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## Trends In Ensuring Gender Equality: The Practice And Legal Reforms Of Advanced Foreign Countries

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### ABSTRACT

In the article, the author analyzed the global ranking of gender equality, the legal framework and the national experience of advanced foreign countries. The author notes that the leading positions of these countries in the world in terms of gender equality are associated not only with the national legal and institutional framework, but also with public life, consciousness and worldview of people. Based on this, the author notes the importance of developing proposals for the implementation of the experience of these countries by analyzing constitutions, special laws and strategies to ensure gender equality in Uzbekistan.

### KEYWORDS

Gender, gender equality, specially authorized body, global ranking, women's movement, public associations.

### INTRODUCTION

According to the United Nations, one in three women in the world was abused physically or sexually during their lifetime, and someone close to them usually perpetrates this violence

[1]. Every day, 137 women and girls around the world die because of various forms of violence. Every year, 15 million girls get married before the age of 18. That means 28 girls every

minute[2]. Many of these negative data can be cited.

In order to overcome the negative aspects in this regard, the UN suggests a number of ways to achieve gender equality. In particular, the United Nations notes that creating equal opportunities for women and girls to receive education, health, decent work and participate in political and economic decision-making from an early age will help achieve economic stability and benefit society and humanity as a whole.

In developing countries, about a quarter of girls do not go to school. Usually, families with disabilities who cannot afford to pay for school and clothing for their children pay as much attention to their sons' education as possible [3].

Achieving gender equality and empowering women and girls requires a number of efforts by states. These include the improvement of national legal norms, the creation of an institutional framework for combating sexual discrimination, which in many cases is the result of patriarchal attitudes and related social norms.

The international ranking of gender differences published annually by the World Economic Forum shows that there is a huge difference between countries in the world in this area.

The best results in this area belong to the EU countries. This indicates that the countries of the region have effective legal and institutional mechanisms for gender equality.

The development of feminism[4] in European countries was strongly influenced by Theodore von Gippel's "On Improving the Civil Status of Women", published in Germany in 1792, and

"Protection of Women's Rights", published in England in 1792[5].

The analysis showed that the leading countries in reducing gender discrimination not only recognize gender equality as a constitutional principle, but have also incorporated it into sector legislation. In particular, the development and implementation of a special plan to combat gender discrimination in organizations with more than 25-30 employees is an important requirement of the legislation of the leading countries in the ranking.

These countries have established an effective mechanism to monitor the implementation of the principle of gender equality, which ranges from administrative sanctions to criminal liability in some countries [6].

The principle of gender equality is an integral part of the system for respect for human and civil rights and freedoms. This issue is always studied with special attention in foreign research[7].

The principle of gender equality is one of the components of the third generation concept of human rights. The European experience is especially important in this regard.

The Council of Europe's norms and mechanisms for ensuring gender equality cover a wide range of mandatory and recommended documents, the scope of which is growing from year to year, as well as covering the activities of a number of bodies and organizations.

The European Institute for Gender Equality[8] (hereinafter - EIGE) is an independent body of the European Union, a special body established to conduct policies to ensure the

implementation of the principle of gender equality.

Among EIGE functions, it collects, analyzes, processes and disseminates information and data on gender equality issues that are reliable and accessible to all stakeholders.

As an independent body, the EIGE operates within the framework of EU policies and initiatives.

The European Parliament and the Council of the European Union have given this organization a key role in addressing gender issues and ensuring equality between women and men throughout the EU.

The EIGE provides expert opinions on gender equality to the European Commission, the European Parliament and EU member states. If another important issue is to be addressed, one of the conditions for joining the European Union is the recognition of this principle of gender equality and its consolidation in national legislation.

In addition to the law that is to be adopted specifically for gender equality, States wishing to join the EU must also designate the competent authority responsible for this area.

At the same time, various punitive measures can be applied to violators of the law, which makes the purpose of this legal norm a real tool for monitoring the equality of women and men in society.

Each EU country solves this problem in its own way, based on the characteristics of its political system and legal framework. Depending on the level of recognition of the importance of striving for gender equality at the state level, various national mechanisms for the implementation of policies to achieve women's

development and gender equality are being created [9].

The national legislation of most European countries has adopted specific gender laws.

In Denmark, for example, in 2007 Act on Gender Equality [10], in 2006 Act on Maternity Equalization in the Private Labor Market [11], in 2006 Act on Equal Treatment of Men and Women as regards Access to Employment and Maternity Leave [12], and in 2008 Act Respecting Equal Wages for Men and Women [13] was adopted. Sweden adopted the Abortion Act [14] (amended in 2005), the Act on the Equality Ombudsman [15] in 2008, and the Ant-Discrimination Act [16] (amended in 2012).

