 2019, No. LRU–561 (Reference of the Committee of Democratic Institutions, Non-Governmental Organizations and Self-Government Bodies of Citizens of the Legislative Chamber of the Oliy Majlis of the Republic of Uzbekistan, on May 22, 2021, No. 05/1-01-101). This proposal served to increase the role of state programs and strategies in determining the

main directions of state policy in the sphere of protection of women from harassment and violence and to clarify the task of their development and implementation;

the proposals that the Cabinet of Ministers to provide the implementation of the state policy in the sphere of protection of women from harassment and violence have been submitted in the development of the second paragraph of Article 6 of the Law of the Republic of Uzbekistan “On Protection of Women from Harassment and Violence”, on September 2, 2019 No. LRU–561 (Reference of the Committee of Democratic Institutions, Non-Governmental Organizations and Self-Government Bodies of Citizens of the Legislative Chamber of the Oliy Majlis of the Republic of Uzbekistan, on May 22, 2021, No. 05/1-01-101). These proposals served to clarify the powers of the Cabinet of Ministers in the implementation of the unified state policy in the sphere of protection of women from harassment and violence.

Approbation of the results of the research. The results of this research have been discussed at 2 international and 2 national scientific-practical conferences and roundtable discussions.

Publication of the research results. According to the results of this research, a total of 11 scientific papers have been published on the research topic. Of these, including 7 articles and theses were published (including 6 articles in republican and 1 article in foreign journals) in scientific publications recommended for publication of the main scientific results of doctoral dissertations of the Supreme Attestation Commission of the Republic of Uzbekistan, as well as in equivalent publications.

The structure and volume of the dissertation. The content of the dissertation consists of an introduction, three chapters, a conclusion, a list of used references and appendices. The volume of the dissertation is 156 pages.

THE MAIN CONTENT OF THE DISSERTATION

The **introduction** of the dissertation includes the relevance and necessity of the research theme, the relevance of the research to the main priorities of the national science and technology development, the review of foreign scientific research on the subject, the level of studying the problem, the relation of the dissertation theme to the scientific research work of higher education institution where the dissertation is written, the aim and tasks, object and subject, methods, scientific novelty and results of the research, reliability of the research results, scientific and practical significance of the research results, their implementation, the approbation, announcement of the results, structure and the volume of the dissertation.

The first chapter of the dissertation is entitled “**Theoretical and legal description of ensurance of the equal rights of women and men**”, this chapter examines the essence of equal rights of women and men and theoretical and legal approaches in this regard, as well as the legal basis for ensurance of the equal rights of women and men.

The dissertator notes in this chapter that one of the international obligations to improve the position of women in society, the state should take legal measures to guarantee gender equality, the efforts made to ensurance of the equal rights of women and men are bearing fruit in a certain sense have been analyzed.

According to the analysis of the researches of lawyer scholars dealing with gender

equality issues, the dissertator proposed to divide the countries where gender equality is implemented into four groups (K. Azizova, A. Akilov, K. Aliyeva, D. Alimova, D. Alimjonova, F. Atakhodjaev, F. Akhmedshina, N. Yusupova, G. Yuldasheva, M. Kadir khanova, Shvedova N.A., Boll Ch., Farell S, Langemann A, Lekfangfu W.N, Lober J, Lordan G.)

According to the analysis of doctrinal views, the dissertator notes that the norms of social justice accepted in the society between women and men, the division of labor, customs, traditions and values that do not discriminate against gender equality, types of activities, views should be taken into account in the differentiation of sex and gender.

The systematic analysis of fundamental international legal acts by the dissertator, the gender problem is the equality of men and women in all spheres of life and activity, it includes four main directions – equality of rights; equality of responsibility; equality of opportunity; equal partnership between men and women have been justified.

According to the analysis of the legal basis of gender equality by the dissertator, it has been depicted that the legal basis of ensurance of the gender equality in Uzbekistan needs to be studied in four stages, the first stage– 1991-2005, the second stage– 2006-2016, the third stage– 2017-2021 and the fourth stage–since 2022. In this as the reasons for distinguishing the fourth stage as a separate stage: the state's gender policy and relevant legal bases will change dramatically in content and acquire new quality features, a number of new legal principles, procedures, requirements and tasks have found their place in its organizational and legal mechanism, institutional and functional fundamental changes of this sphere are taken into account.

The dissertator depicted that three main models examined in international experience on gender issues. They are: social-democratic (continental); liberal (Anglo-Saxon); narrow national models. According to the dissertator, the Republic of Uzbekistan is developing in harmony with the social-democratic (continental) model in terms of gender issues and the development of the national legal system and legislation.

