

► **Assessment of Uzbekistan  
legislation in view of a possible  
ratification of the Maternity  
Protection Convention, 2000  
(No. 183)**

Report to the Government, Republic of Uzbekistan

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The ILO engaged Aleksey Niyazmetov, national labour law expert to undertake this assignment. Luisa Fernanda Carmona Llano, Legal Officer; Maya Stern Plaza, Social Protection Legal and Standards Officer; and Kroum Markov, Social Protection Policy Specialist of the Social Protection Department (SOCPRO), ILO, Geneva, revised and finalised the report in line with the framework established by Maternity Protection Convention, 2000 No. 183.

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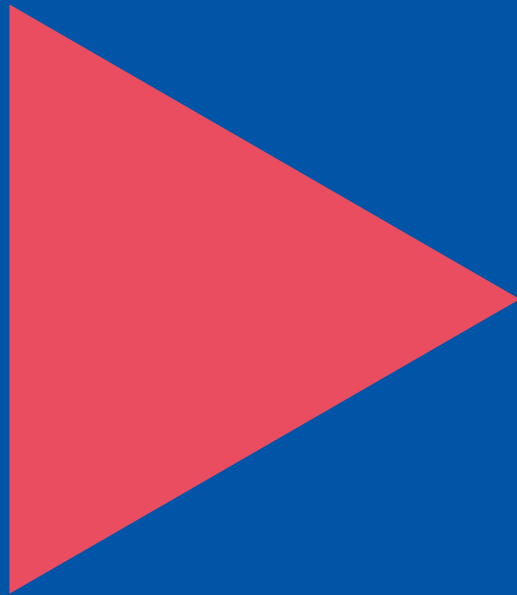
## ► Abbreviations and acronyms

<b>CEACR</b>	Committee of Experts on the Application of Conventions and Recommendations
<b>Convention No. 102</b>	Social Security (Minimum Standards) Convention, 1952 (No. 102)
<b>Convention No. 183</b>	Maternity Protection Convention, 2000 (No.183)
<b>DWCP</b>	Decent Work Country Programme for 2021-2025
<b>GP</b>	General practitioner
<b>ILC</b>	International Labour Conference
<b>MCE</b>	Minimum consumer expenditure
<b>MW</b>	Minimum wage
<b>PHCF</b>	Primary health care facility
<b>Recommendation No. 101</b>	Maternity Protection Recommendation, 2000 (No. 191)
<b>SDGs</b>	Sustainable Development Goals
<b>SRM tripartite working group</b>	Standards Review Mechanism Tripartite Working Group
<b>UZS</b>	Uzbek sum



# Introduction

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Maternity protection is considered an integral part of fundamental human rights and social security protection, and essential for ensuring gender equality and non-discrimination. It comprises income security, maternal healthcare, maternity leave, breastfeeding arrangements, employment protection and childcare solutions after return to work, and therefore it is typically at the intersection of labour and social security legislation as well as health and employment policies. The effective functioning and application of the legal framework that provides for social protection guarantees and conditions of maternity protection contribute to ensuring economic growth, social development of society, observance of human rights and poverty reduction. Furthermore, in the broader sense, maternity protection provides a healthy nation and healthy labour resources of the state.

The right of every person to realize their human rights without discrimination and the right to decent and safe work are reflected in numerous international treaties, including the Universal Declaration of Human Rights, 1948, the International Covenant on Economic, Social and Cultural Rights, 1966, the International Covenant on Civil and Political Rights, 1966, the Convention on the Elimination of All Forms of Discrimination against Women, 1979, and the Employment Policy Convention, 1964. It should also be noted that Uzbekistan has ratified these international instruments.

Specific detailed provisions to guide national policy and action in the area of maternity protection are reflected in the International Labour Organization's (hereinafter referred to as the ILO) up-to-date social security standards, notably the Social Security (Minimum Standards) Convention (No. 102), 1952, the Maternity Protection Convention (No. 183), 2000 and its accompanying Recommendation (No. 191), and the Social Protection Floors Recommendation, 2012 (No. 202). (See box 1).

In this regard, it should be noted that the Republic of Uzbekistan has been a member of the ILO since 1992, having ratified 19 ILO Conventions, including four governance conventions, nine fundamental conventions and six technical conventions.<sup>1</sup> Among the technical conventions ratified by Uzbekistan is Convention No. 103 on Maternity Protection, 1952,<sup>2</sup> which has been considered outdated. As such, the ILO's Committee of Experts on the Application of Conventions and Recommendations (hereinafter referred to as the CEACR)<sup>3</sup> has encouraged all Member States, for which Convention No. 103 is in force, to ratify the corresponding up-to-date instruments as recommended by the ILO Governing Body based on the work of the Standards Review Mechanism Tripartite Working Group (SRM tripartite working group)<sup>4</sup>. In this context, the CEACR has encouraged the Government of Uzbekistan to consider ratifying the Maternity Protection Convention, 2000 (No.183) (hereinafter referred to as Convention No. 183) as the most up-to-date instrument in this subject area,<sup>5</sup> which would result in the automatic denunciation of Convention No. 103.

1 Status of ratifications as of May 30, 2023. For further information, consult: [https://www.ilo.org/dyn/normlex/en/f?p=1000:11200:0::NO:11200:P11200\\_COUNTRY\\_ID:103538](https://www.ilo.org/dyn/normlex/en/f?p=1000:11200:0::NO:11200:P11200_COUNTRY_ID:103538).

2 Approved by Resolution No. 85-I of the Oliy Majlis dated 6 May 1995.

3 Report of the Committee of Experts on the Application of Conventions and Recommendations (ILC.110/III(A)) [https://www.ilo.org/wcmsp5/groups/public/---ed\\_norm/---relconf/documents/meetingdocument/wcms\\_836653.pdf](https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_836653.pdf).

4 [https://www.ilo.org/wcmsp5/groups/public/---ed\\_norm/---relconf/documents/meetingdocument/wcms\\_534130.pdf](https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_534130.pdf).

5 ILO. 2021. Direct Request (CEACR) - adopted 2019, published 109th ILC session (2021): Maternity Protection Convention (Revised), 1952 (No. 103) - Uzbekistan (Ratification: 1992)

### ► Box 1. International standards relevant to maternity protection

Women's right to maternity protection is enshrined in the Universal Declaration of Human Rights of

1948, which sets out the right to social security and special care and assistance for motherhood and

childhood. The International Covenant on Economic, Social and Cultural Rights (1966) establishes the right of mothers to special protection during a reasonable period before and after childbirth, including prenatal and postnatal healthcare and paid leave or leave with adequate social security benefits. The Convention on the Elimination of All Forms of Discrimination against Women (1979) recommends that special measures be taken to ensure maternity protection, proclaimed as an essential right permeating all areas of the Convention.

Since the adoption by the ILO of the Maternity Protection Convention, 1919 (No. 3), in the very year of its foundation, a number of more progressive instruments have been adopted, in line with the steady increase in women's participation in the labour market in most countries worldwide. The Social Security (Minimum Standards) Convention, 1952 (No. 102), Part VIII, sets minimum standards as to the population coverage of maternity protection schemes, including cash benefits during maternity leave, to address the temporary suspension of earnings. The Convention also defines the medical care that must be provided free of charge at all stages of maternity, to maintain, restore or improve women's health and their ability to work. Further, it provides that free maternal healthcare must be available to women and the spouses of men covered by maternity protection schemes.

The Maternity Protection Convention, 2000 (No. 183), and its accompanying Recommendation (No. 191), provide detailed guidance for national policymaking and action aiming to ensure that women:

- are granted at least 14 weeks of maternity leave paid at a rate of at least two thirds of previous earnings (Convention No. 183) or up to 18 weeks at 100 per cent (Recommendation No. 191);
- have employment protection during pregnancy, maternity leave and the right to return to the same or an equivalent position;
- enjoy the right to one or more daily nursing breaks or a daily reduction of hours of work to breastfeed their children; and
- are not required to perform work prejudicial to their health or that of their children.

BIIn order to protect women's rights in the labour market and prevent discrimination by employers, ILO maternity protection standards specifically require that cash benefits be provided through schemes based on solidarity and risk-pooling, such as compulsory social insurance or public funds, while strictly circumscribing the potential liability of employers for the direct cost of benefits.

Recommendation No. 202 calls for access to essential healthcare, including maternity care and basic

income security, for people of working age who are unable to earn sufficient income owing to (among other factors) maternity. Cash benefits should be sufficient to allow women a life in dignity and without poverty. Maternity medical care should meet criteria of availability, accessibility, acceptability and quality (UN, 2000a); it should be free for the most vulnerable; and it should not create hardship or increase the risk of poverty for people in need of healthcare. Maternity benefits should be granted to all residents of a country. Reinforcing the objective of achieving universal protection, the Transition from the Informal to the Formal Economy Recommendation, 2015 (No. 204), calls for the extension of maternity protection to all workers in the informal economy.

The commitments of the Republic of Uzbekistan related to maternity protection were also reflected in the signature of the UN Millennium Declaration in 2000, one of whose eight goals is to improve maternal health.<sup>6</sup> Uzbekistan has confirmed its commitment towards achieving the global 2030 Agenda and an inclusive, multi-stakeholder partnership approach for realising the of Sustainable Development Goals (SDGs).<sup>7</sup> To ensure that the SDGs are prioritised throughout all ministries, the Government endorsed and adopted Resolution of Cabinet Ministers of the Republic of Uzbekistan No.83 dd. 22.02.2022<sup>8</sup> on additional measures to accelerate the implementation of the 2030 Agenda, which reinforced commitment to align SDGs to national strategies and programmes. It should be noted that compliance with the basic principles of maternity protection is essential to the implementation of a number of SDGs, in particular, Goal 3 – Ensure healthy lives and promote well-being for all at all ages and Goal 5 – Achieve gender equality and empower all women and girls.<sup>9</sup>

It should be noted that Uzbekistan is currently improving the legislative and legal mechanisms in the field of labour, in particular, the new Labour Code, which entered into force on April 30, 2023. The Code aims to strengthen the protection of labour rights of workers in accordance with international standards.

In addition, the Decent Work Country Programme for 2021-2025 (hereinafter referred to as DWCP), signed on September 22, 2021<sup>10</sup> among the priorities of which is identified DWCP 3.3: Strengthening the protection of women's rights and opportunities and achieving gender equality in the labour market. The program includes an analysis of national legislation and policies regarding maternity protection and the development of a recommendation in accordance with appropriate international labour standards. The DWCP Road Map envisages a clear direction on the Government's commitment to ratifying ILO Conventions, including Conventions 102, 183 and the Violence and Harassment Convention, 2019 (No. 190), and the promotion of gender equality in the labour market. Furthermore, the provisions of the General Collective Agreement between the Cabinet of Ministers of the Republic of Uzbekistan, the Federation of Trade Unions of Uzbekistan, and the Confederation of Employers of Uzbekistan on socio-economic issues for 2023-2025 include items to study the possibility of implementing these ILO international standards in the national legislation.<sup>11</sup>

Within the framework of the aforementioned accents, it is necessary to mention a number of factors significantly affecting the subject under consideration:

- The constantly growing population of the country, which at the start of 2022 was 35,271,000 people, of whom 49.6 per cent were women; at the beginning of 2023 it was 36,024,000 people, of whom 49.7 per cent were women;<sup>12</sup>
- By the end of 2021 the number of workforce was 19,334,900, with an economically active population of 14,980,700 and an employed population of 13,538,900, 41.3 per cent of whom were women,<sup>13</sup> the employment-to-population ratio 67 per cent;<sup>14</sup>

6 United Nations Country Team and the Asian Development Bank in Uzbekistan (2013). [Millennium Development Goals in Uzbekistan](#).

7 <https://uzbekistan.un.org/en/sdgs>

8 <https://lex.uz/docs/587039>

9 <https://www.maternityworldwide.org/the-issues/sdgs/>

10 [https://www.ilo.org/wcmsp5/groups/public/---ed\\_mas/---program/documents/genericdocument/wcms\\_836411.pdf](https://www.ilo.org/wcmsp5/groups/public/---ed_mas/---program/documents/genericdocument/wcms_836411.pdf).

11 <https://kasaba.uz/wp-content/uploads/2020/02/Gen-Sogl-2020-2022.pdf>

12 <https://stat.uz/ru/60-poleznaya-informatsiya/5902-naselenie-uzbekistana>

13 <https://stat.uz/ru/ofitsialnaya-statistika/labor-market>

14 <https://stat.uz/ru/ofitsialnaya-statistika/labor-market>

- ▶ 44.1 per cent of the employed population work in the non-state sector, while according to the report of the Ministry of Employment and Poverty Reduction for the first half of 2022, 41.3 per cent of the employed population worked informally.<sup>15</sup>
- ▶ At the end of 2021, there were officially 1,441,800 unemployed persons registered with the labour authorities, 59 per cent of whom were women, the unemployment rate was 9.6 per cent, the employment rate was 67 per cent, and the poverty rate was 17 per cent.<sup>16</sup>
- ▶ The average age of women in hired employment is 37.2 years, of which women between 18 and 29 years of age account for 26.5 per cent, between 30 and 39 years for 34.4 per cent, and between 40 and 49 years for 28.4 per cent, according to age groups at enterprises and organizations. Around 89.3 per cent of working women are of reproductive age.<sup>17,18</sup> Similarly, the average age of men in hired employment is 38 years, according to age groups at enterprises and organizations, men are distributed as follows: 18-29 years old – 26.1 per cent, 30-39 years old – 32.2 per cent, 40–49 years old – 26 per cent, 50–54 years old – 8.5 per cent, more than 55 years old – 7.2 per cent;<sup>19</sup>
- ▶ Based on 2018 data, 39.3 per cent of employed men and 41.1 per cent of employed women were in unsecured employment;<sup>20</sup>
- ▶ The share of women in the informal sector is estimated at 57 per cent. This can partially be explained by the fact that many employers do not officially recruit women to avoid paying maternity benefits.<sup>21</sup>
- ▶ In 2019, 160 women in Uzbekistan died from complications arising from pregnancy and childbirth or during the postnatal period, compared to 156 women in 2020 and 130 women in 2021.<sup>22</sup> The maternal mortality rate per 100,000 live births is decreasing, while in 2017 the figure was 21, and in 2021 it is 14.4;<sup>23</sup>
- ▶ The number of children per woman is increasing annually, so if in 2015 the figure was 2.75, in 2020 it was 3.10, and 3.40 in 2021;<sup>24</sup>
- ▶ The share of children under 17 years of age in the total population is 34 per cent;<sup>25</sup>
- ▶ The level of coverage of low-income families by social assistance programs was 58.8 per cent in 2020 and 65.8 per cent in 2021.<sup>26</sup>

15 <https://mehnat.uz/uz/news/uzbekistonda-ishsizlik-darazhasi-88-foizni-tashkil-etdi>

16 <https://stat.uz/ru/ofitsialnaya-statistika/living-standards>

17 <https://gender.stat.uz/ru/osnovnye-pokazateli/trud>

18 [According to the WHO classification Reproductive age 15-49 years](#)

19 <https://gender.stat.uz/ru/osnovnye-pokazateli/trud>

20 [https://www.ilo.org/wcmsp5/groups/public/---europe/---ro-geneva/---sro-moscow/documents/publication/wcms\\_760150.pdf](https://www.ilo.org/wcmsp5/groups/public/---europe/---ro-geneva/---sro-moscow/documents/publication/wcms_760150.pdf)

21 <https://www.gazeta.uz/ru/2022/04/29/maternity-leave/>

22 <https://stat.uz/ru/ofitsialnaya-statistika/demography>

23 <https://nsdg.stat.uz/goal/6>

24 <https://gender.stat.uz/ru/osnovnye-pokazateli/demografiya>

25 <https://gender.stat.uz/ru/osnovnye-pokazateli/demografiya>

26 <https://lex.uz/ru/docs/6130271#6132121>

As stated earlier, Uzbekistan ratified ILO Convention No. 103 on July 13, 1992, which based on the recommendations of the SRM tripartite working group, was considered as an outdated instrument by the ILO Governing Body at its 328th Session (October–November 2016).<sup>27</sup> Since Convention No. 183 reflects the more modern approach to maternity protection when addressing issues of health protection, maternity leave, maternity benefits, employment protection and non-discrimination of employed women, the CEACR has encouraged the Government of Uzbekistan to consider ratifying Convention No.183, as the most up-to-date instrument in this subject area.<sup>28</sup>

► **Box 2. Convention No. 183 is a comprehensive framework for maternity protection**

Convention No.183 has expanded the scope of maternity protection and provides for such provisions as:

- Extension of maternity protection to all employed women, including those in atypical forms of dependent work;
- Maternity leave of at least 14 weeks, including a compulsory period of six weeks after childbirth;
- Additional leave before or after the maternity leave period in the case of illness, complications or risks of complications arising out of pregnancy or childbirth;
- Cash benefits during maternity leave shall be provided at a level that ensures that women can maintain themselves and their child in proper conditions of health and with a suitable standard of living. Benefits calculated based on previous earnings, shall be set at least at two-thirds of the woman's previous earnings (or at an equivalent level where benefits are not calculated on the basis of previous earnings);
- Access to medical care, including prenatal, childbirth and postnatal care, as well as hospitalization when necessary;
- Health protection: the Convention envisages the right of pregnant or nursing women not to perform work prejudicial to their health or that of their child.
- Breastfeeding arrangements: minimum of one daily break or a daily reduction of hours of work, with pay.
- Provisions concerning employment protection and non-discrimination, such as prohibited for employers to terminate the employment of a woman during her pregnancy or absence on leave or during a period following her return to work, except on grounds unrelated to the pregnancy or birth of the child and its consequences or nursing.

27 GB.328/LILS/2/1 (Rev.).

28 Direct Request (CEACR) – adopted 2019, published 109th ILC session (2021) – Maternity Protection Convention (Revised), 1952 (No. 103) – Uzbekistan (Ratification: 1992)

However, the application of these standards on a broader scope should be considered. During the ILO's history, international labour standards on maternity protection, in line with the Equal Remuneration Convention, 1951 (No. 100) and the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), have reaffirmed the principle of equality of opportunity and treatment for men and women, which is at the heart of social justice, the constitutional mandate of the ILO. In addition, the adoption of the ILO Workers with Family Responsibilities Convention, 1981 (No. 156) marked the recognition that "a change in the traditional role of men as well as the role of women in society and in the family is needed to achieve full equality between men and women", as stated in the United Nations Convention on the Elimination of All Forms of Discrimination against Women, 1979.<sup>30</sup>

In addition, it should be noted the ILO Resolution concerning the second recurrent discussion on social protection (social security) calls Member States to foster income security during maternity, paternity and parental leave as part of gender-responsive social protection systems.<sup>31</sup>

However, current international labour standards do not yet explicitly regulate paternity leave provisions. Nonetheless, the 2009 International Labour Conference (ILC) Resolution concerning gender equality at the heart of decent work<sup>32</sup> has a specific section dedicated to the role played by men in gender equality. In this respect, the resolution recognizes that paternity leave can help working fathers to be more involved in childcare, thus contributing to defeating long-standing gender stereotypes. The 2009 ILC Resolution also calls for governments to develop – together with social partners – adequate policies allowing for a better balance between work and family responsibilities, including parental and/or paternity leave.<sup>33</sup>

In this context, this analysis is aimed at examining the compatibility of the existing legal framework of the Republic of Uzbekistan in the field of maternity protection with the provisions of Convention No.183. The objectives of this analysis are to assess the current situation, regulatory framework, and practices of maternity protection in Uzbekistan vis-à-vis the requirements of Convention No.183, as well as to provide recommendations of legal, policy and financial implications in the case of a possible future ratification of this international standard.

The report methodology is a desk review of publicly accessible laws and other legislative documents. The logical framework for this analysis is a ranking principle proceeding from the general to the particular, which will examine the country's legal and regulatory basis concerning maternity protection as specified in Convention No. 183. The Evaluation is conducted in accordance with the report form for the Maternity Protection Convention, 2000 (No.183).<sup>34</sup>

The report consists of an introduction and three chapters. Chapter 1 presents the legal framework governing maternity protection in Uzbekistan, notably the labour and social security legislation and other legal and key policy documents and practice in relation to maternity protection. Chapter 2 examines the compatibility of the national legislation with the requirements of Convention No. 183, while Chapter 3 concludes with the prospects of ratification of this international standard by Uzbekistan. Complementary information is provided in the annexes.

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29 The first Convention on maternity protection (No. 3) was adopted in 1919. Since then, two other Maternity Protection Conventions have been adopted: No. 103 in 1952 and No. 183 in 2000.

30 [https://www.ilo.org/wcmsp5/groups/public/@dgreports/@dcomm/@publ/documents/publication/wcms\\_242615.pdf](https://www.ilo.org/wcmsp5/groups/public/@dgreports/@dcomm/@publ/documents/publication/wcms_242615.pdf).

