CHAPTER THREE

LAWS, POLICIES AND THEIR IMPLEMENTATION
This chapter deals with the laws and policies for the empowerment of the Uzbek women. It focuses on various initiatives taken by the national government. This chapter highlights the Millennium Development Goals (MDGs) adopted by United Nations in the year 2000 of which, Uzbekistan is a signatory. Promotion of Gender Equality and Empowerment of Women as well as Improvement of Maternal Health is among some of the major Millennium Development Goals.

Women in Uzbekistan constitute more than half the population and contribute significantly to the overall growth and development of the country. In the post independent era in 1991, Uzbekistan witnessed a slow reform policy for ushering in economic and social development in the country. Uzbekistan has also been a signatory to a series of international conventions particularly those touching the lives of women.

3.1 Convention on Elimination of all forms of Discrimination against Women (CEDAW)

Uzbekistan signed the Convention on Elimination of all forms of Discrimination against Women (CEDAW) in 1995 (Report of United Nations Information Service, 2006). The Convention on Elimination of all forms of Discrimination against Women (CEDAW) was adopted by UN General Assembly on 18 December, 1979. It defines discrimination of women as "any difference, exclusion or limitation by indication of sex, which is aimed at weakening or nullifying the recognition, use or exercise of human rights and main freedoms in political, economic, social, cultural, civil or any other field by women, irrespective of their family status, based on equality of men and women" (UNDP Report, 1997). As per the Convention, the signatory states that initiatives to modify or eliminate laws, customs and practices related to discrimination of women should be taken. Subsequently Uzbekistan like other signatory states brought new family law and a number of other laws related to women to the forefront.

The Uzbek Government has allocated equal status to both men and women through their constitution. The Constitution of Uzbekistan provides
legal equality to both sexes in every aspect of life. It has provisions to defend the rights of women. Article 18 provides that, “all citizens of the Republic of Uzbekistan shall have equal rights and freedoms, and shall be equal before law, without discrimination by sex, race, nationality, language, religion, social origin, convictions, individual and social status”. Article 46 deals with equal rights among both men and women. Along with these articles, Article 117 tells us that citizens of the Republic of Uzbekistan shall have the right to elect and be elected to the representative bodies of state authority. The right to vote, equality and freedom of expression shall be guaranteed by law. The Government has ensured equality of rights among men and women through a number of legislative measures.

The Government of Uzbekistan founded the Women’s Committee and the Department of Social Protection of the Family, Motherhood and childhood under the Cabinet of Ministers to deal with the gender and women related problems. Women’s Committee was set up in 1991 as a non-government social organization working for the Uzbek women, but in practice, it works as a government agency for women related problems (ADB Report, 2004).

3.1.1 Beijing Platform for Action (BPfA)

Uzbekistan attended the Fourth World Conference on Women held at Beijing in 1995 to discuss the problems and challenges that face women. The report presented at the conference reviewed the achievements and challenges in improving gender equality and strengthening the role of women in Uzbekistan by the Government. The report credited Uzbek Government with the following achievements (www.undp.org).

- It was one of the first countries of Central Asia to ratify CEDAW
- The Government has guaranteed equal rights to both sexes through their constitution
- Despite the transitional period and financial crisis, Uzbek Government has taken initiative in improving child and mother care.
The report mainly highlighted the achievements and progress made by the Uzbek Government.

### 3.2 National Action Plan

After the Fourth World Conference on Women, the Cabinet of Ministers of the Republic of Uzbekistan drafted and approved an outline for the advancement of the status of women in November 1996. Subsequently, the Uzbek Cabinet Ministers approved the National Action Plan for improving the status of women in September 1999. This programme was aimed at implementing the ten goals set up at the Beijing Platform at the country level for the upliftment of women. These include:

- Women’s health, including reproductive health and promotion of family planning services
- Education and professional and functional literacy of women
- Women’s economic status, particularly of those living in rural areas through the promotion of women’s income-generating activities
- Environmental degradation and its impact on women, and women’s role in environmental management
- Equal participation in decision making at political, legislative and executive levels
- Special programmes to support girls
- Representations of a new “Uzbek Woman” in the mass media, popular culture and art to overcome existing stereotypes
- Discrimination and violation against women
- Women’s NGOs and
- Realization of broad gender-related research (Mee, 2001).

The Uzbek Government has provided a number of laws through its constitution to provide equality among men and women. The codes mentioned below are the measures taken by Govt. to provide gender equality through laws.
3.2.1 Family Code

The Government of Uzbekistan has enforced a series of codes. The Family Code was introduced in September 1998 to regulate marital and family relations, property rights, rights of child and guardianship matters and soon registration of marriage is made by civil status registration bodies. Spouses enjoy equal rights and obligations, especially regarding child care, child rearing as well as all joint family matters. They can also decide themselves regarding the issues of possession of their properties, but in case of any type of violation of marriage contract, they can appeal to the court. According to this Code, husbands cannot divorce a pregnant wife or within one year of the birth of the child (UNDP Report, 1999).