The dissertator focuses on the system of national legal guarantees of gender equality of the ensurance of the equality of women and men in real life. The analysis depicted that despite the measures taken, gender equality is still not sufficiently provided in our country, it depicts that the developed system of 54 types of gender equality monitoring indicators has not been fully implemented.

According to the dissertator, the use of the notions of formal (official) equality and factual (real) equality in expressing the equal rights of women and men is important in expressing the essence of the issue.

According to the dissertator, it is necessary to formed gender rights and other gender-oriented subjects to students of humanities at higher educational institutions in order to create social awareness about equal rights and opportunities for women and men. It is possible to achieve a wide study of gender issues between female and male students, conduct modern research, develop specific practical recommendations and eliminate the imbalance between different genders, including in the public service.

According to the dissertator, solving problems in gender relations serves the development of the state and society based on democratic requirements. Therefore, in the process of forming gender relations in society, it is necessary to rely on the social and

historical experience of the country and the democratic requirements of state administration.

It is indicated as an important direction of the dissertation that providing wide participation of women in public administration and political processes, legally strengthening the creation of equal opportunities for them in all spheres of society and state administration, protecting the interests of women, organizing of events aimed at increasing their place and influence in the life of society, focusing on creation of the equal conditions necessary to provide their active participation in the social and economic life of the country.

According to the dissertator, it is appropriate to create a common electronic system (platform) for monitoring the implementation of state strategies, programs and plans aimed at ensurance of the equal rights and opportunities for women and men. It is considered that appropriate to assign the task of maintaining this electronic platform to the State Committee for Family and Women, and establishig an obligation for it to submit to the government and parliament a report on the implementation of state strategies, programs and plans on gender issues every six months.

It is justified that although the norms regarding equal rights of men and women in the national legislation are sufficient, its practical result is not significant. The effective usage of their rights and legal opportunities of women also depends on their legal culture, level of consciousness and knowledge and their legal behavior. The financial and spiritual dependence of women and income inequality cause various problems. It is justified that the need to add to Article 46 of the Constitution of the Republic of Uzbekistan in order to provide the development and implementation of specific legal mechanisms for the legal provision of gender equality.

The dissertator depicts that the existence of a number of problems regarding the status and rights of women in work compared to men. It depicts that there are insufficient legal mechanisms and guarantees for women to choose a profession based on their gender. In some cases, this causes women to be discriminated against. It is appropriate that to introduce legal instruments that provide additional privileges for them to choose a profession that matches their capabilities and talents. Therefore, the dissertator proposes that to develop a separate state program for women to be able to express themselves fully in society, for leadership, managerial positions, and to form the skills of making responsible decisions.

The second chapter of the dissertation is entitled **“The legal mechanism of ensurance of the equal rights of women and men”**, it includes three chapters. In this chapter, issues such as the institutional system providing the equal rights of women and men, the cooperation of state and civil society institutions in providing the equal rights of women and men, and the system of international and national legal guarantees for providing the equality of women and men have been researched.

The dissertator depicts that the legal system of ensurance of the equality of women and men in the Republic of Uzbekistan is based on the Constitution of the Republic of Uzbekistan and international law, gender equality is based on the principles of legality, democracy, non-discrimination on the basis of gender, openness and transparency and the basic rights and freedoms of women are guaranteed by separate laws have been analyzed.

The dissertator believes that it is necessary to pay attention to the following normative legal acts adopted to ensure the equality of women and men:

- to increase the number of funds aimed at protecting the interests of women, to support women in difficult financial situations, to create a system of helping them to have a stable and additional source of income;

- to provide the transparency of consideration of appeals of women regarding the violation of gender equality, to determine the difference between wages of women and men through economic analysis and to take measures to equalize them;

- to identify talented and leading women working in state bodies and public organizations and to create legal mechanisms for their training and appointment to leadership positions;

- to identify systemic problems that hinder women's free choice of profession, activities in social and political spheres and to take measures to eliminate them.

The dissertator depicted that removing obstacles to the improvement of the social and legal status of women in order to ensure the equal rights of women and men at present, expanding the practice of organizing public expertise and hearings to prevent discrimination and violence resulting from gender inequality.

According to the dissertator, not only educational institutions, but also NGOs help women to become leaders, to develop communication skills with the public and to increase their decision-making capacity. It is served that changing the negative attitude towards women in the society, providing the effective participation of women in the legal and political processes of the country, increasing their social status, respecting their rights, being intolerant of stereotypes, preventing discrimination and violence resulting from gender inequality.