31 Para. 13(f) [https://www.ilo.org/wcmsp5/groups/public/---ed\\_norm/---relconf/documents/meetingdocument/wcms\\_806099.pdf](https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_806099.pdf).

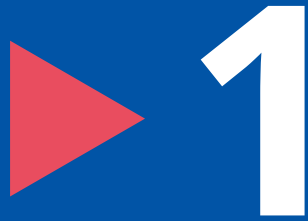
32 [https://www.ilo.org/wcmsp5/groups/public/---dgreports/---gender/documents/meetingdocument/wcms\\_187671.pdf](https://www.ilo.org/wcmsp5/groups/public/---dgreports/---gender/documents/meetingdocument/wcms_187671.pdf).

33 [https://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/documents/publication/wcms\\_838653.pdf](https://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/documents/publication/wcms_838653.pdf).

34 Available on the ILO's NORMLEX database at: [https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:51:0::NO:51:P51\\_CONTENT\\_REPOSITORY\\_ID:2543250:NO](https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:51:0::NO:51:P51_CONTENT_REPOSITORY_ID:2543250:NO)

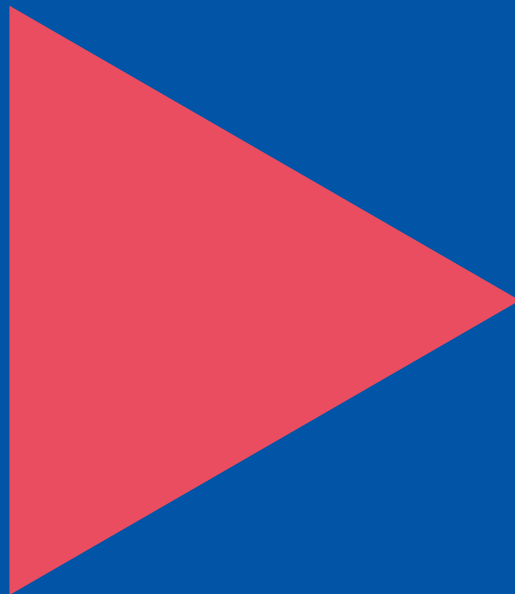






# The legal framework governing maternity protection in Uzbekistan

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The Constitution of the Republic of Uzbekistan,<sup>35</sup> a fundamental legal document, guarantees the protection of motherhood, fatherhood and childhood in accordance with part 3 of Article 78. According to the provision of Article 19 "All citizens of the Republic of Uzbekistan have equal rights and freedoms and are equal before the law without discrimination by sex, race, nationality, language, religion, social origin, beliefs, personal and social status," while part 3 states that benefits may be established only by law and must comply with the principles of social justice.

The constitution also recognises the right of everyone to decent work, to free choice of profession and occupation, favourable working conditions that meet safety and hygiene requirements, to fair remuneration for work without any discrimination and not below the established minimum wage (enshrined in Article 42). In addition, Part 2 of Article 46 states that pensions, benefits, and other types of social assistance may not be lower than the officially established fixed minimum consumer expenditure.

Provisions regarding the protection of motherhood are also reflected in the Family Code of the Republic of Uzbekistan,<sup>36</sup> which Article 4 stipulates guarantees of protection by the state of the family, motherhood, fatherhood and childhood. It is noted that motherhood and fatherhood are honoured and respected in Uzbekistan. Part 3 of this Article further stipulates that "the interests of mothers and children are protected by special measures to protect women's work and health, create conditions that enable women to combine work and motherhood, and provide legal protection and material and moral support for motherhood and childhood".

## ► Labour legislation

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Direct provisions of maternity protection in the field of labour are regulated by the Labour Code of the Republic of Uzbekistan<sup>37</sup> (hereinafter referred to as the Labour Code), adopted on 28.10.2022 by LRU No. 798 and came into force on April 30, 2023. Thus, the Labour Code contains provisions on the peculiarities of legal regulation of the work of women and persons with family responsibilities, the prohibition of refusal to hire and dismissal for reasons related to pregnancy or children, the provision of leave and the procedure for payment of maternity benefits and others. The above provisions will be discussed in more detail in subsequent chapters of this report.

Maternity leave is covered by Article 404 of the Labour Code. This leave is considered social leave and is granted to a woman irrespective of her length of service, the place and nature of her work and the form of incorporation of the employer (Article 237 of the Labour Code).

It is worth noting that in the comparative practice, paternity leave provisions are becoming more common and reflect evolving views of fatherhood. Paternity leave is usually a short period of leave for the father to take immediately following childbirth to help care for the child and assist the mother.<sup>38</sup> The Labour Code does not provide for separate paternity leave for the birth of a child. However, Article 400 of the Labour Code stipulates that working men can be granted annual labour leave at their request during their wife's maternity leave: for the first year of employment – regardless of the time worked; for the following years – regardless of the vacation schedule.

35 <https://lex.uz/docs/6451070>

36 <https://lex.uz/docs/5712113>

37 <https://lex.uz/ru/docs/6257291>

38 [https://www.ilo.org/wcmsp5/groups/public/@dgreports/@dcomm/documents/publication/wcms\\_242617.pdf](https://www.ilo.org/wcmsp5/groups/public/@dgreports/@dcomm/documents/publication/wcms_242617.pdf)

Parental leave is a period of longer-term leave available to either or both parents to allow them to look after an infant or young child, usually after maternity or paternity leave expires.<sup>39</sup> Article 405 of the Labour Code provides for paid parental leave to care for a child up to the age of two years with payment of an allowance for this period and additional leave without pay to care for a child up to the age of three years may also be used in full or in parts by the child's father, grandmother, grandfather or other relative who actually cares for the child, as well as by the guardian.

Box 3 provides a general overview of the national legislation concerning maternity protection in relation to some of the requirements of Convention No. 183, as well as the paternity and parental leave.

► **Box 3. Key features of Uzbekistan's overarching framework regulating maternity protection, paternity and parental leave**

- The country has established a basic legal framework (reviewed further below);
- Legislation provides for maternity leave and benefit for officially employed women. The total duration of maternity leave is 18 weeks (20 weeks in cases of illness or complications) and granted to a woman irrespective of her length of service, the place and nature of her work and the form of incorporation of the employer.
- Paternity leave is not envisaged as a distinctive type of leave; however, a working man can use his annual leave at the time that his wife is on maternity leave.
- Maternity benefits are paid in a differentiated amount depending on the duration of employment: 75 per cent of the average monthly salary is paid with up to 12 months of employment and 100 per cent of the average monthly salary to women with more than 12 months of work. At present, workers of non-budgetary organizations' maternity benefits are paid in part by the State through a special Fund (the source of funding is currently the state budget). The portion of the benefit paid by the state is a fixed amount (4\*Minimum Consumption Expenditure or 1.9 million (hereinafter referred to as UZS). If the amount of the benefit is higher than this fixed sum, the remaining part is compensated by the employer at his own expense. If the benefit amount is within the fixed sum, the employer does not contribute. The maternity leave benefit for workers employed by State-funded organizations is paid from the relevant budgets.
- The legislation provides parental leave (until the child is 2 years old) available after maternity leave on the woman's own will. The leave is also available to fathers and other relatives under the same conditions as for mothers (duration and amount of benefit). Childcare benefits are established at the fixed amount of 60 per cent of the minimum wage. The parental leave benefit is paid monthly until the child reaches 2 years of age by employers in non-budgetary organizations. The aforementioned conditions also apply to adoptive parents. The national legislation also provides unpaid parental leave until the child is 3 years old.
- For unemployed women and women working in State-funded organizations, parental leave benefits paid as childcare benefits for low-income families (which is available to both unemployed and informally employed women, workers of State-funded organizations, and workers of non-budgetary organizations after the end of the 2-year period of paid parental leave).
- The employer is responsible for the payment of the allowance for temporary incapacity for work and the childcare benefit during the period of parental leave (until the child is 2 years old).
- The Pension Fund finances one-time childbirth benefits and childcare benefit for low-income families.

39 [https://www.ilo.org/wcmsp5/groups/public/@dgreports/@dcomm/documents/publication/wcms\\_242617.pdf](https://www.ilo.org/wcmsp5/groups/public/@dgreports/@dcomm/documents/publication/wcms_242617.pdf).

Law of the Republic of Uzbekistan "On Employment" No. LRU-642 dd. 20.10.2020,<sup>40</sup> Article 6, establishes the main directions of the state policy in the area of employment, one of which is to ensure equal rights and opportunities for women and men in the area of employment.

State guarantees of equal rights in the exercise of personal, political, economic, social and cultural rights of women and men are established in Article 6 of the Law of the Republic of Uzbekistan "On guarantees of equal rights and opportunities for women and men" No. LRU-562 of 02.09.2019.<sup>41</sup> In addition, the state guarantees women and men equal participation in the management of public and state affairs, the electoral process, equal rights and opportunities in health care, education, science, culture, labour and social protection, as well as in other areas of state and public life. Also, in accordance with paragraphs 5 and 6 of Article 21, in order to implement equal rights and opportunities for women and men in labour relations, employers are charged with ensuring the introduction and development of social protection and family support practices available to women and men who have children, creating favourable working conditions for pregnant and nursing women, as well as safe working conditions that ensure the maintenance of life and health of women and men, including maintaining reproductive function. Article 22 of the above law establishes a mandatory requirement for collective bargaining agreements and contracts, which must contain provisions to ensure equal rights and opportunities for women and men and improve conditions for combining professional and family obligations. According to Article 24, parents have equal rights to receive benefits for the care of young children, family,<sup>42</sup> family members with disabilities. Both parents are entitled to paid parental leave in connection with the birth of a child. The length of parental leave may be divided between the parents at their discretion, and parents may use the leave in instalments.

In terms of consultation of employee representatives on the rights of pregnant women or nursing mothers, it should be noted that Article 31 of Law of the Republic of Uzbekistan "On Trade Unions" No. LRU-588 dd. 06.12.2019, gives trade unions the rights in the field of social protection of workers. Thus, trade unions and their associations have the right to participate in the development of measures for the social protection of workers. In the field of labour protection, Article 33, trade unions are empowered to make proposals to the employer to suspend work in cases of threat to the life and health of workers, as well as to eliminate violations of labour protection requirements, as well as to study the state of labour protection, monitor the implementation of employers' obligations on labour protection under collective agreements and contracts. Also, under Article 50, trade unions are empowered to carry out social partnerships in the form of mutual consultations of the parties to protect worker's social and economic rights and interests.

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40 URL: <https://lex.uz/ru/docs/5686516>

41 URL: <https://lex.uz/docs/5167654>

42 Per Article 993 of the Civil Code of the Republic of Uzbekistan, young children refer to minors under 14.

## ▶ Social security legislation and related policies

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All employees are subject to state social insurance. Social security contributions are paid by employers in the form of a social tax (until 1 January 2020, the unified social tax). Until 1 January 2019, workers also paid compulsory insurance contributions to the Pension Fund. However, the insurance contributions of citizens are abolished by Law of the Republic of Uzbekistan “On amendments and additions to some legislative acts of the Republic of Uzbekistan in connection with the adoption of the main directions of tax and budgetary policy for 2019” of 24.12.2018 No. LRU-508 (Art. 2, 81, paras. 2).

The employers' non-payment of contributions to state social insurance does not deprive the insured employee of the right to state social insurance benefits. Current legislation formally entitles employees to receive the following:

- ▶ Childbirth benefit (one-time birth grants for the birth of a child);
- ▶ State retirement, disability and survivors' pensions;
- ▶ Allowances for temporary incapacity for work;
- ▶ Maternity benefits;
- ▶ Child care benefits;
- ▶ Allowances for funeral expenses;
- ▶ From 1 April 2022, benefits in the amount of 500,000 UZS are paid to the legal representative of a child engaged in caring for a disabled child under 18 years of age who is in need of nursing care (Item 2 of Decree No. DP-74 of the President of the Republic of Uzbekistan dd. 17 February 2022);
- ▶ Other benefits provided for by the national legislation.

Uzbekistan's existing social benefits can be financed from different sources, such as:

- ▶ Extra-budgetary Pension Fund funds: one-time childbirth benefit, payment for an extra day off for one working parent (guardian or custodian) raising a child with a disability until the child reaches 16 years of age;
- ▶ Employer's own funds: temporary disability allowance, maternity benefit (partly), child care allowance for a child until 2 years of age.
- ▶ State budget funds (as of 1.01.2019) - maternity benefit (partly), allowance for funeral benefits (paragraph 28 of Decree of the President of Uzbekistan dd. 26.12.2019 No. PP-4086). Prior to 1 January 2019, funeral benefits were paid from the Pension Fund (clause 6 of Regulation approved by Resolution of the Cabinet of Ministers No. 174 dd. 14.06.2011).

It should be mentioned that Presidential Decree No. DP-87 of 7.03.2022 “On measures to further accelerate work on systemic support for families and women”, established, as of 1 September 2022, the procedure for the payment of maternity benefits to women who have had continuous employment in all legal entities other than budgetary organizations, for the past 6 months at State expense based on the Minimum Monthly Consumption Expenditure (hereinafter referred to as MCE). Due to this reform, maternity benefits are partly covered by the state through a Social Insurance Fund (the source of funding is currently the State budget). The part paid by the State is a fixed amount (4\*MCE or 1.9 million UZS). If the amount of the benefit exceeds this fixed amount, the remaining part is compensated by the employer at his own expense. If the benefit is within the fixed amount, the employer is not required to pay. It should be mentioned that if the employee is not entitled to benefits from the Social Insurance Fund, the employer shall cover the entire amount of the benefit.

A national programme to promote women's participation in all areas of economic, political and social life for 2022-2026 and a comprehensive action plan for implementation of the national programme for 2022-2023 were adopted. In pursuance of above-mentioned Presidential Decree No. DP-87, Resolution No. 515 of the Cabinet of Ministers of the Republic of Uzbekistan "On measures for the development of state social insurance system" dd. 20.09.2022<sup>43</sup> was adopted. It approved the Regulation that establishes the procedure for the determination and payment of maternity benefits under the state social insurance for women who have continuous service in the last six months based on labour contracts in all legal entities in Uzbekistan. Box 4 highlights some conditions stipulated in the Regulation on the procedure for assignment and payment of maternity benefits under the state social insurance.

► **Box 4. Overview of maternity benefits financed by the State Budget as per Resolution No. 515 of the Cabinet of Ministers of the Republic of Uzbekistan**

- 1) The maternity benefit is paid from the Social Insurance Fund and is set at four times the MCE. Currently, the MCE is 498,000 UZS; therefore, the benefit corresponds to 1,992,000 UZS;
- 2) The decision on granting and payment of benefit is automatically formed and made in the information system "Single Register of Social Protection" without requiring additional documents from citizens;  
On the basis of a temporary disability certificate received through the information system of the Ministry of Health. The certificate is opened and entered into the information system by the family health centre (rural health unit) of the employee's place of residence;
- 3) The benefit is paid to women whose income information in the form of wages is recorded in the State Tax

Committee database and whose length of service data are recorded in the inter-agency hardware and software complex "Unified National Labour System" (mehnat.uz);

- 4) The benefit is paid directly to the woman's bank account (plastic card) or in cash through Halkbank branches at her place of residence;
- 5) The employer will be notified of the assignment and payment of the allowance through the taxpayer's personal account and the interdepartmental hardware and software system "Unified National Labour System".

After receiving an employee's certificate of incapacity for work, the employer calculates the maternity benefit. If its amount is:

- Higher than 4 MCE: the employer pays the employee the difference at its own expense;
- Equal to or less than 4 MCE: the employer does not have to pay the benefit.

43 <https://lex.uz/en/docs/6200266>

In addition, the Resolution mentioned above (Resolution No. 515 dated 20.09.2022) approved the regulation of the Ministry of Finance of the Republic of Uzbekistan on the State Fund of Social Insurance,<sup>44</sup> which specifies the status of the Fund, the procedure for forming the Fund, their use, accounting and reporting. According to p.4 of this regulation, the Fund is financed from the following sources: Funds from the national budget of the Republic of Uzbekistan, technical assistance funds and grants from foreign and international financial institutions and other foreign donors, sponsorship by private individuals and legal entities, other means not prohibited by law.

It is also worth noting that, in the framework of the Social Protection Strategy approved by Presidential Decree No. DP-175 dd. 25.07.2022,<sup>45</sup> it is foreseen to increase social protection of maternity. It is planned to pay maternity benefits through the social insurance system and to bring the national legislation into conformity with Convention No. 183. This decree also established the Social Insurance Fund within the Ministry of Finance, which is used to pay maternity benefits based on the Minimum Consumer Expenditure.

In addition, in 2021, the Senate of the Oliy Majlis of the Republic of Uzbekistan approved the Strategy for Achieving Gender Equality in the Republic of Uzbekistan until 2030.<sup>46</sup> The strategy defines the concept of gender equality as the equality of rights and opportunities for women and men in all spheres of life and activities of society, including politics, economics, law, culture, education, science, and sports. The strategy aims at achieving several objectives, including the implementation of measures to ensure compliance with obligations arising from international treaties on gender equality and the ratification of international treaties in accordance with the national interests of the Republic of Uzbekistan. It also outlines the expansion of measures to provide employment and social support for low-income and socially vulnerable segments of the population, including unemployed women.

The issue of maternal health and social protection is addressed in a number of national strategies and programs. For example, in the New Uzbekistan Development Strategy for 2022–2026, approved by Presidential Decree No. DP-60 dd. 28.01.2022, Goal 53 states: "Ensuring mandatory social guarantees for the population, strengthening social protection of the socially vulnerable layers of the population". Likewise, Goal 60 aims at: "Improving the system of providing high-tech medical care to women of reproductive age, pregnant women and children".

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44 <https://lex.uz/en/docs/6200266#6201310>

45 <https://lex.uz/ru/docs/6130271>

46 <https://lex.uz/ru/docs/5466673>

► **Table 1. Summary of Uzbekistan's social security and other benefits provided in case of pregnancy and childbirth**

Benefit	Coverage (personal scope)	Source of financing	Qualifying conditions	Benefit level
<b>Sickness benefit</b> <sup>47</sup>	Officially employed workers <sup>48</sup>	Employer liability (non-budgetary organizations) State budget (for workers of the public sector)	Must provide a certificate of the temporary incapacity for work	a) 80 per cent of salary for workers with 8 or more years of work experience a) 60 per cent of salary for workers with less than 8 years of work experience
<b>Maternity benefit</b>	Officially employed women	<b>Non-budgetary organizations</b> <sup>49</sup> : Social Insurance Fund (currently financed by the State budget) ► If the benefit amount is more than 4 MCE when it is calculated, the difference is paid at the employer's expenses (i.e., employer-liability arrangements) ► If the employee is not entitled to benefits from the Social Insurance Fund, the entire amount of the benefit is paid by the employer)	The temporary incapacity for work certificate For entitlement to benefits from the Social Insurance Fund: uninterrupted employment within the last six months <sup>50</sup>	4*MCE = 1,9 million UZS from the Social Insurance Fund Remaining part employer's expenses The benefit calculation is made by the employer, as follows: ► 12 months or less from the date of employment: 75 per cent of the average monthly salary ► More than 12 months from the date of employment: 100 per cent of average monthly salary. ► If the amount of benefit is: ► Higher than 4 MCE: the employer pays the difference at its own expense ► equal to or less than 4 MCE: the employer does not pay the benefit If the employee is not entitled to benefits from the Social Insurance Fund the employer pays the full amount of the benefit
		<b>For workers of State-funded organizations:</b> at the expense of the relevant State budget	Certificate of temporary incapacity for work	The benefit depends on the length of employment: ► With up to 12 months from the date of employment: 75 per cent of the average monthly salary ► With more than 12 months from the date of employment: 100 per cent of the average monthly salary
<b>Paternity benefit</b>	There is no explicit provision in the law for paternity leave; however, a working man can use his annual leave at the time that his wife is on maternity leave. In addition, pursuant to Article 410 of the Labor Code, guarantees may be applicable to one of the persons engaged in family responsibilities <sup>52</sup>			

47 On the basis of the Regulation for the application and payment of statutory social insurance benefits <https://lex.uz/docs/806194>

48 This includes both the certificate of incapacity for work in case of complications and the ordinary certificate of incapacity for work that can be granted if the woman continues to be ill after an additional 14 days.

49 On the basis of Decree No. 87 and Resolution No. 515 <https://lex.uz/en/docs/6200266>50 The assignment scheme is shown in Annex 1 to Cabinet Ministers Resolution No.515 <https://lex.uz/en/docs/6200266#6201568>51 Resolution of the President of the Republic of Uzbekistan, No. PP-2699 dd. 27.12.2016, para 23. <https://lex.uz/docs/3085625>

52 In cases when the child's mother or other person with family responsibilities does not benefit from these guarantees (certificate of employment, death certificate, enforceable court decision declaring the mother or other person with family responsibilities legally incompetent or depriving them of parental rights, etc. In such a case, the established procedure governing maternity leave and the associated benefits will apply).