In Austria, there is the Federal Act on the Equal Treatment Commission (amended in 2013), the Federal Act Establishing Parental Leave for Fathers [17] (amended in 2015) and the Maternity Protection Act [18] (amended in 2015). Other EU countries have also adopted special laws to ensure gender equality [19].

The general unifying aspect of the legislation on gender equality in the legislation of these countries is strengthened by the fact that it is a constitutional legal norm, as well as the presence of regulatory bodies at the national level.

This includes a ministry (Iceland, Norway), a special institute (Belgium, Spain, the Netherlands), a federal agency (Germany), a commission (Bulgaria, Ireland, Malta, Portugal), a department (Hungary, Latvia), a center (Luxembourg, Slovakia), or council (Denmark, Romania, Czech Republic).

The most common form as a special authority is the national ombudsman / supervisor /

advocate for equality for women and men, minister or adviser on equality (Austria, Hungary, Greece, Denmark, Italy, Cyprus, Lithuania, Poland, Slovenia, France, Croatia, and Estonia). In some cases, a collegial oversight body and an authorized person simultaneously [20].

It should be noted that some of the problems of European integration are also directly related to the problems of ensuring gender equality.

Moreover, the reduction of gender inequality is one of the important conditions not only for the protection of democracy and human rights, but also for the development of the economy and the well-being of society.

Given that women make up half of the world's workforce, women today and in the future have a major impact on the growth, competitiveness and development of the world economy and enterprises.

International organizations have developed a number of indicators to assess gender inequality and its level, the most popular of which is the Global Gender Gap Index.

The World Economic Forum first presented it in 2006 as a basis for measuring the level of gender inequality and tracking progress in this area.

This index compiles a ranking of countries that allows them to compare gender differences by economic, educational, medical, and political criteria, and to compare effective gender equality across regions. The latest report is dedicated to 2020 and it provides information on 153 countries [21].

Today, the global gender gap in the world averages 68.6%. This means that 31.4% remain to ensure gender equality.

Based on the analysis of this report, 101 out of 149 countries have slightly improved their position over the past year. However, no country in the world has yet achieved full gender equality, and only the top five countries in the ranking have covered at least 80 percent of this gap.

If we look at the global rankings for gender equality, four Northern European countries (Iceland, Norway, Finland and Sweden) and one Latin American country (Nicaragua, 5th place) occupy the first places. From a regional perspective, Western Europe is in the lead, followed by Central Asia and North Africa.

Among the top 20 countries are 10 countries of the European Union. This indicates the effectiveness of efforts to ensure gender equality in the region. In the 2020 ranking, the United States ranked 53rd, the Russian Federation - 81st, and China - 106th.

The fact that African, Asian and Latin American countries are among the leaders in the ranking indicates that there is no direct correlation between the level of economic development and the gender gap in society. For example, the status of women in Nicaragua is better than in Germany, the United Kingdom or the United States.

In general, the analysis of gender differences and its dynamics in countries shows that the experience of countries around the world is very different in this area. The main reason for this is directly related to the fact that this area is regulated by different laws [22].

Therefore, there is a need to develop proposals for the application of their effective legal practice in national legislation by analyzing the experience of leading EU countries (Iceland, Norway, Sweden and Finland) in ensuring the legal and institutionalization of gender equality.

Each of these countries: 1) has a law on equality between men and women or on the prevention of discrimination; 2) there are special bodies that monitor the observance of the principle of gender equality; 3) a special plan for gender equality shall be developed and implemented in each organization with more than 25 (30) employees; 4) sanctions for non-compliance with the legislation in the field of gender - from administrative fines to criminal liability.

Effective results on gender equality in the Scandinavian countries are primarily the result of significant changes and reforms in life, as well as a clear reconstruction of public consciousness [23].

In Finland, for example, women were the first in Europe to win not only the right to run in parliamentary elections, but also the right to be elected. Norwegian women have had the right to vote since 1913, and Swedish women since 1919. In addition to their participation in the political life of society, Scandinavian women are also active in social, economic, cultural and other spheres.

Political parties played an important role in the formation of the women's movement in the Scandinavian countries. Although women did not form independent parties (they represented their interests through special women's sections), it was political parties that incorporated women's basic demands into

their slogans and made them the goals of their programs.

The issue of women's participation in parties is largely determined by the fact that gender quotas are guaranteed in the process of political representation. It should be noted that Norway has made significant progress in this direction. Four of the six major parties have been using gender quotas for many years.

Institutional systems are an important factor in addressing gender issues. In Norway, for example, the Equal Status Council was established in 1972.

Similar councils were later established in Finland and Sweden. These bodies are organized as an advisory structure in the government apparatus and parliaments. For example, the focus of the Council in Finland is on the situation of women in the family and in the workplace, in education, government and administration [24].

It should be noted that the fight against gender discrimination is an integral part of the fight against discrimination in the field of universal human rights. Therefore, the countries under analysis have adopted the Equality and Anti-Discrimination Act (Norway) [25] or the Act Prohibiting Discrimination (Sweden) [26].