However, the major drawbacks of this law were, it ignored the rights of women against family violence and discriminations. There are no strict provisions of punishment if a woman is physically tortured by her husband or in-laws. Apart from it, polygamy and religious marriage both are not legally valid. Women who get married to a married man and through religious ceremony “Nikokh”, their children are not legally entitled to get a share of the property or alimony. Though forced marriage is considered illegal under Article 53 of the Family Code, but it often gets violated in Uzbekistan, leading to girls committing suicide (UNDP Report, 1999).

During field visit, a number of women revealed the fact that, though polygamy is officially banned in their country, but it is still apparent especially in the rural areas. Apart from religion, poverty is the main factor. Women preferred to be a second wife in order to be recognized and to get some status because of their economic condition.

Another major drawback of this Family code is that the marriage age of a woman has come down from eighteen to seventeen, which is a contradiction to International Convention of the Rights of Child. According to International Convention of the Rights of Child, a child below the age of eighteen is considered as a child. If someone wants to get married before the age of nineteen (official age for men), then the local administration
can decrease it by one year. This is even applicable to girls. This is a grey area that contradicts each other and leaves plenty of room to escape punishment.

As it is a well known fact that early marriages can lead to serious consequences like maternal and child mortality, disability and so on. In addition early marriages can have a negative repercussion on the economy, as the women’s role gets restricted within the family. They are not able to improve their skills or get higher education and thus cannot take active part in the developmental activities of their country.

### 3.2.2 Labour Code

The Labour Code of Uzbekistan on the other hand has provisions to prevent discriminations against the women in the use of her rights to work. The Labor Code came into force on 21 January, 1995 (UNDP Report, 1999). The provisions of this law do not allow infringement on the rights of women. The main provisions are:

- It guarantees equal pay for both men and women
- No woman can be denied employment by the employee on the ground that she is pregnant or she is having a large number of children
- Women should not be engaged in dangerous or difficult situation
- Pregnant women should be transferred to easier work with the same average salary she used to get. They are also entitled to get maternity and child-rearing leave (UNDP Report, 1999).

However, some amendments have been made to this labour code now. It is now optional for pregnant woman to work over time or not to use maternity or child rearing leave only to ensure equal treatment to all individuals, irrespective of gender (UNDP Report, 1999 and ADB Report, 2004). The primary sources of information collected during the field visit in Tashkent, Ferghana, Bukhara, Samarkand also revealed that a number of highly educated women preferred jobs where payment is low and prospect of growth is minimal due to their family commitments.

Sexual harassment in offices is also a major cause of concern. There is
also no specific health insurance scheme for working women. Statistical Committee, which is the nodal agency to publish reports and data related to both men and women in Uzbekistan, is male dominated and hardly pay attention to women related problems (Primary Survey,1). List of persons (name changed) interviewed on various issues related to women during field visit are given below in table III.1.

### Table III.1

**Persons Interviewed on Status of Women (Field Visit)**

<table>
<thead>
<tr>
<th>Areas</th>
<th>Name of the Person (Women) (Name Changed)</th>
<th>Name of the Person (Men) (Name Changed)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bukhara</td>
<td>Ms. Dildora</td>
<td>N.A.</td>
</tr>
<tr>
<td>Ferghana City</td>
<td>Ms. Rano</td>
<td>Mr. Alisher</td>
</tr>
<tr>
<td></td>
<td>Ms. Dilyora</td>
<td>Mr. B. Bakiyev</td>
</tr>
<tr>
<td></td>
<td>Ms. Diloram</td>
<td></td>
</tr>
<tr>
<td>Samarkand</td>
<td>Ms. D. Abidjanova</td>
<td>N.A.</td>
</tr>
<tr>
<td>Tashkent City</td>
<td>Ms. Dilnoza</td>
<td>Mr. A. Abidjanov</td>
</tr>
<tr>
<td></td>
<td>Ms. Adolat</td>
<td>Mr. P. Tolipov</td>
</tr>
<tr>
<td></td>
<td>Ms. D. Alimbekova</td>
<td>Mr. Oyebak</td>
</tr>
<tr>
<td></td>
<td>Ms. N. Gapparova</td>
<td>Mr. Sardor</td>
</tr>
<tr>
<td></td>
<td>Ms. M. Tokhtazaeva</td>
<td></td>
</tr>
</tbody>
</table>

*Source: Based on Field Visit, (Nov-Dec 2008)*  
*Note: N.A. = Not Available*
3.2.3. Criminal Procedure Code

The Criminal Procedure Code (1995) of Uzbekistan states that it is a crime to violate a person's rights directly or indirectly on the basis of their gender, race, ethnic origin, language, religion, social background, social status etc. In particular, if a woman who is pregnant and is physically tortured is considered as a serious cause of concern. The Criminal Code defines "rape" as sexual intercourse committed by force, threat or abuse of a helpless person and grants an imprisonment of three to ten years. Though, rape is punishable by law in Uzbekistan as mentioned above and spousal rape is specifically prohibited, but no man has ever been convicted for raping his wife. Cultural norms often discourage victims of sexual violence from speaking out (UNDP Report, 1999).