Benefit	Coverage (personal scope)	Source of financing	Qualifying conditions	Benefit level
<b>Parental benefit<sup>53</sup></b>	For officially employed women. Benefit is granted and paid to persons, generally the mother, father, adoptive father, guardian or other relatives, who actually take care of a child born, adopted or taken into care until the age of 2 years	Non-budgetary organizations: employer's expenses (i.e., employer-liability arrangements) <sup>54</sup>	Application for parental leave Birth certificate  In case the parental leave is used by another relative or guardian, a document proving that the child's mother is not using the leave shall be provided.	60 per cent of the Minimum Wage <sup>55</sup>
<b>Child care benefit for low-income families<sup>56</sup></b>	Families (individuals) recognised as low-income through the Single Register Unemployed women Women working in the public (State) sector Employed in non-budgetary organisations - after the end of the 2-year period in which they received the parental benefit at their place of work.	Funds from the local budget of districts (cities) and other sources not prohibited by law <sup>57</sup>	From 2022, every family member will be considered low-income if the average monthly income does not exceed the Minimum Consumer Expenditure. QR code certificate given by the "Single Register" Eligible child(ren): benefits are paid until the end of the month in which the youngest or only child in the family turns 18.	The benefit amount is based on the number and age of children in the family. Monthly benefit: ► 250,000 UZS for a child aged 3 to 18 and 325,000 UZS for a child under 3 years of age; ► 150,000 UZS for the second child in the family ► 100,000 UZS for the third and each additional child in the family  The benefit is granted for a period of 12 months
<b>One-time childbirth benefit<sup>58</sup></b>	One of the parents or a person in loco parentis.	Extrabudgetary Pension Fund	On the basis of the information in the questionnaire filled in by the Registry Offices at the request of the applicant (one of the parents)	70.3 per cent of the Minimum Wage <sup>59</sup>

53 Regulation on the procedure for allocating and paying a monthly childcare benefit to working mothers until the child reaches the age of two 14.03.2002, MJ reg. number 1113 <https://lex.uz/docs/325449>

54 Decree of President of Republic of Uzbekistan No. DP-871 dd. 16.06.1994, para 3 - Monthly benefits for working mothers (except those working in State-financed organizations) to care for a child up to the age of 2 - funds from enterprises, institutions and organizations. organizations) <https://lex.uz/docs/292100>.

55 Decree of President of Republic of Uzbekistan No. DP-871 dd. 16.06.1994, para 3 As of 1 September 2021, the amount of the monthly allowance for working mothers (except those working in State-funded organizations) to care for a child until the age of two shall be set at 60 per cent of the minimum wage. <https://lex.uz/docs/292100>.

56 Decree of President of Republic of Uzbekistan No. DP-6277 dd. 11.08.2021 para2 (a) <https://lex.uz/docs/5572521>

57 Cabinet of Ministers Resolution No. 654 dd. 21.10.2021. Regulation On the procedure for identifying low-income families through the information system "Unified Register of Social Protection", the appointment and payment of benefits and material assistance for children from low-income families. Para 6 <https://lex.uz/docs/5688101#5691606>

58 The procedure for receipt of the benefit is determined by the Administrative Regulation approved by Decree of the Cabinet of Ministers of Uzbekistan dated 10.11.2020 No. 704.

59 In accordance with paragraph 1 of [Decree of President of Republic of Uzbekistan of 16.06.1994, No. DP-871](#), as amended by Decree of President of Republic of Uzbekistan dd. 13.12.2019, No. DP-5894

Benefit	Coverage (personal scope)	Source of financing	Qualifying conditions	Benefit level
<b>Other benefits provided for in the labour legislation</b>				
<b>Additional free days for pregnant women for antenatal (prenatal) care<sup>60</sup></b>	Officially employed women	Employer's expenses (i.e., employer-liability arrangements)	The procedure and timing of antenatal (prenatal) care for pregnant women are established by the Cabinet of Ministers (not approved)	Average salary
<b>Additional paid leave for one parent<sup>61</sup></b>	Officially employed workers	Employer's expenses (i.e., employer-liability arrangements)	One parent (person in loco parentis) of two or more children under the age of twelve or a disabled child under the age of sixteen is entitled to at least four calendar days' additional paid leave each year	Average salary
<b>Entitlement to reduced working hours<sup>62</sup></b>	A parent (guardian) of a child under the age of 3 working in a budget-financed organization is entitled to a maximum of 35 hours of work per week (salary is paid for 40 hours of work)	State budget	Established by law for certain categories	At the same rate as workers at full-time daily working hours

Source: Compiled by the author based on the national legislation.

60 Article 403 Labour Code of Republic of Uzbekistan.

61 Article 401 of Labour Code of Republic of Uzbekistan .

62 Article 397 Labour Code of Republic of Uzbekistan.

63 <https://lex.uz/docs/111457>

## ► Other legal and policy frameworks relevant to maternity protection

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Article 148 of the Criminal Code of the Republic of Uzbekistan stipulates penalties for violations of labour rights, in particular, part 2 of this Article specifies a fine of up to 25 basic calculation units or deprivation of certain rights for up to three years, or correctional labour for up to three years for knowingly refusing to hire or dismissing from work a woman for reasons related to her pregnancy or person who takes care of a child. However, these violations of labour rights apply to officially employed persons, which is a critical deficit of decent work for women, given that women constitute the majority of informal employment in certain sectors.

Law of the Republic of Uzbekistan "On Child's Rights Guarantees" No. LRU-139 dd. 07.01.2008 defines the state policy on the protection of the rights of the child, the powers of public authorities and administrative bodies to ensure the rights of the child. It establishes the main guarantees of the rights of the child, including the rights of socially vulnerable children.

It is also worth noting that one of the main objectives of the National Strategy on Human Rights, approved by Presidential Decree No. DP-6012 dd. 22.06.2020 is the protection of the institution of family, motherhood, fatherhood and childhood, prevention of domestic violence, and increasing the legal, socio-economic and other aspects of support to counter it. The strategy roadmap provides for the consideration of Uzbekistan's accession to several international human rights treaties and international standards, including Convention No.183.

The main directions of state policy in the field of support for breastfeeding and the provision of food for infants and young children are, among other things, the protection of the rights, freedoms and legitimate interests of pregnant women, nursing mothers, infants and young children for breastfeeding under Article 4 of Law of the Republic of Uzbekistan "On support for breastfeeding and food requirements for infants and young children" No. LRU-574 dd. 23.10.2019.

The Resolution of the President of the Republic of Uzbekistan "On strengthening maternal and child protection in 2022-2026" should also be noted. The measures specified in this resolution aim at improving the system of providing high-tech medical care to women of reproductive age, pregnant women and children, equipping perinatal centres with necessary medical equipment and machinery, and staffing them with qualified personnel.

Consequently, it can be concluded that Uzbekistan has established a general regulatory framework for protecting maternity and ensuring the health and employment conditions of pregnant women and nursing mothers, mostly those who are officially employed (e.g. payment of maternity benefits, healthcare benefits, and the prohibition of refusal to hire and dismiss pregnant women and women with children under 3 years of age). Nonetheless, it cannot be claimed that maternity protection is provided only to formally employed women, as there are provisions for childcare benefits for low-income families who may not be working formally, a number of health services are also available to all women, irrespective of their employment status, and there are labour protections applicable to all employed women (e.g. liability for refusal of employment for reasons related to pregnancy or children).

However, it should be noted that the rights and measures that regulate maternity protection in Uzbekistan are fragmented in the relevant legal acts. Thus, general rights are enshrined in the Constitution and the fundamental codes (Labour, Family, Criminal, and Administrative), while various resolutions, decrees and national strategies regulate certain aspects of benefits, health care and other guarantees. No single legal act comprehensively covers all the aspects of maternity protection from the perspective of Convention No. 183.

Established elements and legal relations in regard of maternity protection are regulated on the basis of their legal force and correlation of normative-legal acts according to Law No. LRU-682 "On normative-legal acts" dd. 20.04.2021.<sup>64</sup>

## ► Inventory of legislation considered in this report

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This report considers the following laws and regulations governing the provision of maternity protection in Uzbekistan:

- Constitution of the Republic of Uzbekistan, adopted by national a referendum of the Republic of Uzbekistan held on April 30, 2023, entered into force on 01.05.2023.
- Labour code of the Republic of Uzbekistan adopted on 28.10.2022 under Law No. 798 entered into force on 30.04.2023.
- Family Code of The Republic of Uzbekistan adopted on 30.04.1998 entered into force on 15.06.1998
- Criminal code of the Republic of Uzbekistan approved under Law No. 2012-XII of 22.09.1994 enacted on 01.04.1995
- The Administrative Liability Code of the Republic of Uzbekistan approved by Law No. 2015-XII of 22.09.1994 enacted on 01.04.1995
- Criminal Executive Code of the Republic of Uzbekistan approved on 25.04.1997 enacted on 01.10.1997
- Law of the Republic of Uzbekistan "On Employment" No. LRU-642 dd. 20.10.2020
- Law of the Republic of Uzbekistan "On Labour Protection" No. LRU-410 dd. 22.09.2016
- Law of the Republic of Uzbekistan "On Amendments and Additions to the Law of the Republic of Uzbekistan "On Labour Protection" No. LRU-410 dd. 22.09.2016
- Law of the Republic of Uzbekistan "On Guarantees of Equal Rights and Opportunities for Women and Men" No. LRU-562 dd. 02.09.2019 Law of the Republic of Uzbekistan "On amendments and additions to the law of the Republic of Uzbekistan "On guarantees of equal rights and opportunities for women and men" No. LRU - 809 dd. 15.12.2022
- Law of the Republic of Uzbekistan "On guarantees of children's rights" No. LRU 139 dd. 07.01.2008
- Law of the Republic of Uzbekistan "On the protection of citizens' health" dd. 29.08.1996 No. 265-I
- Law of the Republic of Uzbekistan "On normative legal acts" No. LRU- 682 dd. 20.04.2021
- Decree of the President of the Republic of Uzbekistan "On the New Uzbekistan Development Strategy 2022-2026" No. DP-60 dd. 28.01.2022
- Decree of the President of the Republic of Uzbekistan "On Approval of the National Strategy of the Republic of Uzbekistan on Human Rights" No. DP 6012, 22.06.2020
- Decree of the President of the Republic of Uzbekistan "On Approval of the Social Protection Strategy of the Republic of Uzbekistan" No. DP 175, 25.07.2022
- Decree of the President of the Republic of Uzbekistan "On measures to further accelerate systemic support for families and women" No. DP-87 dd. 07.03.2022

<sup>64</sup> <https://lex.uz/docs/5378968>

- ▶ Resolution of the President of the Republic of Uzbekistan "On measures to further improve the system of support and ensure the active participation of women in society" No. DP- 5020 dd. 05.03.2021
- ▶ Resolution of the Senate of the Oliy Majlis of the Republic of Uzbekistan "On approval of the Strategy for achieving gender equality in the Republic of Uzbekistan until 2030" No. DS-297-IV dd. 28.05.2021.
- ▶ Decree of the Cabinet of Ministers of the Republic of Uzbekistan "On further improvement of labour protection measures for employees" No. DCM- 263 dd. 15.09.2014

In addition, the report considers the following regulations governing the calculation and payment of benefits:

- ▶ Decree of the President of the Republic of Uzbekistan "On the improvement of the State social support system for families with children" dd. 16.06.1994 No. DP-871;<sup>65</sup>
- ▶ Instruction "On the procedure for issuing certificates of incapacity for work", reg. MJ dd. 17.04.2015 No. 2667;<sup>66</sup>
- ▶ Regulation "On the procedure for granting and payment of monthly child care allowance to working mothers up to the age of two years", reg. MJ dd. 14.03.2002, No. 1113;<sup>67</sup>
- ▶ Regulation "On the procedure for granting and payment of state social insurance benefits", reg. MJ dd. 08.05.2002, No. 1136;<sup>68</sup>
- ▶ Regulation "On the procedure for the distribution of the single social payment, as well as the payment of reimbursement amounts and the implementation of expenses by organisations for the payment of pensions, benefits and other payments", reg. MJ dd. 03.11.2016. No. 2836;<sup>69</sup>
- ▶ Resolution No. 153 of the Cabinet of Ministers of Uzbekistan "On approval of the list of socially significant diseases and establishment of benefits for persons suffering from them" dd. 20.03.1997;<sup>70</sup>
- ▶ Resolution No. 71 of the Cabinet of Ministers of the Republic of Uzbekistan "On improvement of the limit for payment of temporary disability benefits" dd. 28.02.2002;<sup>71</sup>
- ▶ Resolution No. 62 of the Cabinet of Ministers of Uzbekistan "On the approval of normative legal acts on the organizational structure and organization of the medical and social expertise service" dd. 08.02.2022;<sup>72</sup>
- ▶ Resolution No. 704 of the Cabinet of Ministers of Uzbekistan dd. 10.11.2020 "Administrative Regulations for provision of comprehensive state services related to birth registration" dd. 10.11.2020.<sup>73</sup>

65 <https://lex.uz/docs/292100>

66 <https://lex.uz/ru/docs/2625878>

67 <https://lex.uz/docs/325449>

68 <https://lex.uz/docs/357102>

69 <https://lex.uz/docs/3061689>

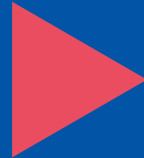
70 <https://lex.uz/docs/512235>

71 <https://lex.uz/docs/251915>

72 <https://lex.uz/ru/docs/5852486>

73 <https://lex.uz/ru/docs/5090362>

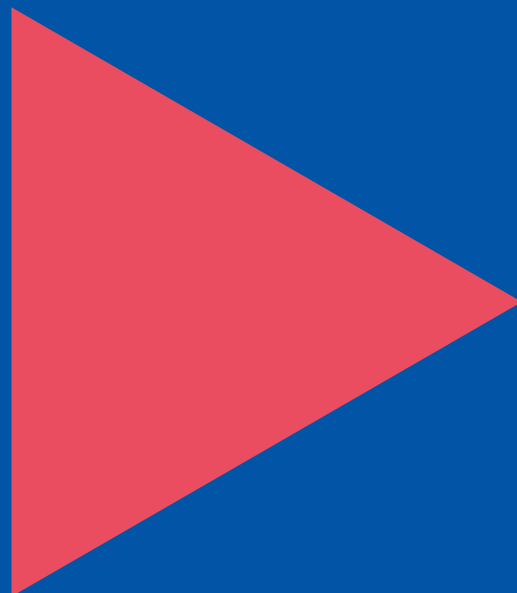




# 2

## **Assessing the compatibility of the social security legislation of Uzbekistan with Convention No. 183**

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This chapter examines the compatibility of Uzbekistan's maternity protection with the minimum requirements of the Maternity Protection Convention, 2000 (No. 183). The section is structured in accordance with the Report Form for this international standard.<sup>74</sup>

Annex I includes an overview of the national legislation and practice concerning paternity, parental leave and other maternity-related policies in light of selected provisions of the Maternity Protection Recommendation, 2000 (No. 191).

## ► A. Personal scope of coverage

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Turning directly to the analysis of compliance of the national legislation with Convention No. 183, it should be noted that Article 1 of the Convention defines the term "woman" as any female person without discrimination whatsoever and the term "child" as any child without discrimination whatsoever.

Taking into account that equality between women and men and the elimination of all forms of discrimination against women are fundamental to human rights and values, the Republic of Uzbekistan joined the Declaration in accordance with Resolution of the Supreme Soviet of the Republic of Uzbekistan No. 366-XII dd. 30.09.1991. According to which: Everyone is entitled to all rights and all freedoms without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Except that all persons are equal before the law and are entitled, without distinction of any kind, to the equal protection of the law. All persons are entitled to equal protection against discrimination of any kind.

In addition, it should be noted that Uzbekistan ratified the Convention on the Elimination of All Forms of Discrimination against Women adopted in New York on 18 December 1979 per Resolution No. 87-I of 6.05.1995 of the Oliy Majlis of the Republic of Uzbekistan. This international treaty stipulates that the principle of equality between men and women shall be included in their national constitutions or other appropriate legislation.

Thus, the legislation of Uzbekistan establishes equal rights for women and men under Article 58 of the Constitution of the Republic of Uzbekistan. Equal rights and freedoms are also granted to citizens, and equality before the law is established without distinction as to sex, race, nationality, language, religion, social origin, beliefs, or personal or social status (Article 18 of the Constitution of the Republic of Uzbekistan).

In addition, Article 4 of Law of the Republic of Uzbekistan "On guarantees of equal rights and opportunities for women and men" No. LRU-562 dd. 02.09.2019 reflects the basic principles of ensuring equal rights and opportunities for women and men. It establishes the equality of women and men and the inadmissibility of discrimination on the basis of sex. Article 6 of this law defines state guarantees for women and men equal participation in the administration of public and state affairs, the electoral process, equal rights and opportunities in health care, education, science, culture, labour and social protection, as well as in other spheres of state and public life.

It can be further noted that Uzbekistan ratified the ILO Discrimination (Employment and Occupation) Convention, 1958 (No.111) by the Resolution of the Oliy Majlis dd. 30.08.1997, according to which discrimination is any distinction, exclusion or preference based on race, colour, sex, religion, political opinion, foreign origin or social origin which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation.

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<sup>74</sup> Available on the ILO's NORMLEX database at: [https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:51:0::NO:51:P51\\_CONTENT\\_REPOSITORY\\_ID:2543250:NO](https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:51:0::NO:51:P51_CONTENT_REPOSITORY_ID:2543250:NO).



The issue of non-discrimination, including gender discrimination, is addressed in the Labour Code. Article 4 of the Labour Code contains its direct prohibition. Discrimination in employment and occupation is prohibited. Discrimination is the establishment of any direct or indirect restrictions, as well as the granting of any direct or indirect advantages in the field of labour and employment based on sex, age, race, nationality, language, social origin, property and official status, place of residence, attitude to religion, beliefs, membership in public associations, as well as other circumstances unrelated to the business qualities of employees and the results of their work.

Similarly, the rights of the child are enshrined in the Constitution of the Republic of Uzbekistan, which Article 78 states that: "**Children are equal before the law regardless of the origin and civil status of their parents. Motherhood, fatherhood and childhood are protected by the state**".

In addition, it should be noted that Uzbekistan has ratified the Convention on the Rights of the Child adopted by the 44th session of the UN General Assembly on 20 November 1989, per Decision of the Supreme Soviet of the Republic of Uzbekistan No. 757-XII dd. 9.12.1992.

The rights of the child are also enshrined in special Law of the Republic of Uzbekistan "On Child's Rights Guarantees" No. LRU-139 dd. 7.01.2008. This legislation defines the term "child" as a person under the age of eighteen (majority) and therefore complies with the provisions of the Convention on the Rights of the Child. Article 4 of the state policy on the protection of children's rights stipulates the **prohibition of discrimination against children** as one of its directions.

Article 2(1) of Convention No. 183 determines that the scope of the Convention includes all employed women, including women engaged in atypical forms of dependent work. This article implies that all employed women, including those in atypical forms of dependent work should be covered by maternity protection.

There is no official definition of atypical forms of dependent work. The broader category of atypical work generally covers a wide range of employment conditions, such as part-time, temporary or seasonal work, fixed-term employment contracts, home-based and remote work, piecework, women workers in all sectors who are not formally employed, and self-employed women.<sup>75</sup> Based on the report for Convention No. 183 and the guidance provided by the CEACR in its examination of the application of this Convention by other countries, atypical forms of dependent work include remote work, telework, temporary work, part-time work, domestic work, etc.

In Uzbekistan, maternity protection for working women is regulated by the Labour Code. In addition to the standard form of employment, as it is commonly understood, at the place of work controlled by the employer and performance of work on the job function specified by the employment contract, Chapter 26 of the Labour Code also contains the legal regulation of labour, conditioned by the nature of the employment relationship of the employee with the employer and the place of work activities, such as part-time workers, home-based workers, remote workers, and seasonal workers. Also, Chapter 28 of the Labour Code contains features of legal regulation of labour due to the nature of the work of the employee; these are seasonal workers, persons employed in temporary jobs, working in micro enterprises and with employers, employed by individual entrepreneurs, and the labour of domestic workers.<sup>76</sup> The Labour Code also provides for the conclusion of a fixed-term employment contract with employees for a specified period not exceeding three years.

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75 [https://www.ilo.org/wcmsp5/groups/public/---europe/---ro-geneva/---sro-moscow/documents/publication/wcms\\_344702.pdf](https://www.ilo.org/wcmsp5/groups/public/---europe/---ro-geneva/---sro-moscow/documents/publication/wcms_344702.pdf)

76 Domestic workers are workers who perform work or provide services (gardeners, babysitters, watchmen, maids, drivers and others) to employers who are physical persons to meet their personal needs not related to business activities (Labour Code, Article 514).