According to the dissertator, in order to increase the political activity of women and ensure the equality of women and men, it is appropriate to introduce quotas for women in all state authorities and self-government bodies.

It was justified by the dissertator that forming and conveying the ideas of gender equality to the public consciousness, expanding activities to achieve the intended goal, enriching the worldview of the population in the sphere of equal rights of women and men based on democratic requirements, instilling ideas of tolerance and justice in ensuring the social equality and gender balance, the unique role of NGOs in changing their views on gender stereotypes.

In this chapter of the dissertation, it is analyzed that there is a big difference between women working in state and community management bodies, living and working in city centers and women living in remote districts, statistical indicators related to higher education.

According to the dissertator, it is necessary for NGOs involved in the protection of rights and interests of women to help eliminate the existing problems in their activities. It serves the consistency of democratic reforms and the practical results of civil society ideas, a practical ground will be created for mature scientists and leaders to emerge from among rural women. Women leaders who are familiar with rural life understand the true nature of the problems that arise in the regions and can make reasonable suggestions for their solution.

In addition, the unemployment rate of women in the villages is high. It has caused various social problems. The NGOs should regularly implement social projects to improve professional skills of rural women and realize their talents. Lack of legal, economic and political knowledge of rural women also causes them to remain in unfair dependence. It's no secret that rural women are mostly engaged in hard, often poorly paid, work in agriculture. At the same time, it is a fact that they spend a lot of time and physical labor in the family economy.

The main problems in providing gender equality are indicated in the research paper based on the researches of national scientists (F. Akhmedshina, E. Fayzullaeva, G. Mamatkarimova, K. Alieva, etc.) and it is depicted that the analysis of law enforcement practice, according to it, representation of women in decision-making is insufficient, feminization of poverty due to the weakness of the gender education system, the low competitiveness of women in the labor market, the growth of unemployment, gender stereotyping.

According to the dissertator, it is possible to ensure the gender equality only in the conditions of a social legal state, in this case, the gender policy provided by combining the state and public forces is able to equalize the position of women and men in society and strengthen the institution of the family.

As a result of the scientific research carried out as part of the research, it was proved that the notion of "gender equality" differs from one another in the countries of the world. The dissertation depicts that it is possible to join the views on gender equality defined in the programs and plans of internationally recognized organizations on gender equality.

According to the dissertator, it is necessary to provide an impartial study and evaluation of the level of gender equality, to expand the participation of women in the process of public administration and to use clear and concrete indicators that provide gender equality.

The dissertation depicts the adoption of more than 25 normative legal acts aimed at comprehensively providing the rights and interests of women in Uzbekistan, these acts also analyze the main measures aimed at ensurance of the gender equality and their compatibility with international trends.

According to the dissertator, the fact that gender ideology is reflected in scientific research on the issue of "gender equality" today, it is justified that in order to understand how this is implemented, first of all, it is necessary to determine the main components of gender ideology.

The dissertator concluded that in the process of studying and analyzing the world experience of gender equality, it is possible to witness the existence of biased goals and conflicting opinions in this sphere as well. According to his opinion, dissertator conducting scientific research in the sphere of gender equality need vigilance and sensitivity in the process of studying and analyzing data. We must not forget that our national spirituality, our unique values, our purely human relations are above everything else. We have values based on equality and justice between women and men in the family, society, and good neighborly relations inherited from our ancestors, without the Uzbek nation cannot be imagined.

The third chapter of the dissertation is entitled **"The foreign experience and directions for improving national legislation on ensurance of the equal rights of**

women and men in Uzbekistan”, in this chapter, foreign experience in the ensurance of the equal rights of women and men, problems and their solutions in the ensurance of the equal rights of women and men and priorities for improving the legal mechanism in the ensurance of the equal rights of women and men have been researched.

As a result of the comparative legal analysis of the international experience in the dissertation, it is depicted that the work on ensurance of the equal rights of women and men in European countries is not at the level of the requirements of international law norms, but certain works have been carried out on the ensurance of the gender equality in recent years.

Although there are still challenges in terms of gender equality, the EU has made significant progress in the last decade and is developing on this progress, in particular, formation of normative legal acts on equal rights, introduction of gender, introduction of gender equality approach in all spheres, formation of specific measures to increase the activity of women.

The dissertator depicted that application of different models of ensurance of the gender equality and monitoring its compliance in European countries, at the same time, this principle is often strengthened at the constitutional level and the existence of special state bodies competent in this area.

