

ISSUES OF ENSURING THE PRACTICAL IMPLEMENTATION OF THE CONSTITUTIONAL RIGHT OF WOMEN TO ACCESS PUBLIC ADMINISTRATION

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Abstract

The international community, seeking to develop effective measures to eliminate gender discrimination, has adopted several instruments that include United Nations conventions (e. g. UN Convention on the Elimination of All Forms of Discrimination against Women — CEDAW, UN Convention on the Political Rights of Women, UN Convention on Discrimination in Employment and Occupation). These documents note that ensuring gender balance in all spheres of life is still a global and local problem that affects every country in the world. And the challenges of women's participation in public administration and decision-making remain problematic for many countries, especially Asian ones. Achieving gender equality is impossible without a certain mechanism for the implementation of rights and a code. One of the main components of public policy in the management process is the creation of national mechanisms to promote and strengthen equality between women and men.

Key words: women rights, political rights, public administration

In the article "The Study of Administration" Woodrow Wilson stated that "it is getting to be harder to run a constitution than to frame one".¹ Over the years the problem of ensuring constitutional norms into reality remains the main issue of the democratic states.

Today, the number of female parliamentarians complying with UN recommendations is 32%. The proportion of women in managerial positions reached 27%, and in political parties - 44%. As noted at the event, in the international ranking of the Inter-Parliamentary Union "Women in Politics" in 2021, Uzbekistan took 45th place among the countries of the world and entered the top 50.² Nevertheless, in the field of public administration, the indicator of women's participation in decision-making is low in comparison with the number of male leaders. In the administration of ministries, men make up 92.3%, and women - 3.8%.

Equal participation of women and men in politics is central to more inclusive and democratic governance. As stated in the Universal Declaration of Human Rights, "everyone has the right to take part in the government of his country, directly or through freely chosen representatives."³

Representation at decision-making levels is vital because:

a) people make decisions based on what they know and therefore important decisions mostly benefit people like those in power;

¹Woodrow Wilson. "The Study of Administration". Political Science Quarterly. July 1887

² <https://xs.uz/ru/post/rol-zhenschin-parlamentariev-v-razviti-uzbekistana>

³ United Nations, 1946.

b) marginalized groups are best placed to make decisions for themselves since they best understand how to solve the social and systemic marginalization they face;
c) unequal allocation of power, resources and opportunities shape minority group experiences leading to a cycle of oppression that is difficult to break.

Women make up 50% of the population but are considered a minority because they hold less power than their male counterparts. Very few women get to the top position of power within their government. As of March 2015, only 10 out of 152 elected Heads of State worldwide were women, and only 14 of 194 governments were headed by women.⁴

As we can observe, the percentage of women's leadership in governance is not even 10% worldwide. This is because women face some difficulties in carrying out their professional duties.

In article 196 of the Platform for Action, adopted by the Fourth World Conference on Women in Beijing, it is noted that being marginalized within national government structures, institutional mechanisms for the advancement of women "often suffer from unclear mandates, inadequate staffing, training, data and resources, as well as insufficient support from national political leadership".⁵

The reasons, for determining the weak representation of women in public administration, have objective and subjective aspects, and they enhance each other.

Objective aspects are divided into *socio-cultural, political, and economic factors*, and they are tightly interrelated. The socio-cultural factor is currently the main inhibiting link since it reflects the totality in the public consciousness of the requirements for a woman in the management system, and determines her perception by society in this capacity.

Political factors are more hidden, for example, there is no anti-discrimination legislation in the field of labour and family relations that prohibits covert discrimination. But during the preparation of the electoral lists, the principle of "gender qualification" is applied, which works through various mechanisms of party selection, systems of control over funding, access to the media, the use of traditional stereotypes against women candidates.⁶ The legislative framework legally gives women the right to political power. Another thing is when the existing electoral system does not allow women to exercise these rights.

The main task of eliminating *objective aspects* of gender discrimination is to find the causes of gender asymmetry and predict the ways of influencing women's representation in the highest authorities.

⁴ The World's Women 2015: Trends and Statistics. United Nations. New York – 2015.

https://unstats.un.org/unsd/gender/downloads/WorldsWomen2015_chapter5_t.pdf

⁵ <https://www.un.org/womenwatch/daw/beijing/pdf/BDPfA%20E.pdf>

⁶ А. А. Широбокова, С. В. Уралова. Женское лидерство. Власть и женщина. Выборные технологии. 2-ое издание, дополненное. – Издательство Иркутского Государственного Университета, 1999 г

Since in our country there are no women's lobbies, or political parties, affirming as its priority the advancement of women and/or the achievement of gender equality, the permanent mainstreaming of the gender agenda falls on a civil community, precisely on those social organizations that deal with gender issues because they thereby legitimize themselves, and declare their right to state support, including financial support.

To reduce the influence of *subjective aspects*, it is necessary to increase gender competence (the ability of men and women to notice situations of gender inequality in their environment, to resist sexist, discriminatory influences and impacts; not to create situations of gender inequality)⁷ among public servants, and this will make real social policies more gender-sensitive. Thus, the task of maintaining a gender perspective in the practice of public administration is solved de facto. The following thing is for external forces, whose task is to lobby in representative and executive bodies not private, but systemic and principled policy decisions in the field of gender issues already de jure.

In conclusion, we would like to note that solving the problems of implementing women's rights to access public administration requires fundamental reforms in the country. The key point of solutions is that approaches to reducing gender problems should be done both from the objective and the subjective aspects.

From the objective aspects should be done the following actions. At the legislative level, through the development of normative legal acts, mechanisms should be developed to promote gender equality, support governmental and, especially, non-governmental public organizations that support women in all fields, and ensure safe careers for women in public administration. The training of gender competence for public officials and decision-making personnel, and the development of professional ethics among male employees will serve to eliminate problems of discrimination based on gender of a subjective nature.

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⁷И. Клецина. Гендерная психология. Практикум 2-е изд. Санкт-Петербург. Питер, 2009. С 317.