However, this Code does not have any particular law regarding domestic violence and has no definition. Generally, it sanctions punishments for physical harm. When a woman approaches police against physical torture, she is usually directed to the local Mahallas especially if the degree of torture is not of grave nature. Mahallas, do not have legal authorities to solve family disputes. But they are preferred to settle day-today family affairs. Sometimes, women may face major difficulties obtaining a divorce if their local neighbourhood Mahalla Committee has not given its consent.

All the three above-mentioned codes have been depicted below in the table III.2.
### Table III.2

**List of Government Codes Related to Uzbek Women**

<table>
<thead>
<tr>
<th>Name of the Code</th>
<th>Year</th>
<th>Major Highlights</th>
</tr>
</thead>
</table>
| Family Code              | 1998 | • Regulates Marital, Family relations, Property rights, rights of child and guardianship matters  
|                          |      | • Husband cannot divorce a pregnant wife or within one year of the birth of the child  
|                          |      | • It ignores the rights of women against family violence and discrimination  
|                          |      | • It has lowered the age of marriage of a woman from eighteen to seventeen.  |
| Labour Code              | 1995 | • Guarantees equal pay for both the sex  
|                          |      | • No women should not be denied employment because of her pregnancy or having large number of children  
|                          |      | • Provides maternity and child rearing leave to pregnant woman  
|                          |      | • No specific health insurance schemes for women  |
| Criminal Procedure Code  | 1995 | • Provides equal social status to both men and women  
|                          |      | • Rape, physical torture, sexual abuse of women are punishable  
|                          |      | • No specific law regarding domestic violence and its definition  |

Source: *UNDP Report, 1999*
3.3 Millennium Development Goals (MDGs)

The year 2000 marked an important event in the history of the world and the United Nations. The Millennium Summit brought leaders of 189 states together to call on the world’s most pressing challenges. They pledged to make the world a better place for all humanity. It is an opportunity for the states to join hand together in fighting poverty, improving access to basic services, reducing the spread of diseases, and caring for environment. The Millennium Declaration set the global agenda for the 21st century and established action-oriented targets around eight specific goals that are known as the Millennium Development Goals (MDGs). The Millennium Declaration was thus born to reflect the decisions of the world leaders and outlined a road map for progress as far as the year 2015.

The Millennium Development Goals provide a framework to which the world leaders agreed upon to reduce poverty and improve the wellbeing of people. The eight Millennium Development Goals (MDGs) were agreed at the United Nations Millennium summit in September 2000. Nearly 190 countries have attested the same.

The eight Millennium Development Goals include:

- Eradication of extreme hunger and poverty
- Achieve Universal Primary Education
- Promote Gender Equality and Empowerment of Women
- Reduce Child Mortality
- Improve Maternal Health
- Combat HIV and AIDS, Malaria and other Diseases
- Ensure Environmental Sustainability
- Develop a Global Partnership for Development

The world today has reached half way towards achieving MDGs, which are set to be fulfilled by the year 2015. The all UN member states are
now showing serious concern about achieving these MDGs and to make a real difference to the vulnerable groups of the society such as women and children. On 25th September 2008, there was a high level conference at New York concerning the MDGs. The leaders have shown special interest in Asiatic region as it has experienced unprecedented economic growth. Although this region has gone a long way in achieving universal primary education and reducing extreme poverty, however, there is a sharp gender divide in terms of progress and disparities. Such gender inequalities are conspicuous in Uzbekistan, which is a part of Asia. Hence, it is imperative for studying and analyzing the measures taken by Uzbek Govt. in achieving the MDGs with particular reference to women. As a signatory to this Millennium Declaration, Uzbekistan is trying to address the challenges outlined in the Millennium Development Goals (MDGs). The government recognizes the relevance of these challenges in the national development context. In 2003, in collaboration with the donor community and civil society, the government began to formulate its own national MDG targets and indicators (UNDP Report, 2007). Thus, Uzbek Government has formulated its own targets along with these goals to fulfill by the year 2015. List of the targets have been given in the below mentioned table III.3.
# Table III.3