According to the dissertator, the experience of the Netherlands, Ireland and Germany in the ensurance of the gender equality and expanding the participation of the women in public administration is an effective model for Uzbekistan. In these countries, the selection of civil servants by gender is explained by the fact that they have become the priorities of the state personnel policy. As a result, a wide representation of women in leadership positions in government representative bodies, ministries and other state bodies was provided.

The analysis of foreign experience, the dissertator concludes that the gender gap in labor activity should be reduced as much as possible and that strategies that help women find employment will bring twice as many results. The dissertator believes that any improvement in balancing work and family responsibilities will help women make better use of their talents.

According to the dissertator, the requirement to comply with the principle of gender equality enshrined in international law is a necessary but not sufficient condition for a significant reduction of the gender gap in any country. It is necessary to supplement the national legislation with appropriate organizational and legal mechanisms by introducing international legal norms in order to effectively reduce the gap in the rights and opportunities of women and men in Uzbekistan.

According to the dissertator, it is necessary for responsible and partner organizations established to provide gender equality in our republic to work together, bodies and organizations responsible for ensurance of gender equality should have a single goal and a common plan. The separate plans of each body, organization and institution in this regard do not allow to sufficiently ensurance of the consistency, harmony and effectiveness of the reforms being carried out to provide gender equality. Clear and common aims and plans to provide gender equality serve ensurance of work efficiency.

The results of scientific research, the dissertator notes that the main problems of gender inequality between women and men in the world include the difference between the salary, the lower promotion of women to higher positions than men, domestic violence and sexual harassment. As a result of the survey, the participants of the study were asked the question “Tell me the main reason why women work more than men in low-wage occupations”, 26.8 percent of respondents chose the answer that “a man should bring most of the money to the family, so he needs a job with a higher salary”. The 26.3% of them said that “women can work in professions with lower wages due to their physiological and psychological characteristics (childbearing, being physically weaker than men, etc.). However, 21.1% believe that “Not enough attention is paid to the improvement of knowledge and professional skills of women”, 11.3% believe that “It is enough for a woman to invest a little in the family”, and 8% of them believe that “It is better for women not to work at all”.

According to the dissertator, the quality of implementation of normative legal acts aimed at providing the equality of women and men is the main condition and requirement for providing of equality. For this reason, dissertator proposed to introduce the mechanism of public supervision in the implementation of executive control. It was justified that ensurance of the equality of women and men at all levels of power, one of the main requirements is to specify the expert opinion on the prevention of gender discrimination in the drafts of normative legal acts to provide the effectiveness of the processes of ensurance of the gender equality.

It serves that increasing the legal status of women, strengthening their place and role in the family and society, regular considering of measures to reduce the unemployment rate of rural women, based on the available opportunities in each region, introducing a system of job creation for them, improving family income while reducing unemployment among women. According to the dissertator, this is considered a fair and correct solution.

According to the dissertator, legal advocacy is one of the mechanisms to provide gender equality. It is important to organize trainings, seminars, round-table discussions, and media coverage on gender equality, industry-related legislation, changing stereotypical notions of traditional roles of women and men.

CONCLUSION

The results of the scientific-theoretical analysis issues of ensurance of the equal rights of women and men in Uzbekistan, the following scientific and practical suggestions and recommendations were developed:

I. Scientific and theoretical conclusions

1. The equal rights for women and men (gender equality) means that rights of women are protected equally with rights of men, their full and equal participation in political, legal and socio-economic life is provided at the national, regional and international levels and creation of the right to a safe and non-violent life, their rights are supported and guaranteed by society and the state.

2. Based on the analysis of the institutional mechanism of ensurance of the equality between women and men, the bodies that implementing gender equality were indicated: general authorized bodies (President, Parliament, Government, Ombudsman, National

Center of the Republic of Uzbekistan for Human Rights), special authorized bodies (court, prosecution bodies, internal affairs bodies, the Family and Women's Committee under the Ministry of Poverty Reduction and Employment of the Republic of Uzbekistan and their regional bodies and etc.).

3. It is important to increase public participation in changing the attitude (stereotype) towards women working in state bodies, changing the consciousness of society, increasing the position of women in social and political life. From this point of view, the following proposals can be put forward to increase the position of women in social and political life:

- it is necessary to change the negative views formed in the society about the role of women and men in family relations, in this regard, it is necessary to support propaganda work with the participation of modern mass media;

- it is necessary to develop television programs, roundtable discussions, social videos to improve the status of women working in various areas of public service and promoting them through modern mass media and social networks, showing a positive image of women working in public service in national TV series;

- it is necessary to increase the level of awareness of the population in matters of gender equality, preparing systematic special programs, short, attractive videos in the mass media and social networks to embody the activities of women who are working and achieving success at various levels of state administration as an example for the representatives of the next generation.

