



INTERNATIONAL LEGAL PROTECTION OF WOMEN'S LABOR RIGHTS.

Begimkhon Abdurakhimova

Senior Researcher and Development Officer Graduate School (Research)
Westminster International University in Tashkent Independent researcher Tashkent
State University of Law

Abstract: The issue of women's labor rights realization as a vulnerable demographic has spread throughout the global society. Regardless of whether a state is a party to ILO conventions and recommendations, recognition of a woman as an equal labor unit due to her social and work vulnerability must be established and secured by international labor standards and labor legislation. Government policy should prioritize protecting women's labor rights, and safe and equitable working conditions should take the place of labor limitations. The article investigates the mechanisms of international legal regulation for the protection and promotion of women's labor rights in the areas of maternity protection, women's night work, and the use of women's labor in underground work in accordance with the provisions of ILO conventions and recommendations, as well as the effectiveness of the application of international control mechanisms of the UN Committee on the Elimination of Discrimination Against Women.

Key words: International law, Women's labor rights, UN Committee on the Elimination of Discrimination against Women.

Аннотация: Проблема осуществления прав труда женщин как уязвимой социальной группы распространяется по всему мировому обществу. Независимо от того, является ли государство стороной конвенций и рекомендаций МОТ, признание женщины равным трудовым субъектом из-за её социальной и трудовой уязвимости должно быть установлено и обеспечено

международными трудовыми стандартами и законодательством о труде. Государственная политика должна приоритезировать защиту трудовых прав женщин, и безопасные и равноправные условия труда должны заменить ограничения трудовой мощности. В диссертации исследуются механизмы международного правового регулирования по защите и продвижению трудовых прав женщин в областях материнской защиты, ночного труда женщин и использования труда женщин в подземных условиях в соответствии с положениями конвенций и рекомендаций МОТ, а также эффективность



применения международных механизмов контроля Комитета по ликвидации всех форм дискриминации в отношении женщин.

Ключевые слова: международное право, трудовые права женщин, Комитет ООН по ликвидации дискриминации в отношении женщин.

Annotatsiya: Ayollarning zaif ijtimoiy guruh sifatida mehnat huquqlarini amalgaloshirish muammosi butun dunyo jamiyatida keng tarqalmoqda. Davlat XMT konvensiyalari va tavsiyalariga a'zo bo'lishidan qat'i nazar, ayollarning ijtimoiy va mehnatga layoqatsizligi tufayli teng mehnat subyekti sifatida tan olinishi xalqaro mehnat standartlari va mehnat qonunchiligi bilan belgilanishi va ta'minlanishi kerak. Davlat siyosatida ayollarning mehnat huquqlarini himoya qilishga ustuvor ahamiyat qaratilishi, xavfsiz va adolatli mehnat sharoitlari mehnatga layoqatli cheklovlar o'rnini bosishi kerak. Dissertatsiyada XMT konvensiyalari va tavsiyalar qoidalariga muvofiq onalarni himoya qilish, ayollarning tungi mehnati va er osti sharoitlarida ayollar mehnatidan foydalanish sohalarida ayollarning mehnat huquqlarini himoya qilish va rag'batlantirishni xalqaro huquqiy tartibga solish mexanizmlari, shuningdek BMTning ayollarga nisbatan kamsitishning barcha shakllariga barham berish bo'yicha qo'mitasining xalqaro nazorat mexanizmlarini qo'llash samaradorligi o'rganiladi.

Kalit so'zlar: Xalqaro huquq, ayollar ish huquqlari, BMTning ayollarga nisbatan kamsitishning barcha shakllariga barham berish bo'yicha qo'mita.

Introduction

In the subject of international law, there has been discussion and interest in the international legal protection of women's work rights. Several significant international treaties and conventions govern the international legal protection of women's labor rights. The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) is a cornerstone agreement that offers women's labor rights international legal protection, which was adopted by the United Nations General Assembly in 1979, is commonly referred to as the international bill of rights for women. It requires states parties to take all necessary steps to eliminate workplace discrimination against women. Another important aspect of international legal protection for women's labor rights is the International Labour Organization (ILO) conventions. The Equal Remuneration Convention, 1951 (No. 100), which mandates equal pay for work of equal value for men and women, and the Maternity Protection Convention, 2000 (No. 183), which aims to protect the health and employment rights of pregnant and nursing women, are two of the conventions that



the International Labour Organization (ILO) has adopted that specifically address women's labor rights. The Universal Declaration of Human Rights is not a legally binding document, the Declaration of Human Rights contains clauses pertaining to women's labor rights, including the freedom to work, the principle of equal pay for equal effort, and reasonable and comfortable working circumstances.¹ The last but not the least Regional Human Rights documents. The European Convention on Human Rights and the African Charter on Human and Peoples' Rights are two examples of regional human rights documents that safeguard women's work rights.²