**List of Targets Set by Uzbek Government along with MDGs to Achieve by the year 2015**

<table>
<thead>
<tr>
<th>MDG (Millennium Development Goal)</th>
<th>Baseline Value and Year</th>
<th>Target 2015</th>
</tr>
</thead>
<tbody>
<tr>
<td>#2 Improve The Quality of Education in Primary and Secondary Schools</td>
<td>Primary Enrollment: 99%</td>
<td>Achieved (2004)</td>
</tr>
<tr>
<td></td>
<td>Secondary Enrollment: 95.5% (2001)</td>
<td>100% (2004)</td>
</tr>
<tr>
<td>#3 Promote Gender Equality and Empower Women</td>
<td>Female Primary Enrollment Rate: 100%</td>
<td>Achieved (2004)</td>
</tr>
<tr>
<td></td>
<td>Share of Women in wage employment other than agriculture: 47% (1990)</td>
<td>63% (2004)</td>
</tr>
<tr>
<td>#5 improve Maternal Health</td>
<td>Maternal Mortality: 34.1/1,00,000 live births (2001)</td>
<td>22.7% (2004)</td>
</tr>
<tr>
<td>#6 Combat HIV/AIDS, Tuberculosis, and other diseases</td>
<td>HIV Prevalence among pregnant women: 0.5%</td>
<td>Maintain (2004)</td>
</tr>
</tbody>
</table>


The above-mentioned table shows that Uzbekistan is lagging behind in achieving gender parity in higher education as well as participation ratio in legislative bodies. Uzbekistan has fulfilled its target of achieving nearly hundred percent female enrollments in primary and secondary education. However, it has not yet achieved the same in higher education. Women’s enrollment in higher education has been analyzed in the next chapter in detail. Other targets such as Maternal Mortality Rate, Combating HIV/AIDS are discussed later in the chapter.
UNDP has provided a helping hand to the Uzbek Government in publishing reports, documents and statistics related to MDGs. Other international organizations like ADB, WB, UNICEF, WHO are also providing aid and assistance to Uzbek Government to fulfill its commitment towards achieving MDGs. Contribution of various international organizations as mentioned above are mentioned in the sixth chapter in detail.

3.4 Government Laws and Female Education

Government of Uzbekistan has guaranteed equality of gender in education through constitution (Article 41). Universal access to basic primary and secondary education (Grades 1-9) has been granted by the Uzbek government through New Education Policy (ADB Report, 2004 and Statistical Bulletin, 2000-04). The government of Uzbekistan has achieved quite impressive gains in the educational sector. Literacy rate is almost cent percent in Uzbekistan. The National Law on Education adopted in 1997 envisages equal rights for men and women to choose their own profession and to be educated in all educational institutions without any type of discrimination.

The second Millennium Development Goal is aimed at universal access to primary education serves for many countries as a benchmark and strategic trend in the process of building an intellectual, cultural and spiritual society. General education, as well as secondary special professional education is mandatory for young people aged 7-19 years and is guaranteed by the State in Uzbekistan (ADB Report, 2004). This commitment of the State is secured by the Constitution and the Law of the Republic of Uzbekistan “On Education”, National Program for Personnel Training, State program of school education development, and the “Millennium Children” comprehensive program (UNDP Report, 2007). The cause of concern in Uzbekistan is the disparity in higher education. There is a visible gap among men and women in higher education in Uzbekistan as is evident from Table III.4 and Figure III.1.
Table III.4
Gender Wise Distribution of Students in Higher Educational Institutes
(2000-2005)

<table>
<thead>
<tr>
<th></th>
<th>2000/01</th>
<th>2003/04</th>
<th>2004/05</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>F</td>
<td>M</td>
<td>F</td>
</tr>
<tr>
<td>Distribution (%)</td>
<td>37.8</td>
<td>62.2</td>
<td>38.8</td>
</tr>
</tbody>
</table>


Though there exists no inequality in terms of gender enrolment into higher education, the gap is mainly because of increasing costs and the introduction of fee paying systems and unwillingness of parents to send girls for higher education (ADB Report, 2004). Early marriage is another contributing factor to this, as after marriage most of the women get engaged in their household work. Their families hardly pay any attention towards their higher education.

Nevertheless, Uzbek Government has taken a very positive step towards encouraging girls to pursue higher education. Government of Uzbekistan has started an award in the name of the famous Uzbek poetess Zulfiya.
Zulfiya, both as a poetess, and a woman is the worthy example for the younger generation of Uzbekistan. Thus the State award of Zulfiya was instituted in 2004. This award in literature, art, science, culture and education is annually given to talented girls in the age group of 14 to 22 years on the eve of the International women's day on March 8. The laureates also come on the poetess's birthday with her favorite violets and narcissuses to lay them on the monument and read poems. This is a very positive initiative taken by the Uzbek Government in relation to young girls. It is not only strengthening their confidence, but their family's confidence on them as well (Primary Survey, 2).

During the field visit, Ms. Dilyora, one of the recipients of Zulfiya award of Ferghana State University showed her keen interest in pursuing higher studies abroad, preferably in India (Primary Survey, 3). Her parents were also very much interested in sending her out for higher education. However, there was a lack of proper guidance, support and information, which is a major constraint for pursuing higher education.