4. It was justified that the use of the notions of formal (official) equality and factual (real) equality in expressing the equal rights of women and men is important in expressing the essence of the issue. In particular, formal (official) equality means that equal opportunities are created in the current legislation in order to have certain rights for everyone. Factual (real) equality refers to the fact that individuals have certain rights and have real equality in the implementation of obligations.

5. It was justified that in order to ensure the equal rights of women and men in state authorities and management bodies, significantly increasing the number of women in all management positions by introducing quotas where necessary and taking measures to encourage political parties to attract women to elected and appointed public positions within the basis of electoral systems in the same proportion and conditions as men.

6. It was justified that the development of the legal basis for providing the equal rights of women and men should be divided into **four stages**. In particular, the first stage - 1991-2005, the second stage - 2006-2016, the third stage - 2017-2021 and the fourth stage - from 2022. In this as the reasons for distinguishing the fourth stage as a separate stage: gender policy of the state and relevant legal bases will change dramatically in content and acquire new quality features, a number of new legal principles, procedures, requirements and tasks have found their place in its organizational and legal mechanism, fundamental institutional and functional changes of this sphere are depicted.

7. It is necessary to create *social mind* about equal rights and opportunities for women and men, to introduce gender rights and other gender-oriented subjects to students of humanities at higher educational institutions. Through this, it is possible to achieve a wide study of gender issues between female and male students, conduct modern

research, develop specific practical recommendations and eliminate the imbalance between different sexes, including in the public service.

II. Suggestions and recommendations for further improving the normative legal base:

8. In order to fully ensure the equality of women and men, the amendments and additions to the Constitution of the Republic of Uzbekistan should be amended as follows:

a) the second part of Article 18 should be amended as follows: *“Human dignity, fundamental rights and freedoms are inviolable and inalienable. Any kind of threat causes legal liability”*;

b) the third part of Article 18 *“The state guarantees the protection and provision of human and civil rights and freedoms”*;

c) the second part of Article 46 is proposed to be amended as follows: *“The state guarantees equal rights and opportunities to women and men in managing society and state affairs, as well as in other areas of state and community life”*.

9. According to the Election Code of the Republic of Uzbekistan, the number of women in the process of elections to the Legislative Chamber of the Oliy Majlis and local Councils must be at least thirty percent of the total number of candidates for deputy from a political party (articles 70 and 91), but, this requirement is not imposed in the legislation on the candidates of the sixteen members of the Senate appointed by the head of state. In our opinion, it is appropriate that at least thirty percent of the senators appointed by the head of state in this position should be women from the point of view of gender equality. It is appropriate to include this norm in Article 2 of the Constitutional Law of the Republic of Uzbekistan *“On the Senate of the Oliy Majlis of the Republic of Uzbekistan”*. In particular, the third part of this article should be submitted as follows: *“At least thirty percent of sixteen members of the Senate among the most distinguished citizens who have great practical experience in the spheres of science, art, literature, production, and other branches of state and community activity, are appointed by the President of the Republic of Uzbekistan”*.

10. The fourth part of the Article 13 of the Law of the Republic of Uzbekistan *“On Guarantees of Equal Rights and Opportunities for Women and Men”* should be amended as follows: *“At least once a year, hearings are organized at the meetings of the relevant Councils of People’s Deputies regarding the information of the authorized official on the issues of equal rights and opportunities for women and men”*.

11. The analysis of the provision of equal rights for women and men in the Republic of Uzbekistan, it is proposed to include the notion under the Law of the Republic of Uzbekistan *“On Guarantees of Equal Rights and Opportunities for Women and Men”*: *“Gender stereotypes are a set of stable negative ideas, thoughts (practice) formed by members of society about the gender roles and differences, characteristics of women and men that arose in a certain period”*.