Also, Article 128 of the new Labour Code introduces the concept of actual admission to work, which is considered the conclusion of an employment contract from the date of commencement of work, regardless of whether the hiring of an employee has been properly documented, and Article 33 defines the procedure for the recognition of relations related to the use of personal labour and arising under a civil-law contract, which determines the procedure for employed persons without regard to their contractual status.

Given that the second part of Article 237 of the Labour Code dedicated to social leave establishes the procedure according to which the provision of maternity and child care leave to employees does not depend on the length of their employment, place and nature of their work, the organizational and legal form of the employer, it is understood that the above types of workers are entitled to leave on pregnancy and childbirth, child care.

According to official data of the Statistical Agency under the President of the Republic of Uzbekistan, the share of women in total employed in 2021 was 41.3 per cent (compared to 45.8 per cent in 2017). In absolute terms, 5,595,300 women were employed in 2021 and 6,189,200 in 2017.<sup>77</sup> In 2018, the proportion of women working in education, health care and social services was more than 69 per cent, just under three-quarters of the total employed population, less than three-quarters of the total employed population. According to the ILO report, in 2018, more than a quarter of the jobs (26.6 per cent) were in agriculture, and most in the informal economy. In the private sector, 61 per cent of working women and 73 per cent of working men are not covered by the social security. 50 per cent of employed men and 35 per cent of employed women work in enterprises with no more than five employees. In private-sector enterprises with no more than five employees, 80 per cent of working women and 87 per cent of working men do not have social security.<sup>78</sup>

It should be noted that the official sources consulted for this report do not contain information on the number of those employed in atypical forms of dependent work (e.g. remote work, telework, temporary work, etc.), as required a corresponding report form.

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77 <https://stat.uz/ru/ofitsialnaya-statistika/labor-market>

78 [https://www.ilo.org/wcmsp5/groups/public/---europe/---ro-geneva/---sro-moscow/documents/publication/wcms\\_776477.pdf](https://www.ilo.org/wcmsp5/groups/public/---europe/---ro-geneva/---sro-moscow/documents/publication/wcms_776477.pdf)

As stated earlier, the Labour code covers most atypical forms of dependent work (part-time workers, home-based workers, remote workers seasonal workers, persons employed in temporary jobs, working in micro-enterprises, workers employed by individual employers and individual entrepreneurs, and domestic workers), but it should be noted that labour relations and rights arise only on the condition of official employment.

Consequently, it can be concluded that the Labour Code covers and, for the most part, establishes the legal framework for the regulation of atypical forms of dependent work of officially employed workers. However, it does not apply to: persons not working formally, employees under civil law contracts and self-employed workers. To summarize, not all employed women are protected.

Given that the official data consulted for this report was not sufficiently disaggregated to furnish the statistics required by the report form for this Convention, the Government may wish to indicate the number of women engaged in atypical forms of dependent work (such as remote work, telework and temporary work). Likewise, based on the provisions of the labour Code, it is understood that employees' right to maternity and child care leave (benefits provided through a combination of employer liability and tax-financed arrangements) does not depend on the length of their employment, place and nature of their work, the organizational and legal form of the employer, and therefore that all employed women, including those engaged in any atypical form of dependent work, enjoy the same maternity protection. The Government may wish to confirm this interpretation.

It is worth noting that Convention No. 183 allows ratifying countries, after consulting the representative organizations of employers and workers concerned, to avail themselves of the exclusions permitted by Article 2 paragraph 2 of the Convention and exclude wholly or partly from the scope of the Convention limited categories of workers when its application to them would raise special problems of a substantial nature. Should the Government of Uzbekistan consider ratifying this Convention and avail itself of the possibility afforded in Article 2(2) of the Convention, a list with the categories of workers excluded and the reasons for their exclusion shall be included in its first report on the application of the Convention.

## ► B. Health protection

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Article 3 of Convention No. 183 deals with the protection of health and defines the right of a pregnant or nursing mother not to perform work harmful to her health or the health of her child. The provision of this article implies the prohibition of all types of work that pose a risk to the health or safety of the mother or the child. In case such a risk is identified, protective measures must be taken.

Article 11 of the Convention on the Elimination of All Forms of Discrimination against Women, adopted in New York on December 18, 1979, which Uzbekistan ratified,<sup>79</sup> establishes the right of women to health protection and safe working conditions, including the preservation of the function of reproduction.

The order of organization of labour protection, regardless of the modes of production and forms of ownership and aimed at ensuring the health and labour protection of citizens is defined in Law of the Republic of Uzbekistan No. LRU-410 "On Amendments and Additions to the Law of the Republic of Uzbekistan "On Labour Protection" dd. 22.09.2016.<sup>80</sup> Article 8 designates the Special authorized state body in the field of labour protection, which is the Ministry of Employment and Poverty Reduction. According to Article 22 of this law, an employee has the right to refuse to perform work if there is a danger to his/her life and health due to a violation of labour safety requirements until such a danger is eliminated, provided that such circumstances are confirmed by the authorities exercising state supervision and control over the observance of labour safety requirements. Besides, according to Article 23, the employer must timely inform employees about labour conditions, including the availability of risk of professional and other diseases, labour protection state at certain workplaces and production facilities, as well as benefits and compensations, personal protective equipment, and also conduct certification of workplaces by labour conditions at workplaces with harmful, hazardous and other labour conditions.

By Resolution of the President of the Republic of Uzbekistan "On improving the quality and further expanding the coverage of medical care provided to women of reproductive age, pregnant women and children" No. RP-4513 dd. 08.11.2019,<sup>81</sup> the Council for strengthening reproductive health of the population, protection of maternal and child health was established under the Cabinet of Ministers of the Republic of Uzbekistan. The Council quarterly submits to the Cabinet of Ministers of the Republic of Uzbekistan relevant proposals on the implementation of the adopted programs and measures in the field of strengthening the population's reproductive health, protection of maternal and child health.

In addition, it should be noted that Presidential Resolution "On measures to further strengthen guarantees of labour rights and support women's entrepreneurial activities" No. RP-4235 of 07.03.2019<sup>82</sup> dd. 1 May 2019, abolished prohibitions on the employment of women in certain industries or occupations and approved a recommended list of industries or professions that may have a negative impact on women's health.

In accordance with the aforementioned document, Resolution the Ministry of Employment and Poverty Reduction and the Ministry of Health dd. 29.07.2019 No. 22-14-2019q/q, No. 48<sup>83</sup>, approved the list of professions and jobs that negatively affect women's health, and in which it is not recommended to use women's labour. However, the resolution states that the list is a document of a recommendatory nature and its application by the employer may be carried out in order to preserve the life and reproductive health of women.

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79 <https://lex.uz/docs/2685526>

80 <https://lex.uz/docs/3031429>

81 <https://lex.uz/ru/docs/4589098>

82 <https://lex.uz/ru/docs/4230938>

83 <https://mehnat.uz/ru/article/ob-utverzhdenii-perechnya-professiy-i-rabot-otricatelno-vliyayuschie-na-zdorove-zhenschin-i-na-kotoryh-ne-rekomenduetsya-ispolzovat-trud-zhenschin>

Despite the fact that this list is a recommendation, it can be used as a barrier to hiring women and can be used by unscrupulous employers.

In order to achieve full and actual equality between women and men, increase their participation in all spheres of society, eliminate and prevent direct and indirect gender-based discrimination and secure effective implementation of gender policy, adopting regulations aimed at preserving women's reproductive health is a different legal approach which is preferable.

Moreover, per Order of the Minister of Health of the Republic of Uzbekistan "On Approval of the Order of Medical Examination for Employees" dd. 29.08.2012 No. MJ-2387,<sup>84</sup> the requirements of this Order for employees who undergo medical examination are obligatory. According to Article 246 concerning medical examinations, an employer must organize a preliminary (at the conclusion of the employment contract) and periodic (in the course of work) mandatory medical examinations of employees engaged in work with unfavourable working conditions.

It should be noted that under Article 142 of the Labour Code, an employee's request for a **temporary transfer** to another job is subject to the employer's approval for a valid reason in the following cases:

- ▶ a medical report stating that the employee needs to be temporarily transferred for health reasons to lighter work or to work which is free from adverse production factors;
- ▶ if there is a medical report according to which a pregnant woman needs temporary transfer to lighter work or work which is not exposed to unfavourable production factors;
- ▶ the impossibility of one of the parents (guardian) caring for a child under the age of 2 to perform their previous work.

The Labour Code also provides for the possibility to establish in the collective agreement or determine by the employer in agreement with the trade union committee a list of other valid reasons for a temporary transfer to another job on the initiative of the employee, as well as the procedure for payment of such a transfer.

Article 143 of the Labour Code also provides for the possibility of a permanent transfer of an employee in need of constant transfer to lighter or excluding the effects of adverse production factors, not contrary to his health condition, in accordance with the medical report, the employer is obliged to transfer him to such a job if there is a vacancy.

Article 354 of the Labour Code prohibits the employment of persons under 18 years of age for heavy work and work in harmful or hazardous working conditions, as well as persons who are contraindicated for health reasons.

Article 355 of the Labour Code defines the right of an employee to refuse to perform work in the event of danger to his life and health due to a violation of labour protection requirements until such threat is eliminated.

In particular, Article 364 of the Labour Code imposes on the employer the obligation to transfer the employee with his consent, who, for health reasons, needs lighter work or eliminate the effects of adverse production factors in accordance with a medical report temporarily or without limitation of time.

Article 359 obliges the employer to inform employees in a timely manner about working conditions, including the risk of occupational and other diseases, the state of labour protection at specific workplaces and production facilities, as well as the benefits and compensations, individual and collective protective equipment they are entitled to in this regard.

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84 <https://lex.uz/docs/2046004>

It should be noted that section 1 of Chapter 25 of the Labour Code is devoted to the specific features of legal regulation of the work of persons in need of increased social and legal protection, including the work of women and persons engaged in family obligations. It describes the procedure for granting lighter work or work without exposure to adverse production factors for pregnant women and persons caring for a child under 2 years of age.

The employer, in agreement with the trade union committee, taking into account the recommendations approved by the Ministry of Employment and Poverty Reduction and the Ministry of Health in consultation with the Republican Tripartite Commission on Social and Labour Issues, may establish a list of certain jobs with adverse working conditions in which the employment of women is restricted. Women are prohibited from lifting and moving weights in excess of the maximum allowable for them (Article 393), which aligns with the provisions of the Maternity Protection Recommendation, 2000 (No. 191).<sup>85</sup>

Thus, Article 394 of the Labour Code establishes that pregnant women, in accordance with a medical report, have their work rates reduced, service rates reduced, or, upon their request, they are transferred to lighter work or work that excludes exposure to adverse production factors while maintaining the average wage for their previous work. The terms for reducing production rates, as well as temporary transfer to another job shall be determined in accordance with the medical report. This Article further provides that until the issue of granting a pregnant woman lighter or excluding the effects of adverse production factors is resolved, she is to be released from work with pay for all working days missed as a result of this.

Article 395 of the Labour Code defines the procedure for transferring one of the parents (guardian) caring for a child under the age of 2 to another job. If it is impossible to perform the previous job, one of the parents (guardian) caring for a child under the age of 2 is transferred at his request to another job with pay for the work performed, but not below the average wage of the previous job until the child is 2 years old.

In addition, pregnant women and parents (guardians) of children under the age of 14 have a **preferential right to temporary transfer** or transfer to remote work in the event of a natural or man-made disaster, industrial accident, industrial accident, as well as fire, flood, earthquake, epidemic or epizootic and other exceptional cases that threaten the life or normal living conditions of the entire population or part of it, if the employer has appropriate technical and organizational capabilities in accordance with Article 458 of the Labour Code.

Article 396 of the Labour Code also defines the procedure under which **pregnant women, one of the parents (person in loco parentis)** of a child under the age of 14 (child with a disability under the age of sixteen) may be involved in night work, overtime, work on weekends and public holidays, as well as be sent on business trips only with their written consent. At the same time, the employer must inform these employees of their right to refuse to work at night, overtime, work on weekends and public holidays, or go on business trips. Pregnant women and women with children under 3 years of age may be required to perform **night work only if a medical report confirms that such work does not endanger** the life and health of the pregnant woman or child, in line with the provisions of Recommendation No. 191.<sup>86</sup>

Article 397 provides for the **right to reduced working time of one parent (guardian) of a child under the age of 3 years**. In budget-funded organizations, working hours are not more than 35 hours per week; in organizations not financed from the budget, reduced working hours may be established by collective agreements, as well as by the collective agreement or local acts adopted by the employer in agreement with the trade union committee.

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<sup>85</sup> Paragraph 6(3) of Recommendation No. 191.

<sup>86</sup> Paragraph 6(4) of Recommendation No. 191 states: "A pregnant or nursing woman should not be obliged to do night work if a medical certificate declares such work to be incompatible with her pregnancy or nursing".

Also, Article 399 of the Labour Code provides for the possibility of establishing **part-time work for pregnant women and persons engaged in family duties** (Article 398), as well as one **additional day off for one of the parents** (person in place of the parents) raising a child with a disability under the age of 16.

According to the Criminal Executive Code of the Republic of Uzbekistan, convicted women are released from work in connection with pregnancy and childbirth for the period prescribed by law. It is not allowed to use the labour of convicted women and minors in work, the performance of which is prohibited by labour legislation. Convicted pregnant women, as well as women with children in orphanages in penal institutions, may be involved in overtime, work on weekends and holidays (non-working days), or work with a summed-up working hour's regime with their consent. The involvement of these persons in work performed at night is allowed with their consent and the relevant medical report. Convicts are paid double overtime and on rest days and public holidays (non-working days). Convicted women with positive characteristics may be allowed to live outside the colony for the period of release from work due to pregnancy and childbirth, as well as until the child reaches the age of 3, by order of the head of the institution, authorized by the prosecutor.

With regard to health care, it should be noted that women sentenced to imprisonment are transferred separately from other prisoners with a pregnancy of more than 24 weeks or with children under the age of 3 years. If necessary, sick convicts, pregnant women and women with children are transferred accompanied by medical staff. During their transfer, the convicts are provided with the required material conditions of life, hygiene and health and are issued clothes and footwear adapted to their season and foodstuffs in accordance with the established standards. Higher nutritional standards are set for pregnant women, nursing mothers, minors, and persons with category I and II disabilities. On the basis of a medical report, they may be allowed to receive additional food. Pregnant women and nursing mothers serving their sentences in penal colonies are provided with food at the expense of the national budget for the period of release from work.

Article 474 of the Labour Code is aligned with Recommendation No. 191 (6) regarding the assessment of occupational hazards threatening the safety and health of pregnant women and nursing mothers may comply with the employer's obligation to certify workplaces for working conditions. Since the results of such certification are used for the purposes of and are the basis for informing employees about working conditions at workplaces, the existing risk of health damage, measures to protect against the effects of harmful and (or) dangerous production factors and the compensation due to employees engaged in heavy work, work with unfavourable, harmful and (or) dangerous and other special working conditions, and occupational risk assessment.

Attestation of workplaces for working conditions and equipment injuries is a complex of measures carried out in order to assess working conditions, severity and intensity of labour process at workplaces and equipment injuries, to identify harmful and dangerous production factors, as well as to bring working conditions, severity and intensity of labour process in compliance with the established legal requirements. Certification is carried out in accordance with the Regulation approved by the Cabinet of Ministers, according to which the frequency of certification is set by the enterprise itself, but at least once every 5 years, which does not allow such certification to cover pregnant women who have entered the workforce or who have declared pregnancy after certification.

Based on the above, it can be concluded that the national legislation enshrines the norms stipulated in Article 1 of Convention No. 183, participates in the objective of securing Equality of treatment between men and women in case of maternity, which excludes discrimination on the basis of sex, and enshrines norms on non-discrimination and guarantees of rights in relation to children, but the definition of "woman" is absent in legislative acts.

With regard to Article 3 of Convention No. 183, related to the health protection of pregnant women or nursing mothers, the national legislation establishes the right of all citizens to health protection, approves a list of professions and jobs that have a negative impact on women's health, and where it is not recommended to use women's labour. The Labour Code provides for the right of an employee to be temporarily transferred to another job, the right of pregnant women to transfer to lighter or less hazardous work, the right of a parent (guardian) caring for a child under the age of 2 to transfer to another job, the right of a parent (guardian) of a child under the age of 3 to a shorter working day, part-time work, additional free days to undergo a medical examination in connection with her pregnancy. Measures are provided to empower a woman to decide not to perform work prejudicial to her health and the health of her child. The responsibilities of the employer and the responsible authorities are outlined.

## ► C. Maternity leave

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One of the main elements of maternity protection is the provision of maternity leave. Article 4(1) of Convention No.183 provides the right of women to a period of maternity leave of not less than 14 weeks, upon presentation of a medical certificate or other appropriate certification, as determined by national law and practice, certifying the anticipated duration of childbirth. Article 4(4) specifies that, with due regard to the protection of the health of the mother and that of the child, maternity leave shall include a compulsory period of six weeks after childbirth. Article 4(5) of the Convention states that the part of maternity leave preceding the birth shall be extended for a period equal to the period between the anticipated date of childbirth and the actual date of childbirth, without reducing the duration of any part of the compulsory postnatal leave.

The Labour Code classifies maternity and child care leave as social leave (Article 202). Social leave is leave granted to employees to create favourable conditions for maternity, child care, as well as for other social purposes. In addition, the Labour Code guarantees to ensure the employee's right to it (Article 214). **The granting of maternity and child-care leave to employees does not depend on the length of their employment, the place and nature of the work they do, or the employer's organizational and legal form** (Article 237).

According to Article 404 of the Labour Code, a woman is entitled to 70 days (10 weeks) of maternity leave before childbirth and 56 calendar days (eight weeks) after childbirth, which means that the maternity leave total is 18 weeks, including eight weeks after childbirth, which is in line with Article 4(1) and (4) of Convention No. 183.



Maternity leave is drawn up by order on the basis of a certificate of incapacity for work. The basis for the assignment and payment of maternity allowance is the certificate of temporary incapacity for work. All women working under an employment contract have the right to receive this leave. The certificate of incapacity for work is issued by the outpatient clinic starting from the 30<sup>th</sup> week of pregnancy ((27) No. MJ-2667 of 17.04.2015).<sup>87</sup> When a woman applies after the thirtieth week of pregnancy, regardless of the number of days remaining before delivery, a certificate of incapacity for work is issued for the entire 126 calendar days from the date of application. Maternity allowance (including in case of pregnancy failure) is paid for the whole period specified in the certificate of temporary incapacity for work.

In accordance with Article 400 of the Labour Code, pregnant women and women who have given birth are granted annual labour leave at their request, respectively before or after their maternity leave. The national legislation does not allow withdrawing pregnant women from annual labour leave. An employee using parental leave is granted annual labour leave at his/her request before or after parental leave.

It is worth noting that, according to part 2 of Article 404 of the Labour Code, maternity leave is calculated cumulatively and is granted to a woman in full, regardless of the number of days actually used before the birth.

Thus, the total maternity leave in Uzbekistan is 18 weeks, in particular: maternity leave of 10 weeks before childbirth and eight weeks after childbirth, on the basis of a certificate of incapacity for work issued by the outpatient clinic from the 30<sup>th</sup> week of pregnancy. Therefore, the national legislation and practice comply with the requirements of Article 4 of Convention No. 183, which require that women shall be entitled to a period of maternity leave of not less than 14 weeks, including at least six weeks' compulsory leave after childbirth, unless otherwise agreed at the national level by the government and the representative organizations of employers and workers.

In addition, the Labour Code provides for the possibility of increasing the duration of social leave as compared to its duration established by legislation by collective agreements or collective bargaining agreements or other labour regulations.

Based on the above, the National legislation complies, for the most part, with the requirements of Article 4 of the Convention. The exception is that, according to the national legislation, maternity leave ends on the date indicated in the order, regardless of the number of days used by the employee before the childbirth, while Article 4(5) of the Convention requires that the prenatal portion of maternity leave is extended for any period of time between the presumed date of delivery and the actual date of delivery, without reducing the compulsory portion of postnatal leave.

<sup>87</sup> <https://lex.uz/docs/2625880>

## ► D. Leave in case of illness or complications

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Article 5 of Convention No. 183 defines the right to receive additional leave before or after the period in which maternity leave falls, in case of illness, complications, or risk of complications resulting from pregnancy or childbirth, upon presentation of a medical certificate.

Leave in case of illness or complications is not classified in the national legislation as a separate type of leave and is provided as part of the maternity leave, in the case of a complicated birth or the birth of two or more children. As mentioned above, according to the Instruction on the procedure for issuing certificates of incapacity for work reg. No. MJ-2667 of 17.04.2015,<sup>88</sup> the maternity hospital issues a certificate of incapacity for work for an additional 14 days in order to extend the maternity leave.