3.4.1 Health

Secondary sources of information (ADB Report, 2004) reveal that in the post independent era in Uzbekistan, healthcare system was quite developed. But the burden of public expenditure on health was handicapped due to lack of resources. Expenditure on health decreased from 3.8 percent of GDP (1995) to 2.3 percent of GDP in (2003). However, the Government of Uzbekistan introduced a number of reform programmes with a focus on mother and child care.

Additionally, the Ministry of Health trains physicians to provide family planning and reproductive health services to people. The Constitution of Uzbekistan also guarantees the right to receive skilled medical care to all through article 40. It also obligates the Govt. to fund public health care and maintenance programmes to undertake measures to improve public health (Cashin, 2002). During August 1996, an important legal document for the protection of patients' rights in the form of Law on Safeguarding the Health of Citizen was formulated.
The Uzbek government started the National Programme of health reforms for the period of 1998-2005 (known as Health I Programme), adopted by the Presidential Decree in the year 1998 (Statistical Bulletin, 2006). This programme was initiated by the Uzbek Government with the collaboration of World Bank (Ahmedov, 2007). This programme aimed at primary healthcare, establishing government-guaranteed and effective system of emergency health services, ensuring stable sanitary and epidemiological well-being in all regions and improvement in maternal and infant care. It has also made the primary health care, emergency care, immunization care for socially significant diseases and assistance for birth delivery free to all.

The network of healthcare structure has been restructured under the National programme. The five-tiered system which existed earlier has been replaced by a two-tiered healthcare system, which comprises of Rural Healthcare Points and Central regional Hospitals. In addition to it, an important integral part of the on-going reform is the nationwide establishment of a single, fully government -guaranteed system of emergency aid. The establishment of a private health sector in the country is being carried out through state owned institutions as well as new private facilities (Statistical Bulletin, 2000-04). Doctors have been issued licenses for private medical practices by the govt. The Govt. does not regulate their fees, but they are supposed to provide twenty percent of services free of charge to the exempt groups, for which the Govt. will reimburse them (ADB Report, 2004).

The second primary care initiative, consisting of project 'Health 2' of the World Bank and the 'Women and Child Health Development Project' of the Asian Development Bank (2005-2010), aims to spread throughout the country and to introduce new approaches to maternal and child health, public health and monitoring and evaluation, in order to strengthen the primary care sector. When we consider the women in particular, it is evident that the government has taken different measures for the betterment of mother and child care. As we have mentioned earlier, that free delivery assistance has been provided to all mothers. Even the life expectancy at birth for women has gone up i.e. from 71.7 percent (1995)
to 74.7 percent (ADB Report, 2004). Apart from this, average age of first marriage has also increased from 20.2 percent (1995) to 22.1 percent (2004) (National Human Development Report, 2006).

Reduction of one third of Maternal Mortality Rate (MMR) by 2015 is one of the targets, set by the Uzbek Government in Uzbekistan. Despite the positive trend of reduction in MMR, there remain serious health problems such as anaemia in Uzbekistan. Anaemia rates among women are especially high in the Aral Sea region of Karakalpakstan, which is one of the reasons of maternal mortality (ADB Report, 2004). Poor nutrition, frequent child birth, unhealthy environment are main causes behind it. Maternal Mortality Rates of different provinces are shown below in the table III.5 and figure III.2.

| Table III.5  |
| Maternal Mortality Rate in Different Provinces |
| (1996-2005) |

<table>
<thead>
<tr>
<th>Province</th>
<th>1996</th>
<th>2000</th>
<th>2004</th>
<th>2005</th>
</tr>
</thead>
<tbody>
<tr>
<td>Republic of Karakalpakstan</td>
<td>22.3</td>
<td>38.8</td>
<td>22.9</td>
<td>15.4</td>
</tr>
<tr>
<td>Andijan</td>
<td>25.0</td>
<td>20.2</td>
<td>25.7</td>
<td>21.0</td>
</tr>
<tr>
<td>Bukhara</td>
<td>18.0</td>
<td>49.0</td>
<td>23.4</td>
<td>29.9</td>
</tr>
<tr>
<td>Djizak</td>
<td>10.5</td>
<td>29.4</td>
<td>24.5</td>
<td>24.8</td>
</tr>
<tr>
<td>Kashkadarya</td>
<td>26.7</td>
<td>39.9</td>
<td>24.4</td>
<td>24.4</td>
</tr>
<tr>
<td>Navoi</td>
<td>21.4</td>
<td>91.6</td>
<td>55.8</td>
<td>49.3</td>
</tr>
<tr>
<td>Namangan</td>
<td>14.6</td>
<td>27.0</td>
<td>21.0</td>
<td>30.7</td>
</tr>
<tr>
<td>Samarkand</td>
<td>24.6</td>
<td>26.4</td>
<td>20.9</td>
<td>17.4</td>
</tr>
<tr>
<td>Surkhandarya</td>
<td>27.1</td>
<td>24.6</td>
<td>19.5</td>
<td>23.9</td>
</tr>
<tr>
<td>Sirdarya</td>
<td>30.5</td>
<td>21.0</td>
<td>21.0</td>
<td>34.8</td>
</tr>
<tr>
<td>Tashkent</td>
<td>18.3</td>
<td>27.5</td>
<td>43.6</td>
<td>43.2</td>
</tr>
<tr>
<td>Ferghana</td>
<td>8.6</td>
<td>22.5</td>
<td>31.6</td>
<td>31.7</td>
</tr>
<tr>
<td>Khorezm</td>
<td>14.7</td>
<td>24.9</td>
<td>54.5</td>
<td>41.5</td>
</tr>
<tr>
<td>Tashkent city</td>
<td>27.5</td>
<td>63.9</td>
<td>52.3</td>
<td>44.6</td>
</tr>
<tr>
<td>National</td>
<td>20.7</td>
<td>33.1</td>
<td>30.2</td>
<td>29.2</td>
</tr>
</tbody>
</table>