12. On the basis of the analysis of foreign legislation and positive experience, it was proposed to make an amendment to Article 3 of the Law of the Republic of Uzbekistan *“On Protection of Women from Harassment and Violence”* as follows:

“family-domestic violence is physical, mental, sexual or economic influence by the participants of family relationships on other participants of these relationships or threat of influence is an action or inaction committed by the use of influence measures that encroach on their life, health, sexual integrity, honor, dignity and other rights and freedoms protected by law;

harassment – an attitude that insults the honor and dignity of women and/or men in all social relations, work and service, financial or other subordination and subordinates, through direct or indirect intimidation, or sexual coercion, as well as through unethical behavior or the promise of improper incentives for payment or sexual favors, other verbal or physical behavior or gestures (hugging, touching for the purpose of rape, pinching, assault, making calls, sending gestures through letters and SMS messages, rude words, sexual acts), sexual insult, sexual assault, humiliation;

13. The Decree of the President of the Republic of Uzbekistan “On measures to further accelerate work on systematic support of families and women”, on March 7, 2022, No. DP-87, the task of increasing the share of women among the employees of certain ministries and organizations within their system to at least 30% is set by January 1, 2024. In our opinion, it is appropriate to set the task of increasing the share of women to at least 30% in all ministries by 2030 and to carry out systematic work in this regard. Due to this, in 2022-2026, in the plans of comprehensive measures aimed at the implementation of the National program on increasing the activity of women in all aspects of the economic, political and social life of the country, it is necessary to envisage the measures aimed at increasing the share of women in the ministry system to at least 30%.

14. It was depicted that among the problems that are hindering the increase of the number of female judges today, the opportunities of our women to come to Tashkent from their homes and study at the Higher School of Judges for one academic year due to various objective and subjective reasons are limited. Therefore, it is necessary to make it possible for women candidates for the position of judges to receive distance education at the Higher School of Judges, in order to solve this problem. We believe that it is possible to achieve gender equality and stability in the judiciary through this system.

III. Suggestions and recommendations for improving law enforcement practices:

15. It is appropriate to create a general electronic system (platform) for monitoring the implementation of state strategies, programs and plans aimed at ensuring of the equal rights and opportunities for women and men. It is appropriate to entrust the task of maintaining this electronic platform to the Family and Women’s Committee. It is necessary to determine the obligation of the Committee to submit to the government and parliament a report on the implementation of state strategies, programs and plans on gender issues every six months.

16. It is necessary to increase the social activity of women working in state bodies, establish a system of networking between them and young people who want to enter the public service and in this regard it is appropriate to implement as follows:

– to encourage the activities of clubs and public associations that allow women in public service to “sharing” and “exchanging” their experience;

– to organize the conditions for holding systematic roundtables and discussions among middle and lower-level female employees to freely express their opinions, to exchange ideas about modern and innovative methods of increasing the efficiency of the executive discipline they use in practice;

– to establish the non-governmental non-commercial organization “Association of Women in Public Service” in order to express the interests of women working in public service and increasing their social activity.

17. It was proposed that incorporating of the legal terms of harassment, abuse and femicide into the legislation, improving the short digital “Hotline” for women victims of violence at the Ombudsmen and the Ministry of Internal Affairs and providing them with special suicidologists-experts. It was justified that to introduce mechanisms for the practical use of other methods and approaches that have depicted positive results in international practice, such as sending a quick free SMS message or SOS sign, showing a gesture sign, in the event of a violent situation.

18. It is impossible to achieve the expected results in the ensurance of the equality of women and men without changing the wrong concepts and attitudes towards gender equality not only in the state and society management bodies, but also in the public. It is necessary to strengthen propaganda work through the mass media and limit the dissemination of information that reflects direct and indirect gender discrimination, promotion and approval of gender stereotypes (negative practices), and conduct gender expertise of media products. In this regard, it is recommended to establish a permanent commission. It is appropriate to appoint a responsible official on gender, violence and harassment issues for all media products in the media and establishing responsibility for wrong propaganda or support of violence.

19. It is necessary that to develop a special mechanism for working with men who have suffered from violence. It is recommended to develop special methods of legal, psychological, medical and other assistance. As of the five months of 2022, a total of 3,183 applications were received by the Women’s Rehabilitation and Adaptation Center and regional departments, 94 of them were men.

20. It is necessary to establish an appropriate structure for the coordination of work between state organizations and non-governmental organizations on the ensurance of the gender equality, developing a long-term and short-term action plan for it, publishing or creating an electronic copy of all existing normative legal acts in a single collection. It may be provided as a basic guide by gender specialists, neighborhood activists, inspectors, rehabilitation center staff. Creating a set of normative legal acts as a mobile application will have a positive effect.