Part 1, Article 404 of the Labour Code provides for granting maternity leave in case of **complications or the birth of two or more children 10 weeks instead of eight weeks**. As such, the national legislation is aligned with Paragraph 1(2) of Recommendation No. 191, which stipulates that provision should be made for an extension of the maternity leave in the event of multiple births.

In case of illness, a woman can also be provided with a certificate of incapacity for work on a general basis until the pregnant woman goes on maternity leave and after the birth or the end of the additional 14 days in the case of complications. In cases of illness caused by pregnancy or childbirth, provision is made for granting certificates of incapacity for work after the period in which maternity leave falls, in case of illness, which will be paid on general grounds.

In accordance with the Regulation on the Procedure for Allocating and Paying State Social Insurance Benefits, approved by Order of the Minister of Labour and Social Protection, registered on 08.05.2002, registration number 1136,<sup>89</sup> temporary disability benefits in all cases must not be less than the established Minimum Wage and the benefit must not be higher than the calculated wage. Temporary disability benefits are paid by the employer at the following replacement rates:

- 80 per cent per cent of salary to employees with total years of work experience over 8 years;
- 60 per cent per cent of the salary for workers with up to 8 total years of work experience.

Pursuant to point 3 of the Regulation, benefits are generally granted to an employee if the entitlement arose during the period of employment with the employer (including the probation period and the day of dismissal).

**Therefore, the national legislation complies with the standards of Article 5 of Convention No. 183, as in the case of illness, complications or the birth of two or more children after delivery, women are granted 10 weeks of postnatal leave instead of eight weeks after delivery. The national legislation also stipulates an employee's right to sick leave in case of temporary incapacity for work, which can be granted to women before the maternity leave upon presenting a certificate of incapacity for work. Sick leave in Uzbekistan is organized under an employer-liability arrangement.**

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88 <https://lex.uz/docs/2625880>

89 <https://lex.uz/docs/806194>

## ▶ E. Benefits

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### Cash benefits

Article 6(1) of Convention No. 183 defines women's right to receive cash benefits during their absence from work for maternity leave (including prenatal and postnatal care) and leave in case of illness, complications or risk of complications arising out of pregnancy and childbirth.

The national legislation provides for the following cash benefits:

- ▶ Maternity benefits for women absent from work during their prenatal and postnatal leave, which are calculated cumulatively and provided to the woman in full and as a lump sum;
- ▶ The possibility of extending the duration of maternity leave by two weeks in connection with difficult deliveries or multiple pregnancies, also with the payment of benefits covered directly by the employer;
- ▶ One-time benefit upon the birth of a child;
- ▶ Parental child care benefits for the time spent on leave to care for a child up to the age of 2 years. This type of leave is available to one of the child's parents (guardian), grandparent, grandfather or other relative who actually cares for the child.

**In this regard, it can be concluded that the national legislation mostly meets the requirements of Article 6(1) of Convention No. 183, as it establishes the right of women to receive cash benefits when they are absent from work on maternity leave or sick leave due to illness and complications arising out of pregnancy and childbirth.**

Article 6(2) of the Convention requires that cash benefits shall be at a level which ensures that the woman can maintain herself and her child in proper conditions of health and with a suitable standard of living.

In this regard, it should be noted that Uzbekistan has introduced some indicators that shall be considered for the calculation of social security benefits and benefits defined in the labour legislation, such as:

- ▶ **The minimum wage** (hereinafter - the MW)<sup>90</sup> is the lower limit of wages for employees who have fully complied with the established labour standards and is mandatory for all employers, regardless of organizational and legal form and labour relations, is currently 980,000 UZS<sup>91</sup> (about US\$85).
- ▶ **Minimum Consumer Expenditure (MCE)**<sup>92</sup> is the cost of the minimum set of products, goods and services necessary for human life, used to determine the poverty line in the country. Since 2022 the

90 [The MW is established according to Decree of the President of the Republic of Uzbekistan, "On improvement of the procedure for determining the amount of wages, pensions and other payments" No. DP-5723 dd. 21.05.2019](#)

91 From 1 April 2023, pensions and benefits increased according to Presidential Decree No. DP-45 of 28.03.2023 before that it was 920 000 UZS <https://lex.uz/ru/docs/6417215>.

92 [According to Resolution of the Cabinet of Ministers of the Republic of Uzbekistan "On introduction in practice the order of calculation of minimum consumption costs" No. 544 dd. 27.08.2021](#)

criterion of average per capita income per month used in recognition of the family poor through the information system "Unified register of social protection" is equal to the MCE, which is 498,000 UZS (about US\$40). The State Statistics Committee announces the minimum consumption expenditure and poverty rate in each reference year, based on the inflation rate, by 20 January of the following year.

It should also be noted that the national legislation calculates benefits for women absent from work in connection with maternity leave, parental leave, one-time benefit upon the birth of a child, and temporary disability benefits based on the employee's salary (which cannot be set below the minimum wage), or to the MW itself, or the MCE.

► **Table 2. Cash maternity medical benefits with legal basis and financing**

Benefit	Benefit level (replacement rate or nominal amount)	Periodicity of benefit payment	Source of financing
<b>Maternity Benefit</b>	<ul style="list-style-type: none"> <li>► 75 per cent of the average monthly salary: with less than 12 months from the date of employment</li> <li>or</li> <li>► 100 per cent of average monthly salary: with more than 12 months from the date of employment</li> </ul>	One-time (The benefit corresponds to 18 weeks, but it is paid as a lump sum)	Combined (public funds and the employer) The Social Insurance fund financed by the State budget pays four times the MCE = 1,9 million UZS, and the remaining part is paid by the employer. If the employee is not entitled to benefits from the Social Insurance Fund, the entire amount of the benefit is paid by the employer
<b>Sickness benefit</b> (in cases of incapacity for work due to complications or illness arising out of pregnancy)	<ul style="list-style-type: none"> <li>► 80 per cent of salary for workers with 8 or More years of work experience</li> <li>or</li> <li>► 60 per cent of salary for workers with less than 8 years of work experience</li> </ul>	Once a month – with the second half of the month's salary	The employer
<b>Parental leave benefits</b>	60 per cent of the MW	Monthly	The employer
<b>One time childbirth benefit</b>	70.3 per cent of the MW	One-time	Public funds (Extrabudgetary Pension Fund)
<b>Childcare benefits for low-income families</b>	Flat-rate benefits provided on the basis of the number and age of children in the family. <ul style="list-style-type: none"> <li>► 250,000 UZS – For one child aged between 3 and 18 years;</li> <li>► 325,000 UZS. – For one child under 3 years of age;</li> <li>► 150,000 UZS for the second child of the family;</li> <li>► 100,000 UZS – For the third and each subsequent child of a family</li> </ul>	Monthly (for 12 months)	Public funds

Consequently, nominally, the requirements of Article 6(2) of Convention No. 183 are reflected in the national legislation, as benefits are calculated based on the beneficiary's salary, the national minimum wage or the minimum consumer expenditure.

However, in case of a possible ratification of the Convention, the ILO supervisory bodies could request the Government to indicate how the existing benefit amounts ensure that a woman can maintain herself and her child in proper conditions of health and with a suitable standard of living.

Paragraph 3, Article 6 of Convention No. 183 provides that, where cash benefits paid in connection with maternity leave are based on previous earnings, the amount of such benefits shall not be less than two-thirds of the woman's previous earnings or of such of those earnings as are taken into account for the purpose of computing benefits. While paragraph 4 stipulates that if under a national law or practice, other methods are used to determine the cash benefits paid with respect to leave referred to in Article 4, the amount of such benefits shall be comparable to the amount resulting on average from the application of the preceding paragraph.

According to Article 404 of the Labour Code, in connection with maternity leave, a woman is paid a benefit in the amount established by law, but not less than 75 per cent of her average monthly wage. The average monthly wage is calculated based on the last 12 months or the number of complete months worked if the length of employment is less than one year.<sup>93</sup>

The procedure for allocating and paying maternity benefits is determined by the Cabinet of Ministers of the Republic of Uzbekistan. However, at the time of writing this report, the document had yet to be approved.

## Maternity benefits

In accordance with Order of the Minister of Employment and Poverty Reduction (Reg. No. MJ-1136 of 8 May 2002),<sup>94</sup> the Regulation on the procedure for assigning and paying state social insurance benefits was approved, under which social insurance benefits for pregnancy and childbirth and in connection with the birth of a child are granted from the extra-budgetary Pension Fund. As of January 1, 2007, expenses related to the payment of temporary disability allowances (i.e. incapacity for work) were incurred as follows:

- ▶ By budgetary organizations: within the budgetary funds allocated for the wage fund;
- ▶ By business entities: at their own expense with the exclusion of these costs from the taxable base when calculating the profit tax.
- ▶ Maternity benefits (including in cases of miscarriage) are paid for the entire period indicated on the temporary disability certificate.
- ▶ According to paragraph 3 of this Regulation, benefits are generally granted to an employee if the right to receive them occurred during the period of employment with the employer (including the probation period and the day of termination).
- ▶ Individuals engaged in entrepreneurial activities without forming a legal entity and members of dekhkan farms are issued benefits if this right arose during the period of payment of insurance premiums in the prescribed manner.
- ▶ According to paragraph 20 of this Regulation, workers engaged in seasonal and temporary work receive temporary disability allowance due to an occupational injury or occupational disease, maternity allowance on a general basis, and temporary disability allowance due to other causes – for working days within the limits of the concluded labour contract for temporary or seasonal work.

<sup>93</sup> For further information consult Article 257 of the Labour Code.

<sup>94</sup> <https://lex.uz/docs/357102>

According to paragraph 23 of Decree of the President of the Republic of Uzbekistan dated 27.12.2016 No. DP-2699,<sup>95</sup> in order to preserve the principle of fairness in the appointment and payment of maternity benefits, to establish for newly hired or resuming employment after a break of more than 12 months, a differentiated amount of maternity benefits depending on the actual time worked from the date of hiring. For employees of non-budgetary organizations, the amount of maternity benefits is differentiated depending on the time actually worked from the day of hiring or resumption of employment after a break of more than 12 months, as follows:

- **75 per cent of the average monthly salary** – if six to 12 months have been worked since the date of hire;
- **100 per cent of the average monthly salary** – if more than 12 months have been worked since the date of hire.

Therefore, the replacement rate of the cash benefit available to women with more than 12 months of employment would be aligned with Paragraph 2 of Recommendation No. 191, which states that the cash benefits to which a woman is entitled during maternity leave and leave for complications should be increased to the full amount of her previous earnings or such of her earnings as are taken into account in calculating the benefits.

However, as of 1 September 2022, pursuant to Presidential Decree “On measures to further accelerate systemic support for families and women” No. DP-87 of 7.03.2022, maternity benefits are paid from the state budget to women who have had continuous employment in all legal entities, with the exception of State-financed organizations, in the last six months based on the MCE. According to the new procedure, the obligations of legal entities to pay maternity benefits to employees are reduced in proportion to the amount of maternity benefits paid at the expense of the State Budget.

In connection with the – decree mentioned above, Resolution No. 515 of the Cabinet of Ministers “On measures for the development of state social insurance system” dd. 20.09.2022 was adopted, and the Regulation on the procedure for determination and payment of maternity benefits under the state social insurance system was approved. According to this Regulation, the benefit is paid to the employee before the birth of a child in the 4-fold amount of the MCE. Currently, the MCE is 498,000 UZS, i.e., 1,992,000 sums are paid out of state budget funds (around US\$175). If the employee is not entitled to benefits from the Social Insurance Fund, the entire amount of the benefit (i.e., 75 or 100 per cent of the woman’s average wage) is paid by the employer. Payments are made directly to the recipient on a plastic card or in cash. The scheme for the determination and payment of maternity benefits is presented in Annex IV.

It is worth noting that the benefit is paid regardless of whether the child is born alive or dead, the adoption of a born child, or a miscarriage.

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95 <https://lex.uz/docs/3085625>

As per the current rules, employed women are entitled to receive the maternity benefit (i.e. 75 or 100 per cent of their previous wage) through a combination of public funds and employer-liability arrangements.

Given that part of the benefit is provided by the Social Insurance Fund, which is currently financed by the State budget (i.e. four times the MCE equivalent to 1.9 million UZS), and that employers are required to pay the difference between the said amount and the benefit amount to which the employed woman is entitled (75 or 100 per cent of her previous earnings), it is possible to assess if the flat-rate benefit financed collectively reaches the minimum level prescribed by the Convention (i.e. 66.6 per cent of previous earnings).

The nominal accrued average monthly wage in Uzbekistan was 2,662,002,8 UZS in 2021<sup>96</sup> (latest available). Given that at the time of writing this report, official information on the average wage of employed women was not available, the level of the benefit currently financed by the State Budget (i.e. 1.9 million UZS) would be assessed, for illustrative purposes, against the average monthly wage of all employees. Since the Convention requires that maternity benefits are provided for at least 14 weeks (i.e. 3.5 months) and that are set at a level not less than 66.6% of previous earnings, a person receiving the average monthly wage should receive a maternity benefit of 6,205,126 UZS (2,662,002,8 UZS x 3.5). In this configuration, the maternity benefit paid at the expense of the State Budget of 1.9 million UZS would correspond to a replacement rate of around 30 per cent.

Therefore, the level of benefits provided in a manner compliant with the Convention (i.e. financed by compulsory social insurance or public funds) would fall below the minimum required by Paragraph 4, Article 6 of the Convention, which requires that where other methods are used to determine the cash benefits, the amount of such benefits shall be comparable to the amount resulting on average from the application of Article 6(3) (i.e. not be less than two-thirds of the woman's previous earnings).

Paragraph 5 of Article 6 provides that countries shall ensure that the conditions to qualify for cash benefits can be satisfied by a large majority of women to whom Convention No. 183 applies.

As mentioned above, the labour legislation prescribes the right to maternity leave, which falls within the category of "social leave" in Uzbekistan. As per the Labour Code, women in dependent employment are entitled to 18 weeks of paid maternity leave (20 weeks in cases of illness or complications). According to Article 237 of the Labour Code, the granting of social leave to employees, provided for by part one of this article, does not depend on the length of the work experience of the employee, the place and nature of the work performed by him, the organizational and legal form of the employer.

96 <https://stat.uz/en/official-statistics/labor-market>

**In Uzbekistan, entitlement to paid maternity leave is not subject to a minimum qualifying period. However, it should be noted that the right to receive maternity benefits under national law is vested in women who are officially employed.**

**To demonstrate that the national legislation gives effect to the requirements of Article 6(5) of the Convention, the statistical information required in the Report form for this Convention should be furnished. As such, the Government may wish to indicate the categories and the number of employed women, including those in atypical forms of dependent work, to which the conditions apply, as well as the total number of women who have been receiving cash benefits from each of the abovementioned sources (i.e. public fund and employer-liability arrangements) in a given period.**

Paragraph 6 of Article 6 of Convention No. 183 provides that, in cases where women do not meet the conditions to qualify for cash maternity benefits, they shall be entitled to adequate benefits from social assistance funds, subject to the means test required for such assistance.

In this regard, it should be noted that national legislation does not provide for maternity benefits for women who are not officially working. However, two non-contributory benefits are available to women with small children: a lump-sum birth grant and a monthly benefit payable for up to 12 months to low-income families with a child younger than age 3.

### **One-time benefit childbirth benefit**

A Categorical universal childbirth grant paid upon the birth of a child irrespective of income or means. The procedure for payment of benefits from the state regulates Administrative Regulations No. 327 for the provision of public services for a one-time benefit for the birth of a child, approved by Cabinet of Ministers Decree dd. 23.05.2020.<sup>97</sup>

According to Paragraph 6 of Regulation "On the procedure for appointment and payment of state social insurance benefits", reg. of the Ministry of Justice 08.05.2002, No. 1136, the allowance was paid to working parents (persons in loco parentis) at the place of work or study (with compensation of expenses by the Pension Fund).

The one-time benefit is assigned by the Pension Fund independently, based on the information in the questionnaire filled out by the Registry Office at the applicant's request according to Paragraph 10 of the Regulation. To receive the allowance, the parent (father or mother / persons in loco parentis) should apply to any branch of HalkBank within six months from the child's birth, presenting identity documents. No other documents are required.

According to Paragraph 1 of Presidential Decree "On improvement of the system of state social assistance to families with children" No. DP-871 dd. 16.06.1994, with amendments made by Presidential Decree No. DP-5894 dd. 13.12.2019, the one-time benefit for the birth of a child is 70.3 per cent per cent of the MW,<sup>98</sup> on the date of birth, that is 688,000 UZS<sup>99</sup> (around US\$60). In cases where a child is born dead, the benefit is not paid.

<sup>97</sup> <https://lex.uz/docs/4823571#4833983>

<sup>98</sup> Until 1 September 2019, the benefit corresponded to two times the minimum wage applicable on the date of birth.

<sup>99</sup> From April 1, 2023, the MW is 980,000 UZS.



## Child care benefit for low-income families and material assistance

Decree of President of the Republic of Uzbekistan dd. 11.08.2021 No. DP-6277 "On Measures to Provide Material Assistance to Low-Income Families and to Further Expand the Scale of Combating Poverty"<sup>100</sup> provides for the payment of childcare benefit to eligible households until the youngest child reaches the age of 3. Entitlement for this benefit is contingent on being classified as "low-income family" for non-working and working mothers in the public sector from September 1, 2021.

The allowance is paid from the month of application for the assistance, but not before the end of maternity leave. The child care benefit is paid monthly, regardless of a person's length of employment or work experience.

The level of the child care benefit is based on the number and age of children in the family. The following amounts of child allowances and material assistance to low-income families have been established:

### I. Monthly amount of childcare benefit:

- ▶ 250,000 UZS For one child aged between 3 and 18 years; 325,000 UZS – for one child under the age of 3 years old;
- ▶ 150,000 UZS – additional amount for the second child of the family;
- ▶ 100,000 UZS – for the third and each subsequent child of a family.

Working mothers or persons in loco parentis (except for mothers working in budgetary organizations or persons in loco parentis) may receive a child care benefit in accordance with this Regulation after receiving the monthly child care allowance until the child reaches the age of 2.

The child care benefit is granted for a period of 12 months, after which the person concerned must reapply; the benefit is paid until the youngest or only child in the family turns 18.

### II. Monthly amount of material assistance: 380,000 UZS.

The recognition of a family as low-income and the procedure for allocating and paying material assistance is carried out in accordance with the Regulation "On the procedure for identifying low-income families through the information system "Unified Register of Social Protection", adopted by Resolution of the Cabinet of Ministers "On measures to further improve the social protection system" No. 654 dd. 21.10.2021.<sup>101</sup> Decisions on the recognition of a family as poor and the assignment and payment of child benefits and material assistance are drawn up and adopted in the "Single Register of Social Protection". As per this Resolution, from 2022, each family member will be considered low-income if the average monthly income does not exceed the MCE (paragraph 7).

Funds from local budgets of districts (cities) and other sources not prohibited by law are sources of funding of the child care benefit and the material assistance (financial support payments).

(The material assistance is paid for six months.)

<sup>100</sup> <https://lex.uz/docs/5572521>

<sup>101</sup> <https://lex.uz/docs/5688101>

The national legislation partly complies with the requirements of Article 6(6) since it provides for non-contributory benefits in the form of a monthly child care benefit and material assistance for low-income families, which seemingly include women that do not meet the qualifying conditions for cash benefits such as those who are officially not working.

Nonetheless, the non-contributory benefits available to women with young children fall below the Minimum Consumer Expenditure and therefore may not be set and maintained at a level sufficient to ensure that the woman can maintain herself and her child in proper conditions of health and with a suitable standard of living, as required by paragraphs 2 and 6 of Article 6 of the Convention.

## Medical benefits

Paragraph 7 of Article 6 of Convention No. 183 requires that medical benefits shall be provided to a woman and her child in accordance with national laws and regulations or in any other manner consistent with national practice. They shall include prenatal, childbirth and postnatal care, as well as hospitalization when necessary.

## Brief description of Uzbekistan's health system

Over the years of independence, Uzbekistan has carried out systemic reforms in health care, wide-ranging reforms in all fields of medicine, which have significantly improved the quality of medical services to the population. Article 48 of the Constitution establishes the right of everyone to health care and qualified medical services.

Maternal and child health protection has been and remains a priority direction in the policy of the government. State programs have been adopted and implemented that are directed at improving the reproductive health of the population, healthcare of mothers, children and teenagers, providing birth and rearing healthy children, solving urgent tasks by providing broad and equal access to quality healthcare services, improving material and technical base and staff potential of obstetric medical institutions, regionalization of perinatal care and organizing perinatal centres, introducing modern diagnostic methods, treatment and care of children.

In general, guarantees on the part of the state for the protection of citizens' health are outlined in Law of the Republic of Uzbekistan "On protection of the health of citizens" No. 265-I dd. 29.08.1996,<sup>102</sup> which defines the right of citizens to health care. In particular, Article 13 of this law states: The State shall ensure the citizens health protection regardless of age, sex, race, nationality, language, attitude towards religion, social origin, beliefs, personal and social status.