*Source: Statistical Bulletin, 2006*
Maternal Mortality Rate differs significantly between provinces in the above mentioned table III.5 and figure III.2. However, there is no evident correlation between MMR and the socio-economic situation in the provinces. For instance, in 2005, the official statistics show MMR of 23.9 for Surkhandarya province, which is among the poorest regions of the country and in the capital city Tashkent it was 44.6. This is rather surprising because services are more accessible and of high quality in Tashkent compared to the country average and other provinces. Such discrepancy, in part, might be explained by the deficiency of the registration system and possible under-registration of cases in the rural provinces. Additionally, the rise in MMR are related to several factors such as the above mentioned high rate of anaemia, iodine deficiency, early marriage, frequent child birth, existence of inequality in the medical facilities and the qualification of medical staff. A detailed analysis has been given in the fourth chapter.

3.4.2 HIV/AIDS

HIV/AIDS epidemic is in a nascent stage in Uzbekistan, but it is increasing sharply since 2000 (www.who.int). The Government of Uzbekistan does not have any specific national policy to combat
HIV/AIDS, though it has set up the national HIV/AIDS Prevention centre in 1998 throughout the country (ADB Report, 2004). There is no Government statistics or data available regarding women affected by HIV/AIDS (Report on Drug Policy and Health in Uzbekistan, 2002). Since 2001, there is an increasing trend of women getting affected by HIV/AIDS in comparison to men in Uzbekistan (ADB Report, 2004). Increase in the number of Injecting Drug Users (IDUs), prostitution and lack of awareness among people regarding sex education are the main factors behind it. Sex workers do not show their willingness to go for a HIV test. Even common people still show their hesitation in discussing sex related issues among themselves (Report on Drug Policy and Health in Uzbekistan, 2002).

International organizations like World Bank and UNICEF are launching various programmes throughout the country to raise awareness among people regarding HIV/AIDS. World Bank has launched a regional AIDS Control Project in May 2005 in four Central Asian Republics such as Kazakhstan, Kyrgyzstan, Uzbekistan and Tajikistan (ADB Report, 2004). A regional AIDS Fund has also been set up to promote greater regional cooperation as well as cooperation between public and private sector to combat HIV/AIDS. UNICEF and UNESCO have organized a mass media campaign along with the youth organization ‘Kamolat’ to prevent HIV. The Ministry of Health of Uzbekistan also hosted a meeting in Tashkent in 1-3 July 2008 to address this issue. The main theme was ‘achieving comprehensive prevention of mother-to-child transmission and pediatric HIV/AIDS care in Central Asian countries’ (www.unicef.org).

3.4.3 Participation of Women in Decision-Making Processes

Participation of women in decision-making bodies plays an important role in strengthening women’s status as well as their role in the society. It depends to a large extent on self-governance bodies, mass-media, non-governmental sector and trade-unions – in other words, on development of democratic institutions in the country. In Uzbekistan, abolition of quota system for women in the 80s brought a sharp decline in their representation in highest and local decision-making positions. Parliament
of Uzbekistan, which is known as Oliy Majlis consists of two Chambers namely, The Senate and The Legislative Chamber. Senate is the upper house and the Legislative Chamber is the lower house. The reintroduction of quota system has shown a positive effect in increasing the participation of women in the parliament. In Oliy Majlis, there were only 15 members (6%) in 1994, and 23 members (9.4%) in 1998 and now it has increased to 22% (2010) (www.ipu.org). Currently, the Speaker of the Legislative Chamber of Oliy Majlis is a woman and her name is Mrs. Dilorom Tashmukhamedova. All political parties are also obliged to reserve 30% of their seats for women. However, percentage of women in parliament of Uzbekistan is considerably low i.e. 22% as compared to 88% men. The same tendency is also observed at local levels. The share of women in highest administrative and management positions such as deputy ministers and deputy directors of enterprises is 17.5% (ADB Report, 2004).