**НАУЧНЫЙ СОВЕТ DSc.07/30.12.2019.Yu.22.02 ПО ПРИСУЖДЕНИЮ
УЧЕНЫХ СТЕПЕНЕЙ ПРИ ТАШКЕНТСКОМ ГОСУДАРСТВЕННОМ
ЮРИДИЧЕСКОМ УНИВЕРСИТЕТЕ**

**ТАШКЕНТСКИЙ ГОСУДАРСТВЕННЫЙ ЮРИДИЧЕСКИЙ
УНИВЕРСИТЕТ**

ГАФФАРОВА ШАХНОЗА НУРИТДИНОВНА

**ТЕОРЕТИКО-ПРАВОВЫЕ ВОПРОСЫ ОБЕСПЕЧЕНИЯ
РАВНОПРАВИА ЖЕНЩИН И МУЖЧИН В УЗБЕКИСТАНЕ**

12.00.01 – Теория и история государства и права.
История правовых учений

АВТОРЕФЕРАТ
диссертации доктора философии (PhD) юридическим наукам

Ташкент – 2023

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Ведущая организация:

Центр повышения квалификации юристов при Министерстве юстиции Республики Узбекистан

Защита диссертации состоится 6 мая 2023 года в 14.00 часов на заседании Научного совета DSc.07/30.12.2019.Yu.22.02 по присуждению ученых степеней при Ташкентском государственном юридическом университете (Адрес: 100047, г. Ташкент, ул. Сайилгох, 35. Тел.: (99871) 233-66-36; факс: (99871) 233-37-48, e-mail: info@tsul.uz).

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ВВЕДЕНИЕ (Аннотация диссертации доктора философии (PhD))

Целью исследования является проведение комплексного анализа теоретико-методологического аспекта и правового механизма обеспечения равных прав женщин и мужчин, а также разработка предложений и рекомендаций по их совершенствованию.

Объектом исследования является система правоотношений, связанные с обеспечением равных прав женщин и мужчин.

Научная новизна исследования заключается в следующем:

обосновано, что принятия временных специальных мер по обеспечению реализации государством гендерной политики в целях достижения реального равенства между женщинами и мужчинами, расширения их участия во всех сферах жизни общества, устранения прямой и косвенной дискриминации по признаку пола, а также их предотвращения;

обосновано, необходимость назначения уполномоченного должностного лица по вопросам обеспечения равных прав и возможностей женщин и мужчин в государственных органах, а также возложение обязанностей по реализации прав и обязательств уполномоченного должностного лица на одного из заместителей руководителя;

обосновано, что разработка и реализация гендерной политики, государственных программ и стратегий в области защиты женщин от притеснения и насилия, как основных направлений государственной политики в области защиты женщин от притеснения и насилия;

определены полномочия Кабинета Министров Республики Узбекистан в реализации единой государственной политики в области защиты женщин от притеснения и насилия, а также обосновано утверждение государственных программ и стратегий для защиты женщин от притеснения и насилия.

Внедрение результатов исследований. Научные результаты исследования были использованы следующим образом:

Предложение о необходимости применения государством временных специальных мер по обеспечению реализации гендерной политики в целях достижения фактического равенства между женщинами и мужчинами, расширения их участия во всех сферах жизни общества, устранения и предотвращения прямой и косвенной дискриминации по признаку пола использовано для разработки части третьей статьи 6 Закона Республики Узбекистан «О гарантиях равных прав и возможностей для женщин и мужчин» №ЗРУ-562 от 2 сентября 2019 года (справка Комитета Законодательной палаты Олий Мажлиса Республики Узбекистан по демократическим институтам, негосударственным организациям и органам самоуправления граждан от 22 мая 2021 года №05/1-01-102). Реализация данного предложения способствует обеспечению равных прав и равных возможностей для женщин и мужчин;

предложение о возложении обязанности в государственных органах определяется уполномоченное должностное лицо по вопросам обеспечения равных прав и возможностей для женщин и мужчин и выполнение

обязанностей уполномоченного лица возлагается на одного из заместителей руководителя государственного органа использовано в разработке части второй статьи 13 Закона Республики Узбекистан «О гарантиях равных прав и возможностей для женщин и мужчин» №562 от 2 сентября 2019 года (справка Комитета Законодательной палаты Олий Мажлиса Республики Узбекистан по демократическим институтам, негосударственным организациям и органам самоуправления граждан от 22 мая 2021 года № 05/1-01-102). Применения данного предложения послужило возложению обязанности по обеспечению равных прав женщин и мужчин в государственных органах непосредственно на заместителя руководителя государственного органа;

предложение по разработке и реализации гендерной политики, государственных программ и стратегий в области защиты женщин от притеснения и насилия как основных направлений государственной политики в области защиты женщин от притеснения и насилия использовано в разработке второго абзаца статьи 5 Закона Республики Узбекистан «О защите женщин от притеснения и насилия» №561 от 2 сентября 2019 года (справка Комитета Законодательной палаты Олий Мажлиса Республики Узбекистан по демократическим институтам, негосударственным организациям и органам самоуправления граждан от 22 мая 2021 года № 05/1-01-101). Внедрения данного предложения послужит повышению роли государственных программ и стратегий в определении основных направлений государственной политики в области защиты женщин от притеснения и насилия, уточнению задач их разработки и реализации;