According to the third part of Article 8 of Law of the Republic of Uzbekistan "On protection of health of citizens" dd. 29.08.1996 No. 265-I, medical-preventive establishments of the state system of public health care render the medical aid guaranteed by the state to the population free of charge. The scope and procedure for the provision of free medical care are established by law.

The list of privileged categories of persons whose medical care is provided by the Republican specialized centres at the expense of the state budget and the list of privileged categories of persons whose medical care is provided at the regional multidisciplinary medical centre at the expense of the state budget were also approved.

<sup>102</sup> <https://lex.uz/docs/41329>

Members of families recognized as low-income through the information system “Unified Register of Social Security”, pregnant women with pathology (medical care to whom is provided at the Republican Specialized Scientific and Practical Medical Centre of Obstetrics and Gynecology Persons), persons suffering from sexually transmitted diseases, etc. are classified as persons for whom the Republican Specialized Centres provide medical care.<sup>103</sup>

Members of families recognized as low-income through the information system “Unified Register of Social Security” and persons with socially significant diseases are classified as the category of persons whose medical care at the regional multidisciplinary medical centre is provided at the expense of the state budget.<sup>104</sup>

Medical and other services above the guaranteed scope of medical care (see the next sub-section) established by the State are additional and paid for by the population in accordance with the established procedure.

The sources of financing the State health care system are:

- ▶ funds from the state budget;
- ▶ funds of medical insurance;
- ▶ funds of earmarked funds for the protection of citizens’ health;
- ▶ funds of treatment and preventive care institutions received for the provision of medical care above the amount guaranteed by the state and for the provision of paid services;
- ▶ voluntary and charitable contributions to health care institutions from enterprises, institutions, organizations, public associations and individuals;
- ▶ bank credits;
- ▶ other sources not prohibited by law.

In addition, the Criminal Executive Code of the Republic of Uzbekistan provides for measures to protect the health of **convicted pregnant women and women with children**.

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103 <https://lex.uz/docs/170150#3438556>

104 <https://lex.uz/docs/1330383#1330485>

### ► Box 5. Inventory of Uzbekistan's legal framework applicable to maternity medical benefits

The following laws and secondary legislation constitute the legal framework of maternity medical benefits in Uzbekistan, including the personal and material scope of the benefits available.

1. Law of the Republic of Uzbekistan "On protection of health of citizens" No. 265-I dd. 29.08.1996.
2. Regulations on the procedure of forming the List of guaranteed amounts of medical care covered by the State Budget of the Republic of Uzbekistan<sup>105</sup> approved by Resolution of the Cabinet of Ministers of the Republic of Uzbekistan No. 832 dd. 30.09.2019.
3. Decree of the President of Uzbekistan "On the State programme for reform of the health-care system" No. DP-2107 dd. 10.11.1998.
4. Order No. 137 of the Ministry of Health of the Republic of Uzbekistan "On organization and provision of antenatal care and medical care to pregnant women in primary health care" dated 18.05.12.
5. Order No. 151 of the Ministry of Health of the Republic of Uzbekistan "On the targeting of perinatal health care in the Republic of Uzbekistan".<sup>106</sup>
6. Presidential Resolution "On additional measures to bring primary health care closer to the population and to increase the effectiveness of medical services" No. RP-215 dd. 25.04.2022.
7. Resolution of the President of the Republic of Uzbekistan "On improving the quality and further expanding the coverage of medical care provided to women of reproductive age, pregnant women and children" No. RP-4513 dd. 08.11.2019
8. Resolution of the President of the Republic of Uzbekistan "On measures to accelerate the improvement of emergency medical care" No. RP-3494 dd. 25.01.2018.<sup>107</sup>

## Material scope of maternity medical benefits

Article 29 of Law of the Republic of Uzbekistan No. 265-I "On protection of the health of citizens" dd. 29.08.1996 defines that Primary health care provided by institutions of the state health care system, public associations, is a basic, accessible and free type of health care and includes:

- Treatment of the most common diseases, injuries, poisonings and other emergency conditions;
- Sanitary, hygienic and anti-epidemic measures and medical prevention of the most important diseases
- Implementation of measures for the protection of the family, motherhood and childhood, and other activities related to the provision of medical and sanitary assistance to citizens at the place of residence.

Resolution of the Cabinet of Ministers of the Republic of Uzbekistan No. 832 dd. 30.09.2019 approved "Regulations on the procedure of forming the List of guaranteed amounts of medical care covered by the State Budget of the Republic of Uzbekistan",<sup>108</sup> which defines guaranteed amounts of medical care. The principles of determining a guaranteed volume of medical care are:

- accessibility of medical care for all segments of the population;
- priority of preventive measures and medical services provided in primary health care facilities;

<sup>105</sup> <https://lex.uz/ru/docs/4535088#4546249>

<sup>106</sup> <https://ssv.uz/uz/documentation/uzbekiston-respublikasida-perinatal-tibbij-erdamni-maksadli-jnaltirish-trisida>

<sup>107</sup> <https://lex.uz/docs/3524643>

<sup>108</sup> <https://lex.uz/ru/docs/4535088#4546249>

- ▶ differentiation of types of medical services by levels of medical institutions, as well as the sequence of their provision depending on the complexity of medical services rendered;
- ▶ transparency of the process of obtaining and providing medical services.

#### ▶ Box 6. Guaranteed package of maternity medical care in Uzbekistan

When forming the List in terms of the volume of planned medical care provided by specialists in primary health care and profile specialists in outpatient settings and day care hospital conditions, the costs of medical care for mothers and children are taken into account, including

- ▶ antenatal (prenatal) care for pregnant women, providing a set of diagnostics, therapeutic and preventive measures carried out in order to ensure normal intrauterine development of the body from conception to birth, carried out during pregnancy or gestation (at least 7 times);
- ▶ screening examinations of pregnant women at risk at 16–20 weeks to rule out foetal abnormalities
- ▶ HIV counselling and testing of pregnant women;
- ▶ delivery appointments;
- ▶ neonatal screening or mass screening of new-borns for early detection of hereditary and congenital diseases for timely treatment;
- ▶ audiological screening of new-borns and children up to one year of age;
- ▶ postnatal care for 42 days and counselling;
- ▶ vaccination in accordance with the National Immunization Calendar of the Republic of Uzbekistan;
- ▶ examination and treatment of children under 18 years of age;
- ▶ family planning consultations.

Source: Regulations on the procedure of forming the List of guaranteed amounts of medical care covered by the State Budget of the Republic of Uzbekistan, Article 13(d).

Pregnant women are registered with the appropriate primary health care facility (PHCF) – a family health clinic or rural health centre before the 12<sup>th</sup> week of pregnancy by a family physician (general practitioner – GP) serving the pregnant woman’s area of residence. If a woman is not registered at her actual place of residence, she must apply to the head of the relevant primary care facility. Registration of pregnant women and periodic medical examinations before childbirth is free of charge at the expense of the State.

During the normal course of pregnancy, at certain times, a GP or midwife of the PHCF prescribes a number of tests, which can be done in the institution itself, and some at the central multidisciplinary district clinic or specialized dispensaries. Scheduled examinations at these facilities are free of charge for patients.

Pursuant to Presidential Decree “On the State programme for reform of the health-care system” No. DP-2107 dd. 10.11.1998, the State provides free **maternity services (except for private establishments) as part of a guaranteed range of medical and sanitary services**.<sup>109</sup> Upon admission to the maternity hospital, a woman registers with her passport and prenatal record. The prenatal record is issued by a polyclinic doctor to a woman at 30 weeks of pregnancy and is a medical, legal and financial document of the woman in labour. It includes passport data, information about the course of pregnancy, results of tests, examinations by specialists and instrumental examination (ultrasound, Doppler, ECG). The woman

109 <https://lex.uz/docs/221139>

is paid for prenatal and postnatal maternity leave based on the prenatal record. With this record, the woman is sent to the maternity hospital. The document contains information about past deliveries, surgeries, postpartum period, notes on the need for further treatment, and information about the newborn. After discharge, the prenatal record is submitted to the family clinic. It is used for home visits by midwives and paediatricians.

The health of pregnant women is monitored in family polyclinics on the basis of Order No. 137 of the Ministry of Health of the Republic of Uzbekistan “On organization and provision of antenatal care and medical care to pregnant women in primary health care” dated 18.05.05 as well as standards of antenatal care developed by the Ministry of Health of the Republic of Uzbekistan in 2016.

In cases of a complicated course of pregnancy, the patient is referred to the supervision and management of specialists of the central district multi-profile polyclinic, district dispensaries or obstetric-maternity complex serving the area. Within the limits of available state budgetary funding and in accordance with current standards or regulations, these institutions carry out the necessary activities for the patient free of charge.

In accordance with Resolution of the President of the Republic of Uzbekistan “On additional measures to ensure healthy nutrition of the population” No. RP-4887 dd. 10.11.2020,<sup>110</sup> the following supplements are provided free of charge starting from June 1, 2021:

- children aged 6-23 months: micronutrient powders to enrich food prepared for them at home;
- children aged 6 months to 5 years: vitamin A;
- children aged 2–10 years: special medicines for preventing helminths infections.

Also, starting from July 1, 2022, free of charge:

- pregnant women and nursing mothers and children aged 3–15 years: iodine preparations;
- women of childbearing age (or up to age 35): iron and folic acid preparations.

Pursuant to Presidential Resolution “On additional measures to bring primary health care closer to the population and to increase the effectiveness of medical services” No. RP-215 dd. 25.04.2022,<sup>111</sup> to improve the quality of primary health care provided to the population, the establishment of mahalla medical units in mahallas remote from primary healthcare facilities has been ordered. From January 1, 2023, family physician offices shall be established locally on the basis of branches of family polyclinics. As of 1 September 2022, individual family physicians are permitted to carry out family physician practice. It is determined that individual family physician practices do not require opening a separate medical institution but are allowed to provide medical services at home or in rented premises. Payment to individual family physicians for services provided to the attached population free of charge is made at the expense of the State Medical Insurance Fund.

Resolution of the President of the Republic of Uzbekistan “On improving the quality and further expanding the coverage of medical care provided to women of reproductive age, pregnant women and children” No. RP-4513 dd. 08.11.2019<sup>112</sup> states that private medical institutions are allowed to engage in such type of medical activity as childbirth.

It should also be noted that emergency and urgent medical care for the population is provided free of charge in all medical organizations, regardless of their form of ownership, in accordance with Presidential Resolution “On measures to accelerate the improvement of emergency medical care” No. RP-3494 dd. 25.01.2018.<sup>113</sup>

<sup>110</sup> <https://lex.uz/docs/5090384>

<sup>111</sup> <https://lex.uz/uz/docs/5979176>

<sup>112</sup> <https://lex.uz/ru/docs/4589098>

<sup>113</sup> <https://lex.uz/docs/3524643>

The national legislation takes the establishes the provision of maternity medical care for the woman and her child, including prenatal care (i.e. diagnostic, therapeutic and preventive measures), child delivery, and postnatal care and counselling (up to 42 days after child delivery). Given that the benefits mentioned above are included under the guaranteed volumes of medical care, which are provided at the expense of the State budget, the national legislation complies with the requirements of Article 6(7) of Convention No. 183.

## Health and maternity care-related statistics

As a result of the healthcare reforms explained above, which have been carried out in Uzbekistan over the last 25 years, the maternal mortality ratio has fallen by more than three times: from 65.5 per 100,000 live births in 1990 to 18.9 in 2015 and 14.4 in 2021.<sup>114</sup>

In Uzbekistan, maternal and child health is under constant scrutiny. In the perinatal diagnostics rooms of 200 central multidisciplinary polyclinics in the first three months of pregnancy, 92.6 per cent of women undergo ultrasonic diagnostics.<sup>115</sup>

In this context, it should be noted that according to the official data of the State Statistics Committee, in 2021, 32.84 per cent of 828,800 women who ended their pregnancy were anaemic, 16.01 per cent of the births had complications of various kinds, and 8.99 per cent of the children born were born with health problems. The number of hospital beds for pregnant and parturient women was 17,813 in 2021 compared to 19,933 in 2010, and the number of hospital beds for pregnant and parturient women per 10,000 women (15-49 years) was 19.6 in 2021 compared to 24 in 2010.<sup>116</sup>

## Financing of cash benefits<sup>117</sup>

Paragraph 8 of Article 6 of Convention No. 183 provides that, in order to protect the situation of women in the labour market, cash maternity benefits shall be provided through compulsory social insurance or public funds, or in a manner determined by national law and practice. An employer shall not be individually liable for direct costs of any such monetary benefit to a woman employed by him or her without that employer's specific agreement, except for the following:

- a) it is provided for in national law or practice in a member State prior to the date of adoption of this Convention by the International Labour Conference; or
- b) it is subsequently agreed at the national level by the government and the representative organizations of employers and workers.

Presidential Resolution "On the forecast of basic macroeconomic indicators and parameters of the State budget of the Republic of Uzbekistan for 2010", established the order according to which employers shall pay the benefits for pregnancy and childbirth to employed women.

114 <https://nsdg.stat.uz/goal/6>

115 <https://ssv.uz/ru/news/zdravooхранenie-uzbekistana-stanet-sistemoj-udovletvorjajuschej-meditsinskie-potrebnosti-vsego-naselenija>

116 <https://gender.stat.uz/ru/osnovnye-pokazateli/2021-05-06-05-39-17>

117 Annex V of this Report provides a general overview of selected country experiences concerning the organization of cash maternity benefits financed in line with the principles of collective financing, solidarity and risk-pooling.

The Presidential Decree "On Approval of the Social Protection Strategy of the Population of Uzbekistan" provides for the creation of the Social Security Fund; paragraph 4 of the Decree states that, as from 1 September 2022, maternity benefits shall be paid on the basis of the Minimum Consumer Expenditure under the State social insurance. However, the Regulation of the Social Insurance Fund and the Procedure for Appointment and Payment of Maternity Benefits under Social Insurance do not specify social contributions as sources of financing for these benefits.

It can be noted that under Goal No. 6 of Uzbekistan's Social Security Strategy, the gradual introduction of a social insurance system and its development on the basis of international standards is envisaged. According to this policy, from 1 January 2024 it is provided for workers in all legal entities, except budget organizations, who work under an employment contract on a full-time or part-time basis, based on total length of service and average monthly wage, with accrued mandatory monthly contributions transferred to individual savings schemes. At this time, it is unknown what the procedure for assessing the compulsory monthly contributions and the scheme design will be. However, it should be noted that the supervisory bodies of the ILO have concluded that, despite the fact that ILO social security standards do not a priori rule out any type of scheme, individual accounts do not, in most cases, comply with the fundamental principles and parameters set out in ILO standards.

In practice, as of September 1, 2022, part of the maternity benefits paid by the employer to women who have had continuous employment in the last six months is paid from the State Budget (the amount of the benefit is calculated based on the MCE). Paragraph 4 of the Regulation mentioned above states that if temporary disability or maternity leave occurs within one month after the termination of the employment contract on special grounds, the allowance is paid by the social welfare authorities, the district (city) department of the place of residence, which also guarantees that temporary disability benefits to women after the termination of the employment contract within one month.

As such, maternity benefits (for workers of non-budgetary organizations) are provided partly by the Social Insurance Fund (currently financed by the State budget) for officially working women with uninterrupted employment within the last six months. If the amount of the benefit is higher than the covered part (4\*MCE), the employer shall finance the remaining part.

Funding for maternity benefits for women working in budget-funded organizations is provided at the expense of the respective budgets.

It is worth noting that the childcare benefit for working mothers (provided to care for a child under 2 years of age) and the sickness benefit provided in case of temporary incapacity for work, including due to pregnancy and complications arising out of pregnancy) are also paid by the employer.

Regarding the financing of maternity benefits, the following direct request made by the CEACR in its evaluation of the application of Convention 103 by Uzbekistan<sup>118</sup> should be mentioned:

"The Committee notes the indication provided by the Government in its report that, in accordance with section 1 of Regulations of the Minister of Labour and Social Protection of the Population No. 1136 dd. 8 May 2002 "On the procedure for the entitlement and payment of benefits from state social insurance", maternity benefits are paid by the extrabudgetary Pension Fund. The Committee also observes that, as per section 24 of Decree of the President of the Republic of Uzbekistan No. PP-1245 dd. 22 December 2009 "On the forecast of main macroeconomic indicators and parameters of the state budget of the Republic of Uzbekistan for 2010", the payment of maternity benefits to working women is assumed by employers. The Committee further observes that this provision is valid until 1 January 2020, according to section 42 of Decree of the President of the Republic of Uzbekistan No. DP-4086 dd. 26 December

<sup>118</sup> [https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:13100:0::NO::P13100\\_COMMENT\\_ID,P11110\\_COUNTRY\\_ID,P11110\\_COUNTRY\\_NAME,P11110\\_COMMENT\\_YEAR:4015503,103538,Uzbekistan,2019](https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:13100:0::NO::P13100_COMMENT_ID,P11110_COUNTRY_ID,P11110_COUNTRY_NAME,P11110_COMMENT_YEAR:4015503,103538,Uzbekistan,2019)



2018 “On the forecast of major macroeconomic indicators and parameters of the state budget of the Republic of Uzbekistan for 2019 and budget guidelines for 2020–2021. Recalling that Article 4 (4) and (8) of the Convention require maternity cash benefits to be provided either by means of compulsory social insurance or by means of public funds, and provide that employers shall in no case be individually liable for the cost of such benefits due to women employed by them, the Committee requests the Government to clarify whether maternity cash benefits are provided pursuant to Regulations 2002 or Decrees of the President 2009 and 2018, and to supply more detailed information on the financing of such benefits (...).”

For more on the financial aspects of maternity benefits, see Chapter 3 of this report.

Based on the above, maternity benefits in Uzbekistan correspond to 75 or 100 per cent of previous earnings depending on the length of employment and are currently provided through a combination of public funds and employer-liability arrangements. For women who have been employed at legal entities except for budget-funded organizations for at least six consecutive months, the State Budget covers part of the benefit (4 times the MCE, which corresponds to 1.9 million UZS), and the employer pays the remaining amount. If a woman is not entitled to benefits from the state budget (i.e., has been employed for less than six consecutive months), the employer is required to pay the full amount of the maternity benefit. For employees of State-funded organizations, the benefit is paid at the expense of the relevant government budget.

Article 6(8) of Convention No. 183 specifies that cash maternity benefits shall be provided through compulsory social insurance or public funds, or in a manner determined by national law and practice. It further provides that an employer shall not be individually liable for the direct cost of any such monetary benefit to a woman employed by him or her without that employer's specific agreement except where:

- a) such is provided for in national law or practice in a member State prior to the date of adoption of this Convention by the International Labour Conference; or
- b) it is subsequently agreed at the national level by the government and the representative organizations of employers and workers.

Given that the source of funding for cash maternity benefits in Uzbekistan has been modified after the adoption of this Convention (June 15, 2000), the condition established under paragraph 6(8)(a) is not fulfilled. As such, it would only be possible to validate the current benefit design upon confirmation from the Government that the decision to make employers liable for financing (part of) the maternity benefits was agreed upon at the national level by the Government and the representative organizations of employers and workers.

It is worth noting that the provisions related to the financing of maternity benefits contained in ILO standards aim to prevent maternity protection measures from making women's employment more expensive for employers, thereby leading to the recruitment of fewer women workers (ILO 2002).

## ► F. Temporary exceptions for developing countries

Paragraph 1 of Article 7 of Convention No. 183 contains a permissive clause that can be used in cases where the level of cash maternity benefits provided in a country does not reach the requirements of Article 6, paragraph 3 (for earnings-related benefits), paragraph 4 (for benefits that use other methods to determine the cash benefit) or paragraph 8, which authorises employer-liability arrangements under specific conditions.

More concretely, Article 7(1) specifies that in the case of countries whose economy and social security system are insufficiently developed, the provisions for the calculation of cash benefits payable in connection with maternity leave are considered compliant if the cash benefits are paid at a rate not lower than the rates of benefits payable for sickness or temporary disability established in accordance with national legislation.

In accordance with Uzbekistan's legislation, maternity benefits are paid in at a differentiated replacement rate depending on the duration of employment, as follows:

- 75 per cent of average monthly wage: with less than 12 months from date of employment;
- 100 per cent of average monthly wage: with more than 12 months from date of employment.

Similarly, the allowance in case of sickness or temporary disability corresponds to:

- 60 per cent of the salary for workers with up to eight 8 total years of work experience;
- 80 per cent of salary for employees with more than eight years of work experience.<sup>119</sup>

Cash maternity benefits in Uzbekistan correspond to 75 or 100 per cent of previous earnings, depending on the length of employment. Whereas the replacement rate of temporary disability benefits is 60 (for employees with less than eight years of work experience) or 80 per cent (for employees with more than eight years of experience) of wages, and the benefit for maternity leave is paid at the minimum value of 75 per cent based on the average wage. The calculation of which also takes into account all types of payments actually made by the employer, including payments of compensatory or incentive nature, i.e. cash benefits for maternity leave are not paid below the rates of benefits paid for sickness or temporary disability.