Table III.6
Gender Distribution in Legislative and Judicial Bodies
(As on January 1, 2005)

<table>
<thead>
<tr>
<th>Gender Distribution (%)</th>
<th>Women</th>
<th>Men</th>
</tr>
</thead>
<tbody>
<tr>
<td>Legislative and Representative Authorities</td>
<td>15.2</td>
<td>84.8</td>
</tr>
<tr>
<td>Oliy Majlis</td>
<td>16.4</td>
<td>83.6</td>
</tr>
<tr>
<td>Legislative House</td>
<td>17.5</td>
<td>82.5</td>
</tr>
<tr>
<td>Senate</td>
<td>15.0</td>
<td>85.0</td>
</tr>
<tr>
<td>District Councils of People's Representatives</td>
<td>15.0</td>
<td>85.0</td>
</tr>
<tr>
<td>Town/City Councils of People's Representatives</td>
<td>18.1</td>
<td>81.9</td>
</tr>
<tr>
<td>Judicial Bodies</td>
<td>22.7</td>
<td>77.3</td>
</tr>
<tr>
<td>Supreme Court</td>
<td>26.7</td>
<td>73.3</td>
</tr>
</tbody>
</table>

Table III.6 and Figure III.3 show that participation of women in Public Authorities in comparison to men is quite low. Women are mainly engaged in lower strata of the economy. For higher authorities and decision making, men are preferred over women. Patriarchal mindsets, lower technological knowledge, lack of expertise among women as compared to men of Uzbekistan are the major reasons behind it.

![Gender Distribution in Legislative and Judicial Bodies (As on 1st Jan, 2005)](chart)

**Figure III.3**

**Table III.7**

Percentage Wise Gender Distribution in Executive Power Authorities

*(As on January 1, 2005)*

<table>
<thead>
<tr>
<th></th>
<th>Women</th>
<th>Men</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cabinet of Ministries</td>
<td>3.4</td>
<td>96.6</td>
</tr>
<tr>
<td>High Level Officials</td>
<td>11.1</td>
<td>88.9</td>
</tr>
<tr>
<td>Ministries and Chairmen of state Committees</td>
<td>-</td>
<td>100</td>
</tr>
</tbody>
</table>

Table III.7 and Figure III.4 depict that Ministers of the Cabinet, High level Officials and Chairmen of State Committees are mainly dominated by men. Percentage of participation of women in Executive authorities is not more than 4 percent in general. Data related to percentage of women for chairmen of State Committees are not available either. Generally women are preferred in low yielding and less value added jobs. This fact was ratified by several women during the field visit (Primary Survey, 3).

The share of women in health and educational sector are high as found. But it is clear that mere participation of women in administrative bodies cannot ensure an increase of public interest including women themselves to women’s problems. More important in this direction is the share of women occupying highest positions and participating in decision-making in the government and parliament. From this point of view the role of women in Uzbekistan remains not high since in most cases they occupy not very significant positions.
3.4.4 Domestic Violence

Another important area which needs special attention is the violence and trafficking of women in Uzbekistan. Violence against women is a problem and spousal abuse is common, but no reliable statistics on these problems are available. Domestic violence is not acknowledged as a problem in Uzbek society (www.unifem.org). Wife beating is considered a personal family affair rather than a criminal act. Such cases are usually handled by family members or elders within the community (Mahalla) and rarely come to court (Human Rights watch Report, 2000).

The law of Uzbekistan prohibits any type of physical assault; however, no legal provisions specifically prohibit domestic violence. Police often discourage women from making complaints against abusive husbands and abusers are rarely taken from home or jailed (Human Rights watch Report, 2000). The term domestic violence is not provided in the criminal legislation. Gender discrimination, violence etc. are not defined by the Government and these are not considered as major issues. These are mainly defined as family conflicts and problems. During field visit, a number of men stated that their country believes in gender equality. One male Professor from National University of Tashkent shared his personal views regarding gender parity in Uzbekistan. According to him, “there is no disparity among men and women in Uzbekistan and hence there is no separate law against domestic violence in his country” (Primary Survey, 4). However, when women were interviewed it was clear that domestic violence is a big problem in Uzbekistan, especially in the rural areas. Women are considered socially of low status mainly in the rural areas. Even in cities like Tashkent condition is not very much different.

For Example, during field visit, a lady professor, Dilyora (Name changed) from a very reputed University of Tashkent shared her personal experience. She gave a small example of the typical mindset of Uzbek society. In Uzbek society, it is a tradition to build toilets and bathrooms outside the house. She suggested to her husband and in-laws to build their toilets and bathrooms inside their house for her convenience. Even this small request was not paid attention by anyone as it was against their
tradition (Primary Survey, 5). However, some highly educated male professors like Mr. Bakiev and Mr. Abidjanov (Name changed) of Tashkent denied domestic violence as a serious issue in their country. They even justified the absence of any law related to Domestic Violence against women by saying that their country believe in gender parity. Hence there is no separate Act for women in this regard (Primary Survey, 6).