предложения Кабинета Министров по обеспечению реализации единой государственной политики в области защиты женщин от притеснения и насилия учтено в разработке второго абзаца статьи 6 Закона Республики Узбекистан «О защите женщин от притеснения и насилия» №561 от 2 сентября 2019 года (справка Комитета Законодательной палаты Олий Мажлиса Республики Узбекистан по демократическим институтам, негосударственным организациям и органам самоуправления граждан от 22 мая 2021 года №05/1-01-101). Данные предложения послужили уточнению полномочий Кабинета Министров в реализации единой государственной политики в области защиты женщин от притеснения и насилия.

Структура и объем диссертации. Структура диссертации состоит из введения, трех глав, состоящих из восьми параграфов, заключения, списка использованной литературы и приложений. Объем диссертации составляет 156 страниц.

ЭЪЛОН ҚИЛИНГАН ИЛМІЙ ИШЛАР РЎЙХАТИ
СПИСОК ОПУБЛИКОВАННЫХ НАУЧНЫХ РАБОТ
LIST OF PUBLISHED SCIENTIFIC WORKS

I бўлим (I част; I part)

1. Гаффарова Ш.Н. Ўзбекистонда хотин-қизлар ва эркаклар тенг ҳуқуқлилигини таъминлаш масалалари // Ҳуқуқий тадқиқотлар журнали / Журнал правовых исследований / Journal of law research. –Тошкент, 2020.– №SI-4. Махсус сон –Б. 15-22.(12.00.00);

2. Гаффарова Ш.Н. Обеспечение равноправия мужчин и женщин в Узбекистане // Жамият ва инновациялар – Общество и инновации – Society and innovations – Special Issue. 2021. –№1. –С.121-128. (12.00.00);

3. Гаффарова Ш.Н. Янгиланаётган Ўзбекистонда гендер ислохотлари // Ҳуқуқий тадқиқотлар журнали / Журнал правовых исследований / Journal of law research. –Тошкент, 2021. 6-жилд. – №6. – Б.16-22. (12.00.00);

4. Гаффарова Ш. Features of Uzbekistan's experience in ensuring equal rights of women and men // The American journal of political science law and criminology. The USA Journals, USA. 2021. Vol-3-Issue-4, April 27, –P. 46-54.

5. Гаффарова Ш.Н. Обеспечение равноправия женщин и мужчин: опыт Узбекистана // Демократлаштириш ва инсон ҳуқуқлари – Democratization and human rights – Демократизация и права человека. – Тошкент, 2021. –№3 (91). – Б.148-152. (12.00.00; №11);

6. Гаффарова Ш. Ensuring equal rights of women and man the experience of Uzbekistan // Юридик фанлар ахборотномаси / Вестник юридических наук / Review of law sciences. – Тошкент, 2021. –№2. –Б. 6-13. (12.00.00; № 20);

7. Гаффарова Ш.Н. Ўзбекистонда хотин-қизлар ва эркаклар тенг ҳуқуқлилигини таъминлаш // Юрист Ахборотномаси – Вестник Юриста – Lawer Herald. –Тошкент, 2020. –№3. 1-жилд. – Б. 126-134. (12.00.00);

8. Гаффарова Ш.Н. Ўзбекистон Республикаси Конституцияси – хотин-қизлар ва эркаклар тенг ҳуқуқлилигини таъминлашнинг ҳуқуқий кафолати // Ўзбекистон Республикаси Конституцияси – мамлакат тараққиёти ва жамият фаровонлигининг ҳуқуқий асоси. Республика илмий-амалий анжумани материаллари тўплами. – Тошкент, 2021. – Б. 456-460.

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11. Гаффарова Ш.Н. Ўзбекистонда ёшларнинг гендер тенглигини таъминлаш ва Барқарор ривожланиш мақсадлари // Ёшлар ҳуқуқлари: замонавий ёндашувлар / Youth rights: modern approaches / Права молодёжи: современные подходы. Ёшлар-2020: глобал ҳамжихатлик, барқарор тараққиёт ва инсон ҳуқуқлари мавзусида Инсон ҳуқуқлари бўйича Самарқанд веб-форуми яқунлари бўйича тўплам. – Тошкент: Инсон ҳуқуқлари бўйича Ўзбекистон Республикаси Миллий маркази, 2021. –Б134-140.

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