Sweden, for example, has adopted five key pieces of legislation to ensure gender equality. These include Act respecting Equality between Women and Men at Work (1991) [27]; The Act on the Prohibition of Ethnic Discrimination (1999); Act on the Prohibition of Discrimination against Persons with Disabilities (1999) [28]; The Act on prohibiting discrimination based on sexual orientation (1999) [29]; The Prohibition of Discrimination of Employees Working Part



Time and Employees with Fixed-term Employment Act (2002) [30].

On January 1, 2009, a new Discrimination Act [31] came into force. This law was aimed at merging the five laws currently in force in Sweden into a single piece of legislation.

As a result, discrimination was completely prohibited in the following areas: "gender, expression or self-expression, non-specific gender, ethnicity, religion or belief, disability, sexual orientation, age characteristics"[32].

Scientific research shows that gender inequality is directly related to other types of inequality in practice. Therefore, in order to eliminate gender inequality, it is "necessary to simultaneously address different types of discrimination and influence the use of common rights and opportunities through their comprehensive provision" [33]. While fully supporting these views, ways to ensure gender equality should be implemented on a variety of grounds - through the fight against discrimination on the basis of race, religion, language, country of origin, and so on.

The World Economic Forum recently ranked the United States 19th in the world in terms of gender inequality. The report found that while one-fifth of elected members of Congress are women, women's political opportunities in the United States have the highest level of gender equality. It is known that the United States has the highest economic potential in the world. It follows that even in a country where women's rights are widely recognized, women's political and social participation in society is not large enough [34].

In addition to the legal and institutional framework for ensuring gender equality in the U.S. experience, it is important to note the role

of the judiciary in ensuring women's rights. In particular, the courts, using the economic incentive method, pay special attention to the issue of recovering large sums of money for non-pecuniary damage caused to women because of discrimination.

Another important issue is that the U.S. Supreme Court has made a number of important decisions in order to ensure the fact of sexual discrimination in society. In 1971, the U.S. Supreme Court ruled in the *Reed v. Reed* case that it was unconstitutional for men to give priority to women in managing property without a will. In this way, the judiciary has taken an effective path to guaranteeing women's rights in society by ensuring gender equality.

The interaction between the executive, legislature, and judiciary in ensuring gender equality has led to significant positive results in ensuring gender equality in the United States.

As some studies have pointed out [35], the problem of gender equality in America has not been radically solved, and although there are problems in many areas, this area is actively developing. Therefore, there is every reason to say that the United States is a country where women's rights are respected and guaranteed by law.

In England, the birthplace of parliamentarism, the women's movement is very active in protests, although the conservative patriarchal method has always been retained in social life. The development of parliamentarism based on popular representation has provided an opportunity to expand reforms to achieve women's equality in society.

The main direction in the field of gender equality was, of course, the issue of reforming

the electoral system. Only after L. George, a supporter of the women's movement, was elected leader of the Liberal Party in 1916, on her initiative, a law was passed to ensure the right of women to vote in elections [36].

Although the law stipulates that women can only run in parliamentary elections from the age of 30 and men from the age of 21, the event is seen as a cornerstone of gender equality in British history. Unlike the Liberals, the Conservatives, while formally supporting feminism, in practice did not allow the passage of bills on women's rights [37].

The EU's system of gender equality has led to some progressive reforms in the field of gender equality in the UK, such as equal opportunities in childcare and employment and family reconciliation, wage gaps and the elimination of women's representation on company boards, among others [38].

A brief conclusion from the UK experience is that gender equality in this country has not been achieved in a year or so. There has been a long struggle to implement this process, and the fact that political parties and parliaments have played a key role in ensuring gender equality is a feature of this country in this area.

Based on the above, the following conclusions can be made.

First, in European practice, the fight against gender discrimination is not always positive. There have also been cases of citizens abusing their rights by making unfounded claims to employers in the hope of receiving material compensation under the pretext of gender equality.

Second, there is a certain asymmetry in the protection of women's rights; in these cases,

men often remain the object of discrimination, especially in family law. This situation makes it necessary to take into account that gender equality does not violate the rights of women as well as men.

Third, it should be noted that new forms of guaranteeing women's gender equality are also developing in European countries. At the same time, the electronic (digital) inequality associated with the lack of access to information for women in the field of IT technologies and modern workplaces deserves special attention. This new form is only now being reflected in European legislation and will be considered as the subject of our further research on the chosen topic.

Fourth, it can be understood that all states in ensuring gender equality stem from their economic and social identity, with the need to focus on changing the mindset of society.

Fifth, in addition to the specially authorized state bodies on gender issues, it can be seen that in some countries the positive results in this area are also directed at addressing the problems in this area by non-governmental organizations, the public, and the media.

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