Given that the level of benefits provided through public funds does not attain the minimum level required by Article 6(4) of the Convention, as discussed above, the Government the permissive clause contained in Article 7(1) could be used as a possibility to demonstrate compliance regarding the level of cash maternity benefits.

It is worth noting that countries who avail themselves of this permissive clause to ratify the Convention shall, in their first report on the application of the Convention, indicate the rate at which cash benefits are provided and explain the reasons for availing themselves of the exception in question.

<sup>119</sup> For further information, consult the Order of the Minister of Labour and Social Protection of the Republic of Uzbekistan, registered on 08.05.2002, registration number 1136, "On the procedure for assignment and payment of state social insurance benefits". Available at: <https://lex.uz/docs/357102>

## ▶ G. Employment protection and non-discrimination

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Article 8(1) of Convention No. 183 provides that it is unlawful for an employer to terminate the employment of a woman during her pregnancy or absence from work in connection with maternity leave, pregnancy or maternity-related sick leave, or after her return to work, except on grounds unrelated to pregnancy or childbirth and its consequences or nursing. The burden of proving that the reasons for dismissal are not related to pregnancy or childbirth and its consequences or to breastfeeding shall rest on the employer. Article 8(2) provides that a woman is guaranteed the right to return to the same position or an equivalent position with the same salary at the end of her maternity leave.

Article 163 of the Labour Code **prohibits the termination of the employment contract** on the employer's initiative that violates the requirement of the Labour Code to **prohibit discrimination in employment and occupation**, as well as during periods of temporary disability, employee's leave provided by the legislation and other legal acts on labour, the employment contract. And also, without observing the requirements providing **guarantees to pregnant women and workers with a child under the age of 3 years**.

Article 408 of the Labour Code establishes **guarantees for pregnant women upon termination of the employment contract**. **Termination of the employment contract with pregnant women** on the employer's initiative is **not allowed**, except in the following cases:

- ▶ liquidation of the organization (its separate subdivision);
- ▶ or termination of activities of an individual entrepreneur.

If a woman works on the basis of a fixed-term employment contract and its term expires during her pregnancy or while she is on maternity leave, **the employer is obliged to extend the term of the employment contract either until the end of pregnancy upon presentation of a medical certificate**, or at the end of leave if the woman has been granted maternity leave.

A woman whose employment contract is extended until the end of her pregnancy must, at the employer's request, but not more often than once every three months, submit a medical certificate confirming her pregnancy status. If the woman continues to work after the end of pregnancy, the employer has the right to terminate her employment contract due to its expiration within a week from the day when the employer learned or should have learned about the end of pregnancy.

Termination of an employment contract in connection with the expiration of its term with a woman during her pregnancy is allowed if the employment contract was concluded for the period of performance of the duties of an absent employee. It is impossible with the written consent of the woman to transfer her before the end of pregnancy to another job available with the employer, which the woman can perform in view of her health condition.

Article 409 of the Labour Code defines **the guarantees regarding the termination of the employment contract with an employee who has a child under the age of 3 years**. Termination of the employment contract by the employer with a woman who has a child under the age of 3 or with a father (guardian) who is raising a child under the age of 3 alone is allowed only on the grounds that:

- ▶ liquidation of the organization (its separate subdivision) by the decision of its founders (participants) or the body of the legal entity authorized by the constituent documents, or the termination of the individual entrepreneur;
- ▶ systematic violation of labour duties, namely, a repeated disciplinary offence by an employee within one year from the date of bringing the employee to disciplinary or material responsibility or applying to him/her the measures provided for by labour legislation and other legal acts on labour, for the previous violation of labour duties;

- a single rude violation by the employee of his/her employment duties. The list of one-time gross violations of labour duties for which the termination of the employment contract with the employee may follow is determined by the internal labour regulations, the employment contract between the owner and the head of the organization, as well as the employment contract between the employee and the employer, statutes and regulations on discipline in respect of certain categories of employees who are covered by the statutes and regulations on discipline.

In addition, the termination of the employment contract at the initiative of the employer with the employee who was on maternity leave until the child is 3 years old due to the inadequacy of the employee for the position held or the work performed due to lack of qualifications is not allowed within one year from the date of the employee's release from maternity leave.

Also, the first paragraph of Article 8 contains a provision according to which the burden of proving that the reasons for dismissal are not related to pregnancy or childbirth and its consequences or to breastfeeding is on the employer. In this regard, Article 174 of the Labour Code stipulates that an employee who believes that his/her employment contract was terminated unlawfully may appeal directly to the employer or appeal against the termination of the employment contract in the established procedure, including in court. In disputes, the burden of proving the legality of the termination of the employment contract with the employee is on the employer.

Paragraph 2 of Article 8 of Convention No. 183 defines the right of a woman to return to her former or equivalent place of work with pay at the same rate at the end of her maternity leave.

The guarantees that employees will keep their jobs (posts) while on leave are reflected in the Labour Code, Article 215 of which sets out the rules according to which employees keep their jobs (posts) while they are on social leave and the employment contract may not be terminated by the employer. The exception is the cases:

- liquidation of the organization (its separate subdivision) by the decision of its founders (participants) or the body of the legal entity authorized by the constituent documents or termination by an individual entrepreneur;
- for reasons not related to the employer's initiative.

Also, Article 405 of the Labour Code contains a provision that **during maternity leave, the employee retains his place of work (position)**. It should be noted that after the end of maternity leave, the guarantee of keeping the place of work (position) implies receiving wages on the same terms of remuneration.

Article 246 of the Labour Code stipulates that wage conditions and amounts are determined by agreement between the employer and the employee, taking into account the complexity and conditions of the work performed, the employee's professional qualifications and business qualities, the results of his or her work and the organization's economic activity in accordance with the employer's wage payment systems.

In addition, Article 392 of the Labour Code expressly prohibits any reduction in pay for reasons associated with pregnancy or children. Furthermore, according to Article 247 of the Labour Code, it is not allowed to change the conditions of remuneration in a way unfavourable to the employee without the employee's consent. As an exception, such a change is possible: in case of changes in technology, organization of production and labour, reduction in the volume of work (products, services), when the previous conditions of remuneration cannot be maintained and in other cases in accordance with the law. The employer must notify the employee against signature of new or impending changes in the existing conditions of remuneration in the direction of deterioration not later than two months before their introduction.

**Consequently, the national law is consistent with the provisions of Article 8 of Convention No. 183 as it is prohibited to terminate a woman's employment during her pregnancy, except for dismissal for reasons unrelated to pregnancy or childbirth (e.g. liquidation of the organization), while the employee is on social leave, the employee retains job (position). Legal and procedural measures in cases of unfair dismissal are prescribed.**

Article 9 of Convention No. 183 specifies that each Member shall adopt appropriate measures to ensure that maternity does not constitute a source of discrimination in employment, including access to employment. Such measures shall include a prohibition from requiring a test for pregnancy or a certificate of such a test when a woman is applying for employment, except where required by national laws or regulations in respect of work that is:

- (a) prohibited or restricted for pregnant or nursing women under national laws or regulations; or
- (b) where there is a recognized or significant risk to the health of the woman and child.

In this regard, it should be noted that the right of everyone to work, to free choice of work, to fair working conditions and protection against unemployment is enshrined in Article 42 and the principle of equality before the law without distinction as to sex, race, nationality, language, religion, social origin, beliefs, personal and social status is enshrined in Article 19 of the Constitution of the Republic of Uzbekistan.

In addition, under the Family Code, the interests of mothers and children are protected by special measures to protect women's work and health, create conditions that enable women to combine work and maternity and provide legal protection and material and moral support for motherhood and childhood.

It is punishable by a fine of up to 25 basic calculation units or deprivation of a certain right for up to 3 years, or correctional labour for up to 3 years for knowingly illegally refusing to hire or dismissing from work a woman on the grounds of her pregnancy or a person caring for a child, and is considered a violation of the right to work under Article 148 of the Criminal Code of Uzbekistan.

State guarantees of equal rights in the exercise of personal, political, economic, social and cultural rights of women and men are established in Article 6 of Law of the Republic of Uzbekistan "On guarantees of equal rights and opportunities for women and men" dd. 02.09.2019 No. ZRU-562. In addition, the State guarantees women and men equal participation in the management of public and state affairs, the electoral process, equal rights and opportunities in health care, education, science, culture, labour and social protection, as well as in other areas of state and public life. Article 21, paragraphs 5 and 6, also provide that, in order to implement equal rights and opportunities for women and men in labour relations, employers must ensure the introduction and development of social protection and family support available to women and men with children, create favourable working conditions for pregnant and lactating women and safe working conditions that preserve the vitality and health of women and men, including maintaining reproductive function. Article 22 of this law establishes a mandatory requirement for collective agreements and contracts to contain provisions that ensure equal rights and opportunities for women and men and improve conditions for combining professional and family responsibilities.

According to Article 95 of the Labour Code, the **State guarantees protection from unlawful refusal of employment**, while Article 97 obliges the **employer not to allow unlawful refusal of employment. The Labour Code prohibits unlawful refusal of employment for reasons related to pregnancy or children** under Article 119. Also, in the case of a refusal to hire, the employer must, at the request of the person who is refused employment, provide a written justification for the refusal within three days, signed by

an official with the right to hire. Refusal to provide a written justification is not an obstacle to appealing an unlawful denial of employment.

It should also be noted that pregnant women, women with a child under the age of 3 or a father (guardian) raising a child under the age of 3 alone are not subject to preliminary probation for employment.

Article 392 of the Labour Code prohibits the refusal to hire or reduce pay for reasons of pregnancy or children. According to this Article, it is **prohibited to refuse to hire or reduce the amount of pay for reasons related to pregnancy or children.**

In the case of refusal to hire, the employer must, at the request of a pregnant woman or a person with children, within three days provide a written justification for the refusal to hire, signed by an official with the right to hire. Failure to provide a written justification for a job rejection does not prevent an appeal against the rejection.

Under Article 120 of the Labour Code, an employee who considers that they have been unlawfully denied employment may appeal against the unlawful denial of employment in the prescribed manner, including by filing a claim with a court for suitable employment, compensation for the material damage suffered and compensation for the moral harm done. In disputes, the burden of proving the legality of the refusal to hire is on the employer.

As mentioned above, Article 9(2) of Convention No. 183 prohibits requesting a certificate of pregnancy test when employing a woman. It should be noted that the documents required for employment under Article 124 of the Labour Code do not require such information. Moreover, part three of the above article prohibits requiring from a person entering employment any documents not provided for by the Labour Code, as well as other legislative acts.

At the same time, Article 476 of the Labour Code stipulates that medical examinations of workers engaged in unfavourable working conditions are mandatory, and the employer is obliged to organize preliminary (at the conclusion of the employment contract) and periodic (during work) mandatory medical examinations of workers engaged in work with unfavourable working conditions.

It should be noted that Order of the Minister of Health of the Republic of Uzbekistan "On Approval of the Regulations of medical examination of employees" dd. 29.08.2012 No. MJ-2387<sup>120</sup> approved a list of dangerous and hazardous substances, resulting in exposure to which employees must undergo medical examinations, as well as the terms of medical examination of employees working under the influence of these substances, categories of doctors and specialists who conduct medical examinations, as well as the necessary laboratory and functional assessments.

For example, Order of the Minister of Health of the Republic of Uzbekistan "On approval of the list of works, to the implementation of which persons who have not passed the mandatory medical examination or are at risk of infecting others with tuberculosis are not allowed" dd. 02.11.2021 No. 3330<sup>121</sup> approved the procedure for mandatory medical examination for midwives, nurses of all categories, doctors of all specialties, nurses, chefs of children and dietary meals, buffet workers working in medical and preventive institutions (maternity hospitals, departments of child pathology) in direct contact with infants, etc.

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120 <https://lex.uz/docs/2046004>

121 <https://lex.uz/ru/docs/5707894>

Thus, the national legislation complies with the requirements of Articles 8 and 9 of Convention No. 183. In particular:

- ▶ It is prohibited for an employer to dismiss a woman during her pregnancy, with the exception of dismissal for reasons not related to pregnancy or childbirth: liquidation of the organization (its separate subdivision) or termination of activities of an individual entrepreneur;
- ▶ if a fixed-term contract expires during her pregnancy or while she is on maternity leave, the employer is obliged to extend the term of the employment contract;
- ▶ it is commonly prohibited for an employer to dismiss a woman who is on a childcare leave until the child is 3 years old (except liquidation of the organization and systematic or single rude violation of the job duties);
- ▶ during the period of social leave (including maternity and parental leaves), the employee retains their job (position);
- ▶ prohibition of discrimination both in fundamental legal acts and in the field of labour is established;
- ▶ it is prohibited to refuse to employ an employee due to pregnancy or children;
- ▶ maternity leave, parental leave to care for a child up to the age of 2 years, and additional unpaid parental leave to care for a child up to the age of 3 years are included in the work experience (maximum six years of all parental leaves);
- ▶ to require pregnancy tests or submit a certificate of such tests at the time of a woman's employment is not provided for in the labour legislation, the exception being hiring in jobs with unfavourable working conditions.

## ▶ H. Conditions for the protection of breastfeeding mothers in employment

Article 10(1) of Convention No. 183 provides that women shall be given the right to one or more daily breaks or a daily reduction of work hours for breastfeeding. Paragraph 2 of this Article specifies that the period during which nursing breaks or the reduction of daily hours of work are allowed, their number, the duration of nursing breaks and the procedures for reducing daily work hours shall be determined by national law and practice. These breaks or the reduction of daily hours of work shall be counted as working time and remunerated accordingly.

According to Law of the Republic of Uzbekistan "On support of breastfeeding and requirements for food for infants and young children" No. LRU-574 dd. 23.10.2019,<sup>122</sup> in order to support breastfeeding, it is indicated to take measures for social support of nursing mothers, as well as creating favourable working and learning conditions for them.

122 <https://lex.uz/docs/4566079>

Presidential Resolution “On measures to further strengthen guarantees of labour rights and support women’s entrepreneurial activities” No. RP-4235 dd. 07.03.2019 established starting from May 1, 2019 one of the parents raising a child under the age of 2 years, at the expense of rest and meal breaks and feeding the child provided during work, is entitled to establish time for a break used in the course of the day upon agreement with the employer.

Article 205 of the Labour Code provides for additional breaks for nursing a child. In addition, a separate Article 407 of the Labour Code is devoted to nursing breaks, according to which **one of the parents (guardian)** of a child under 2 years of age, in addition to a break for rest and food, is provided additional breaks for feeding the child. These breaks are provided at least every 3 hours for at least 30 minutes each. If there are two or more children under 2 years of age, the duration of the break is set to at least one hour. **Feeding breaks are included in the working hours and paid at the average wage.**

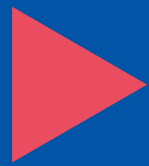
Also, according to Article 9 of Law of the Republic of Uzbekistan “On support of breastfeeding and requirements for food for infants and young children” No. LRU-574 dd. 23.10.2019, specially designated places for breastfeeding infants and young children should be established in public institutions and organizations, as well as bus stations, airports, railway stations, and cultural and entertainment institutions. Specially designated places for breastfeeding infants and young children may also be organized in other organizations.

It follows that there is reason to believe that the allocation of space at or near the workplace for breastfeeding is possible and not restricted at the legislative level.

Consequently, the national legislation is consistent with the provisions of Article 10 of Convention No. 183, as:

- ▶ a woman (or one of the parents/guardian) of a child under 2 years of age is entitled to one or more breaks per day or to a daily reduction in working time to breastfeed her child;
- ▶ the period during which nursing breaks or a daily reduction of working time is allowed, their number and duration, as well as the procedure for daily reduction of working time are stipulated in the Labour Code.
- ▶ nursing breaks are included in the working hours and are paid at the average wage;
- ▶ the possibility of combining nursing breaks for the daily feeding of the infant is provided for;
- ▶ the number and duration of nursing breaks may be agreed upon between the employer and the trade union committee, taking into account the specific needs of breastfeeding the infant.

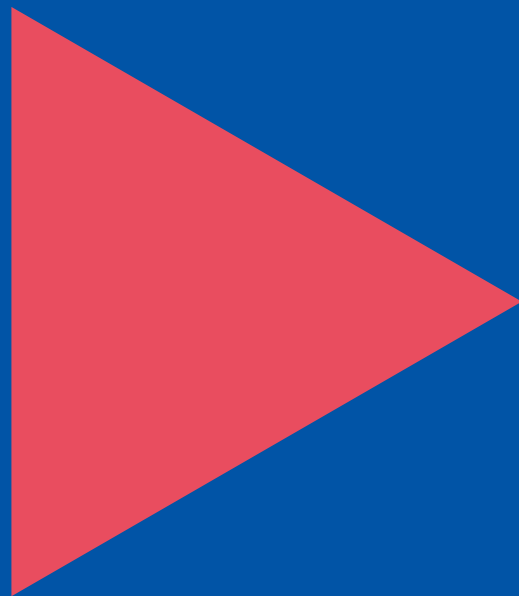




# 3

## **Prospects of ratification of Convention No. 183 by Uzbekistan**

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Based on the analysis carried out under Chapter 2 for each Article of Convention No. 183 against Uzbekistan's social security legislative framework, this part discusses the prospects of ratification of Convention No. 183 by Uzbekistan by presenting the conclusions which can be extrapolated from the report. Specifically, the conclusions identify possible discrepancies and normative points that might need to be harmonized should the government decide to consider the ratification of this international standard.

This report allows the following observations to be made on the extent to which the national legislation examined complies with the requirements and principles contained in Convention No. 183.

Other policy recommendations regarding maternity protection, paternity leave and other-related types of leave are provided under Annex II.

## ► Conclusions

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### General considerations

Maternity protection encompasses different perspectives, including labour legislation (leave, employment protection), occupational safety and health (health protection), and social security (maternal health care and maternity cash benefits) and represents a prerequisite for the achievement of women's rights, gender equality and non-discrimination. Hence, the right of women to maternity protection has been included in all major fundamental human rights instruments, including the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights,<sup>123</sup> of which Uzbekistan is a Member State since 28 September 1995.

Maternity protection is essential to prevent and reduce poverty and vulnerability, promote the health, nutrition and well-being of mothers, achieve gender equality and advance decent work (ILO 2021). It contributes to the advancement of gender equality in the world of work and to attaining Sustainable Development Goals 3, 4, and 5.

Due to its fundamental importance from the point of view of gender equality and non-discrimination, ratification of Convention No.183 is in the interests of not only women but also men and societies at large. It needs to apply to workers in all types of employment, including atypical forms of employment and regardless of the sector or the type of employment contract. In recognition of this, the ratification of Convention No.183 is referred to in a number of important national strategic documents, such as the National strategy of the Republic of Uzbekistan on human rights, the Strategy of social protection of the population of the Republic of Uzbekistan and the Road Map of Decent Work Country Programme for the Republic of Uzbekistan 2021-2025. The study of the possibility of implementation of this advanced international standard into the national legislation by the provisions of the General Collective Agreement is planned.<sup>124</sup>

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<sup>123</sup> Article 10(2): Special protection should be accorded to mothers during a reasonable period before and after childbirth. During such period working mothers should be accorded paid leave or leave with adequate social security benefits.

<sup>124</sup> <https://kasaba.uz/wp-content/uploads/2020/02/Gen-Sogl-2020-2022.pdf>

In addition, and regardless of ratification of the Convention, given that Uzbekistan is currently in the process of reforming its social protection system and establishing a social insurance system<sup>125</sup> the following observations, based on Convention No.183 and its accompanying Recommendation No.191, could serve as a reference for the reform process to secure greater conformity of the national law and practice with these international standards.

## Feasibility of the ratification of Convention No.183

The provisions of Convention No. 183 are largely embodied in Uzbekistan's legislation. This report concludes that, for the most part, the provisions of the national legislation comply with the requirements of the Convention, including as regards health protection, duration of maternity leave, leave in case of complications, and breastfeeding. However, full compliance with the requirements of the Convention would also require a certain number of legislative reforms to overcome certain shortcomings identified in this report, including a revised approach to the source of funding for maternity-related benefits.

## Financing of maternity cash benefits

Currently, the financial burden of payment of maternity benefits in Uzbekistan is (partly) imposed on the employers. That is because, under the new procedure,<sup>126</sup> the employer is liable to top up the tax financed cash maternity benefit (paid by the Social Insurance Fund) up to the level of 75 or 100 per cent of a woman's previous earnings. As per the current rules, the only situation in which employers would not be directly liable for partially paying the maternity benefit is when the maternity benefit is equal to or less than 4 MCE and women have worked for at least six consecutive months. Only in such cases, the State budget would cover the total amount.