In December 2000, the NGO Minnesota Advocates for Human Rights released a major study on domestic violence in the country. The study concluded that domestic violence was widespread and that the Government had failed to neither combat nor acknowledge the problem. This study was based on personal interviews of a number of tortured women of Uzbekistan, who narrated their stories but most of them preferred to hide their identification.

Every year reports of NGOs show that large number of women attempted or committed suicide as a result of domestic violence. However the exact number of such incidents is unreported and the official sources are restricted and closed. NGOs assisting survivors of suicide attempts reported inconsistent cooperation from officials and neighbourhood committees (www.state.gov).

3.4.5. Trafficking of Women

Prostitution within the country is a growing concern due to the result of worsening economic situation post independence (www.cacianalyst.org). This opens up avenues for potential trafficking of women and girls from Uzbekistan for the purpose of prostitution, particularly to the United Arab Emirates, South Korea, Thailand, India and Turkey (www.wikipedia.org). There are no reliable statistics on this problem and it does not appear to be a widespread concern of the Govt.’s either. However, reports from NGO’s indicate that the number of young women from Uzbekistan who were trafficked into prostitution has been steadily rising. Many victims are unwilling to come forward due to both societal pressure and the fear of retaliation from the traffickers. Traffickers mostly target young women
between the ages of 18 to 30. During the field visit, Professor Abidjanova and Professor Sulatanova both acknowledged prostitution as a serious cause of concern in Uzbekistan. According to Professor Abidjanova, "Women, going to Turkey in search of jobs particularly as domestic help, generally become prostitutes (Primary Survey, 7).

In large cities such as Tashkent and Samarkand, traffickers use newspaper advertisements to lure women with promises of high-pay job or marriage. Travel agencies promising tour packages and work in Turkey, Thailand, and the United Arab Emirates (UAE) also solicit prostitutes (Human Rights watch report, 2000). Victims are often promised jobs as dancers or waitresses in the nightclubs or restaurants of the destination countries. Traffickers bribe the law enforcing officials, arrange for women and girls as young as 13 to work as prostitutes in the UAE (Human Rights watch report, 2000).

The Government of Uzbekistan has introduced some measures to combat prostitution. Although the Government of Uzbekistan demonstrated its increasing commitment to combat trafficking in March 2008, by adopting a comprehensive anti-trafficking law (www.wikipedia.org), the initiative was only lukewarm. The law enforces a coordination mechanism for government ministries, responsible for various anti-trafficking efforts. It promises state funding to be used for providing protection and assistance to victims and ensuring that victims will not be punished for acts committed as a result of being trafficked.

3.5 Towards Gender Equality

The major laws discussed above clearly demonstrate the status of gender equality in Uzbekistan. All laws, acts, policies and decrees are regulated by the legislatures. In fact sometimes laws related to women contradict them and display a lack of gender insensitivity as shown in case of family code, labour code and criminal procedure code. There is a wide gap between theory and practice. Uzbek women have been guaranteed equal
status with their male counterparts through their constitution, but in practice, the picture is different altogether. The major gap lies in the implementation of laws and policies at the grass root level. Even the mindset of the people affects the implementation of policies related to women. Though the Government has committed itself to achieve targets set by MDGs by 2015, not much progress is visible. Critical issues such as poor health condition of women, disparity in higher education and low participation of women in decision and policy making bodies need to be addressed with more constructive effort by the Government of Uzbekistan.

As was witnessed during the field visit police do not seem keen in attending to cases regarding physical torture and violence of women. Even the Women’s Committee is regulated by the Govt. as it is headed by a deputy Prime Minister. This implies that it is not completely free from government’s control. At the national level, the Women’s Committee has experienced a regrettable loss of all the capacity building that was carried out in the past years due to the complete turnover of management-level staff. Department of Social Protection of the Family, Motherhood and childhood under the Cabinet of Ministers has also been restructured. Even in the presidential decree, suggestions are made to have more political control over the Women’s Committee. At the local level through the Mahallas and local authorities measures are taken to encourage and reinforce traditional gender stereotypes.

Another major constraint with regard to women’s issue is the lack of data and limited access to it, especially in relation to physical violence, human trafficking and diseases such as HIV/AIDS. Lack of data and information is a great hindrance in the study of women related issues. It is really difficult to study and analyze a particular problem without statistical information. Thus the Government of Uzbekistan should pay special attention towards this problem. Apart from improving information collection, further work needs to be carried out in improving the skills of
local users of the data and the data should be available to all. The task of the Uzbek Govt. is really tough as the society is male dominated, traditional and patriarchic in nature.
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