Many countries have passed domestic laws and policies intended to advance gender equality in the workplace and safeguard the labor rights of women in addition to these international agreements. Notwithstanding the existence of legal safeguards, obstacles persist in guaranteeing that women get equitable career prospects, obtain just compensation, and are protected from discriminatory practices and workplace harassment. In order to solve these issues, continued activism, public awareness campaigns, and the upholding of current rules and laws are necessary.³

Activities of international organizations in the field of women's rights protection

Activities of universal international organizations and bodies in the field of women's rights protection (UN, UNESCO, Human Rights Committee, Committee on the Elimination of Discrimination against Women, Commission on the Status of Women, UNFPA) The concept of the international mechanism for protecting women's human rights is quite extensive. The most important components include: 1) international documents (conventions, declarations, treaties); 2) international organizations and their bodies; 3) the practice of applying international documents; 4) international monitoring and dispute resolution procedures. The international mechanism for protecting women's rights both at the universal level, primarily within the UN system, and at the regional level, concerning European, American, and African international organizations. The United Nations (UN), which is guided by its Charter of 1945, holds a leading position among universal intergovernmental structures for human rights protection. As noted earlier, according to Article 1 of the UN Charter, "the purposes of the United Nations are to promote and develop respect for human

¹ Women's Rights are Human Rights (2014), available from <https://www.ohchr.org/Documents/Events/WHRD/WomenRightsAreHR.pdf> (accessed 15.06.2019).

² Women's Human Rights: The International and Comparative Law Casebook by Susan Deller Ross

³ https://normlex.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C089



rights and fundamental freedoms for all, without distinction as to race, sex, language, or religion." The role of the United Nations (UN) in the field of human rights and women's rights protection is continually growing: new documents are adopted, new international human rights monitoring bodies are established, procedures for their protection are developed, and most importantly, the UN, particularly in recent times, defines measures of accountability for states failing to fulfill their international obligations under human rights treaties.⁴

The United Nations (UN) and its system have a fairly complex structure of divisions dedicated to fostering international cooperation in promoting and developing human rights. There are also several bodies directly responsible for overall coordination within the entire UN system on the issues we are examining.⁵

Conclusion

Despite these initiatives, securing strong international legal protection for women's labor rights remains extremely difficult. These include problems with the ways in which laws are enforced, employers' and employees' ignorance of and lack of comprehension of women's rights, and the enduring societal and cultural hurdles that prevent gender equality in many regions of the world. Discrimination against women in the workforce continues to be a significant issue, and efforts to address these challenges are ongoing.

References:

1. Convention on the Elimination of All Forms of Discrimination Against Women (2016), available from: <https://www.unwomen.org/en/digital-library/publications/2016/12/cedaw-for-youth>;
2. International Labour Organization No. 81 (1947), available from: <https://www.ilo.org/global/standards/introduction-to-international-labour-standards/conventions-and-recommendations/lang--en/index.htm>;
3. Universal Declaration of Human Rights, available from: <https://www.un.org/en/about-us/universal-declaration-of-human-rights>;
4. Clarke, A. (2001). Women's Rights at Work: A Handbook of Employment Law. Pluto Press. <https://doi.org/10.2307/j.ctt18fs60w>
5. Bekyashev D.K., Mikrina V.G. Some Features of International Legal Framework for

⁴ Бекяшев Д.К. Международное трудовое право: учебник. М., 2014

⁵ Бойченко Л. Д. ООН и права женщин: история и современность // Права женщин в России. Законодательство и практика. 2008. № 2. С. 17.



the Protection of Women's Labour Rights. Moscow Journal of International Law.
2016;(4):82-92. (In Russ.) <https://doi.org/10.24833/0869-0049-2016-4-82-92>