To protect the situation of women in the labour market and reach favourable outcomes in terms of gender equality and non-discrimination, Convention No.183 requires that cash benefits be provided through compulsory social insurance or public funds, or in a manner determined by national law and practice. However, the Convention only authorizes three exceptions to the principle of non-responsibility of employers concerning the cost of benefits. An employer may be individually liable for the direct costs of any such cash maternity benefits where that employer specifically agrees to do so (Article 6(8)); where such liability was provided for in national law or practice prior to the date of adoption of the Convention by the ILC on June 15, 2000 (Article 6(8) (a)); or where such liability is subsequently agreed at the national level between the Government and the representative organisations of the employers and workers<sup>127</sup> (Article 6(8) (b)). Based on the revision undertaken in this report, Uzbekistan does not fall within the scope of the first two options as employers became partially liable for the cost of maternity benefits after the date of adoption of the Convention by the ILC (June 15, 2000). Therefore, the Government may wish to confirm if the decision to make employers liable for part of the financing of maternity benefits was agreed upon at the national level between the Government and the representative organizations of employers and workers. as required by Article 6(8) (b) of the Convention.

In this regard, it is worth noting that in its examination of the application of Convention No. 183 by other countries, the CEACR has pointed out that “while authorized under certain conditions, the Convention does not consider the individual liability of employers for the cost of benefits paid to women on maternity leave to represent the optimal manner of ensuring income replacement during maternity-related

<sup>125</sup> Presidential Decree “On measures to further accelerate systemic support for families and women” No. DP-87 of 7.03.2022.

<sup>126</sup> Presidential Decree “On measures to further accelerate systemic support for families and women” No. DP-87 of 7.03.2022.

<sup>127</sup> The information and sources consulted for this report do not permit establishing whether such discussions were held between the government and representative organizations of employers and workers on this issue.

absences. Instead, the Convention considers the provision of benefits through compulsory insurance or public funds to better protect the situation of women on the labour market”.

In addition, the employer's partial liability for payment of maternity benefits represents an added barrier to the women's access to formal employment and places at a disadvantage women in the labour market, resulting in a breach of gender equality in terms of cost of labour and exercise of the right to work. Therefore, it is recommended that the current scheme design be revised so as to progressively phase out individual employer liability, unless agreed by workers and employer organizations by way of collective agreements as a top-up to collectively financed benefits provided through compulsory insurance or public schemes to better protect the situation of women in the labour market. The ILO stands ready to provide all necessary technical assistance to the Government to organize the financing of maternity benefits in accordance with the collective financing principle established by ILO maternity protection and social security standards.

It should be recalled at this point that Uzbekistan has been a State party of ILO Maternity Protection Convention No. 103 of 1952 since 1992 and that employer liability schemes are not permitted by Convention No. 103. As this standard has been considered outdated, CEACR has since been encouraged the Government to follow up on the Governing Body's decision at its 328th Session (October–November 2016) approving the recommendations of the SRM tripartite working group and to consider ratifying Convention No. 183 as the most up-to-date instrument in this subject area.

## Further statistical information regarding the scope of application of maternity protection

Based on the provisions of the labour Code, the employees' right to maternity and child care leave does not depend on the length of their employment, place and nature of their work or the organizational and legal form of the employer. Therefore, it is understood that all employed women, including those engaged in any atypical forms of dependent work, enjoy the same maternity protection in Uzbekistan. However, the information required in the report form for this Convention regarding the total number of employed women, including those in atypical forms of dependent work (e.g. remote work, telework, temporary work, etc.) and the total number of women who have been receiving cash maternity benefits from public funds and their employers was not available at the time of writing this report.

Given that 44 per cent of Uzbekistan's employed population work in the non-governmental sector,<sup>128</sup> the high level of informal labour and the share of women in informal employment (estimated at 57 per cent), it is worth noting that ratifying countries may, after consulting the representative organizations of employers and workers concerned, avail themselves of the exclusions permitted by Article 2 paragraph 2 of the Convention and exclude wholly or partly from the scope of the Convention certain categories of workers if its application to them would raise special problems of a substantial nature. Should the Government of Uzbekistan consider ratifying this Convention and avail itself of the possibility afforded in Article 2(2), a list with the categories of workers excluded and the reasons for their exclusion shall be included in the first report on the application of the Convention. In subsequent reports, it should be described the measures taken with a view to progressively extending the provisions of the Convention to these categories.

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128 <https://mehnat.uz/uz/news/uzbekistonda-ishsizlik-darazhasi-88-foizni-tashkil-etdi>

## Minimum duration of postnatal leave in case of time elapsing between the presumed and actual date of childbirth

Furthermore, legal amendments may be required regarding the duration of the postnatal leave to ensure that the prenatal portion of maternity leave shall be extended by any period elapsing between the presumed date of childbirth and the actual date of childbirth without reduction in any compulsory portion of postnatal leave.

## Means-tested social assistance benefits to women who fail to qualify for maternity benefits in relation to their employment status

Concerning the provision of social assistance to women who do not meet the qualifying conditions for cash maternity benefits, the national legislation partially complies with the requirements of Article 6(6) as there are non-contributory child care benefits for low-income families, which seemingly include women who are not formally working and do not qualify for maternity benefits. In addition, a one-time childbirth benefit is provided irrespective of personal means or income. Nonetheless, the level of such benefits may not be sufficient to ensure that a woman can maintain herself and her child in proper conditions of health and with suitable standards of living, as required by paragraphs 2 and 6 of Article 6 of the Convention.

## The social protection strategy can serve as a roadmap for strengthening maternity protection and the progressive extension of social security coverage in Uzbekistan

The Social Protection Strategy of the Republic of Uzbekistan adopted in July 2022 plans to develop Regulations on the determination and payment of benefits assigned and financed by the Social Insurance Fund. Currently, the Social Insurance Fund is financed from:

- ▶ Funds from the national budget of the Republic of Uzbekistan;
- ▶ Funds and grants of technical assistance from foreign and international financial institutions and other foreign donors;
- ▶ Sponsorship donations from individuals and legal entities;
- ▶ Other funds not prohibited by the law.

The Social Protection Strategy provides a roadmap for the system's development, notably:

- ▶ within the framework of Goal 6 on **“Gradual introduction of the social insurance system and its development on the basis of international standards,”** a task of covering the working-age population with social security has been set.
- ▶ As of 1 January 2024, it is envisaged that the full payment of maternity benefits will be made to wage employees in all legal entities, except budget organizations, who work under an employment contract on a full-time or part-time basis based on their total length of service and average monthly salary with accrued mandatory monthly contributions transferred to individual cumulative pension accounts.
- ▶ From 1 January 2026 a temporary disability allowance will be provided; in case of the abolition of the employer as a legal entity and the lack of funds of an abolished enterprise = severance pay, payments in case of accidents at work and occupational diseases will be provided.
- ▶ Within the framework of the objectives mentioned above, by the end of 2023, it is planned to form the regulatory and legal framework of the social insurance system, including the development of the draft law “On Social Insurance” and inclusion in it of definition: sources of financing of insurance payments,

benefits payable at the expense of Social Insurance Fund, conditions of minimum qualification for appointment of social insurance benefits, and minimum and maximum amounts of benefits.

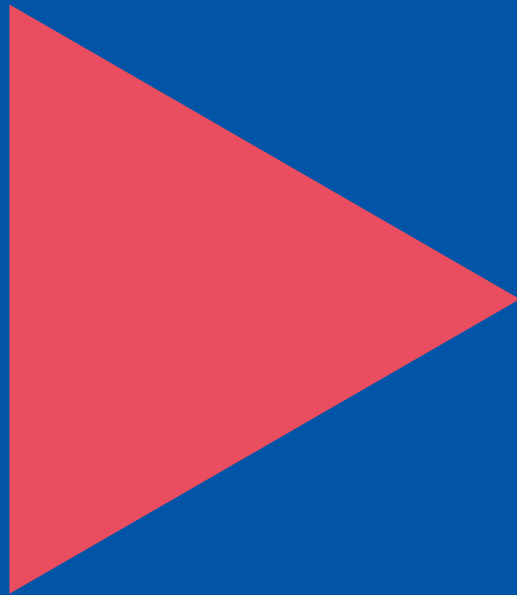
- Goal 7 “Strengthening social protection of maternity” aims to harmonize the national legislation with Convention No. 183 and to provide maternity benefits and childbirth allowances under the social insurance system of maternity protection. So, by January 2024 it is planned to make changes to the provision providing for the payment of maternity benefits to women employed by legal entities, except for budget organizations, who work under an employment contract for remuneration on a full-time or part-time basis, based on total length of service and the amount of average monthly salary, on which mandatory monthly contributions are calculated, transferred to their individual cumulative pension accounts.

Nonetheless, further information is needed regarding the strategy proposed scheme design and its parameters (e.g. type of scheme and financing mechanisms, contribution rates, etc.). However, it should be noted that the supervisory bodies of the ILO have concluded that, even though ILO social security standards do not a priori rule out any type of scheme, individual accounts do not, in most cases, comply with the fundamental principles and parameters set out in ILO standards.

Based on ILO standards and international good practices, cash maternity benefits financed through compulsory social insurance or public funds can play an important role for the state in the form of a healthy gene pool and future workforce and preventing gender discrimination in employment practices. Indeed, worldwide experience shows that employer-liability schemes act to the detriment of working women, as they create disincentives for employers to hire women who may become pregnant and incentives to dismiss pregnant employees to avoid paying maternity benefits as well as wages to replacement workers during maternity leave (ILO 2012). Furthermore, labour administrations often face difficulties in enforcing employers’ compliance with employer liability compensation schemes, as employers may refuse to pay benefits cash benefits for pregnancy and maternity leave or pay them at rates below what is required in the national legislation to save costs.

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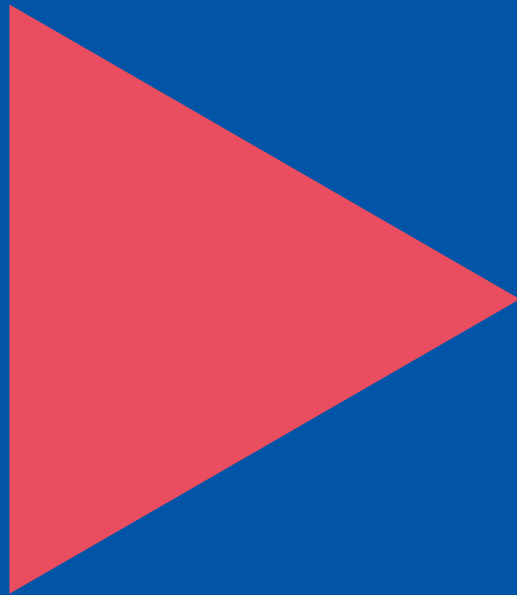
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# Annex

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## ► Annex I. Other maternity related policies in Uzbekistan vis-à-vis the guidance provided by Recommendation 191

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This Annex provides a brief overview of specific provisions of the national legislation and practice concerning paternity, parental leave and other maternity-related policies in light of selected provisions of the Maternity Protection Recommendation, 2000 (No. 191).

### **Paragraph 1(1) suggests that maternity leave be at least 18 weeks.**

According to Article 404 of the Labour Code, a woman is entitled to 70 days (10 weeks) of maternity leave before childbirth and 56 calendar days (8 weeks) after childbirth, which means that the total maternity leave is 18 weeks.

Moreover, the Labour Code provides for the possibility of increasing the duration of social leave as compared to its duration established by legislation by collective agreements or collective bargaining agreements or other labour regulations (Article 238, part one).

### **Paragraph 1(2): Provision should be made for an extension of the maternity leave in the event of multiple births.**

Part 1 of Article 404 of the Labour Code provides for granting maternity leave in case of complications or the birth of two or more children to 10 weeks instead of eight weeks, which aligns with Recommendation No. 191(2).

### **Paragraph 1(3): To the extent possible, measures should be taken to ensure that the woman is entitled to choose freely the time at which she takes any non-compulsory portion of her maternity leave, before or after childbirth.**

It should be noted that for allowing a pregnant woman to work with a sick leave, the head of the company may be held administratively liable under Article 49 of the Code of Administrative Responsibility for Violations of Legislation on Labour and Labour Protection.

As for the non-compulsory leave after childbirth, the national legislation provides for paid parental leave until the child is 2 years old at the woman's request and unpaid until the child is 3 years old. Pursuant to Article 405 of the Labour Code, a woman may, at her request, be granted leave to care for a child up to the age of 2 years paid leave at the end of her maternity leave. At her request, a woman is also granted additional unpaid leave to care for a child up to the age of 3 years. They can also be used in whole or in part by the child's father, grandmother, grandfather or other relative actually caring for the child, as well as by the guardian.

In addition, Articles 242 and 402 of the Labour Code provide for granting unpaid leave at the request of an employee on a mandatory basis to one parent (person in loco parentis) raising two or more children under the age of 12 or a disabled child under the age of 16 – up to 14 calendar days annually.

It should be noted that at the request of a woman or persons while on parental leave, they may work part-time or by agreement with their employer at home. In this case, they retain the right to receive benefits.

Working men are granted annual labour leave at their request during their wife's maternity leave:

- For the first year of employment – regardless of time worked;
- For the following years – regardless of the vacation schedule.



Single parents (widows, widowers, divorced, single mothers) and wives of conscripts raising one or more children under the age of 14 (a disabled child under the age of 16) are granted annual labour leave at their convenience.

In addition, one parent (or person in place of parents) of two or more children under the age of 12 or a disabled child under the age of 16 is entitled to at least four calendar days of additional paid leave annually, which may be added to annual labour leave or used separately under Article 401 of the Labour Code.

Moreover, Article 406 of the Labour Code provides for leave to an employee who has adopted a newborn child or established guardianship over the child for the period from the date of adoption or guardianship until 56 calendar days (8 weeks) from the child's birth (for simultaneous adoption of two or more children – 70 calendar days, i.e. 10 weeks).

**Paragraph (2) encourages raising the benefits to the full amount of previous earnings.**

The calculation of the maternity benefit is based on the employee's actual salary. As per p. 49 of Regulation No. 1136 dd. 08.05.2002: "In calculating average monthly earnings when paying wages on a time basis, the employee's official salary is used, taking into account additional payments and bonuses as of the date of accrual and the average monthly amount of bonuses; for piecework pay, the salary for the last calendar month preceding the first day of the month in which maternity leave occurred, and add the average monthly amount of bonuses". However, maternity benefits correspond to 75 or 100 per cent of previous earnings depending on the length of employment.

**Recommendation No. 191 (3)** provides that, to the extent possible, the medical benefits provided for in Article 6, paragraph 7, of the Convention should include:

- a) care given in a doctor's office, at home or in a hospital or other medical establishment by a general practitioner or a specialist;
- b) maternity care given by a qualified midwife or by another maternity service at home or in a hospital or other medical establishment;
- c) maintenance in a hospital or other medical establishment;
- d) any necessary pharmaceutical and medical supplies, examinations and tests prescribed by a medical practitioner or other qualified person; and
- e) dental and surgical care.

Detailed information regarding the Material scope of maternity medical benefits in Uzbekistan is provided under Chapter 2, section E of this report. The list of guaranteed amounts of maternity medical care covered by the State budget is presented in Box. 5.

**Paragraph (4)** Any contribution due under compulsory social insurance providing maternity benefits and any tax based upon payrolls which is raised for the purpose of providing such benefits, whether paid by both the employer and the employees or by the employer, should be paid in respect of the total number of men and women employed, without distinction of sex.

As mentioned earlier, currently, Uzbekistan does not have a compulsory social insurance system providing maternity benefits.

**Paragraph (5):** the duration of maternity leave and leave in case of illness or complications should be counted in the length of service. This provision is set forth in Article 237 of the Labour Code; in particular, **maternity leave is included in the length of service granting the right to regular annual labour leave.** The length of service also **includes maternity leave until the child reaches the age of 2**, for which she receives a benefit and additional leave without pay for child care **until the child reaches the age of 3**. These two types of leave count towards the length of service (but not more than six years in total), including length of service in the speciality, but they do not count towards the length of service entitling to subsequent annual labour leave unless otherwise provided for in the collective agreement or a local

act of the organization or the employment contract. The national legislation provides for a woman to return to her former position or an equivalent position paid at the same rate at the end of her leave referred to in Articles 4 and 5 of the Convention (Article 405 of the Labour Code).

**Paragraph (6.1)** suggests taking measures to ensure the assessment of any workplace risks related to the safety and health of the pregnant or nursing woman and her child. Article 474 of the Labour Code is aligned with Recommendation No. 191 (6) regarding the assessment of occupational hazards threatening the safety and health of pregnant women and nursing mothers may comply with the employer's obligation to certify workplaces for working conditions. Since the results of such certification are used for the purposes of and are the basis for informing employees about working conditions at workplaces, the existing risk of health damage, measures to protect against the effects of harmful and (or) dangerous production factors and the compensation due to employees engaged in heavy work, work with unfavourable, harmful and (or) dangerous and other special working conditions, and occupational risk assessment.

**Paragraph (6.2).** According to this paragraph, measures should be taken to provide, on the basis of a medical certificate as appropriate, an alternative to such work in the form of:

- (a) elimination of risk;
- (b) an adaptation of her conditions of work;
- (c) a transfer to another post, without loss of pay, when such an adaptation is not feasible; or
- (d) paid leave, in accordance with national laws, regulations or practice, when such a transfer is not feasible.

As mentioned before, under Article 142 of the Labour Code, an employee's request for a temporary transfer to another job is subject to the employer's approval for a valid reason in the following cases: a medical report stating that the employee needs to be temporarily transferred for health reasons to lighter work or to work which is free from adverse production factors; if there is a medical report according to which a pregnant woman needs temporary transfer to lighter work or work which is not exposed to unfavourable production factors; the impossibility of one of the parents (guardian) caring for a child under the age of 2 to perform her previous work. Moreover, Article 394 of the Labour Code establishes that pregnant women, in accordance with a medical report, are reduced production standards, service standards, or they are transferred at their request to lighter work or work that excludes exposure to adverse production factors while maintaining the average wage for the previous work.

**Paragraph (6.3) specifies that, measures should in particular be taken in respect of:**

- (a) arduous work involving the manual lifting, carrying, pushing or pulling of loads;
- (b) work involving exposure to biological, chemical or physical agents which represent a reproductive health hazard;
- (c) work requiring special equilibrium;
- (d) work involving physical strain due to prolonged periods of sitting or standing, to extreme temperatures, or to vibration

The national legislation aligned with measures referred to in paragraph 6 (2). For more details, please see the Health Protection Section in this report.

**Paragraph (6.4).** Article 396 of the Labour Code also defines the procedure under which pregnant women, one of the parents (person in loco parentis) of a child under the age of 14 (child with a disability under the age of sixteen) may be involved in night work, overtime, work on weekends and public holidays, as well as be sent on business trips only with their written consent. At the same time, the employer must inform these employees of their right to refuse to work at night, overtime, work on weekends and public holidays, or to go on business trips.

**Paragraph (6.5).** Article 405 of the Labour Code contains a provision that during maternity leave, the employee retains his place of work (position). It should be noted that after the end of maternity leave, the guarantee of keeping the place of work (position) implies receiving wages on the same terms of remuneration.

**Paragraph (6.6).** Article 403 of the Labour Code **obliges the employer to provide with additional days off from work** while maintaining the average wage to **pregnant women for antenatal (prenatal) care** (perinatal screening and diagnosis, mandatory medical examinations and other mandatory medical procedures) in primary health care facilities, which complies with the provisions of Recommendation No. 191 (6.6).

#### **Paragraph (7, 8)**

According to the provisions of Recommendation No. 191(7,8), the number and length of nursing breaks should be determined according to specific needs and the possibility to combine the breaks allotted for daily nursing in order to reduce the length of work time at the beginning or at the end of the working day.

In this case, the Labour Code provides for the possibility of joining a feeding break to a break for rest and nourishment or moving nursing breaks, including in summarized form, to the beginning or end of the working day (shift) with a corresponding reduction in its (its) request by the parent (guardian) of a child under 2 years of age.

It should be noted that nursing breaks are provided only if the other parent is not on parental leave and does not use such breaks.

The specific duration of nursing breaks and the procedure for granting them are established in the collective agreement, and if it is not concluded – determined by the employer in consultation with the trade union committee.

**Paragraph (9)** provides for the allocation of space in or near the workplace for breastfeeding in appropriate sanitary and hygienic conditions. In this connection, it should be noted that no direct obligations are imposed on the employer in this aspect by the labour legislation. However, under Article 67 of the Labour Code, the social partnership may include in the conclusion of a collective agreement obligations to improve the working conditions and safety of workers, including women.

#### **Paragraph (10.1)**

National legislation does not directly provide for paternity leave. However, Article 410 of Labour Code guarantee for one of the persons involved in family obligations of the employment office may be applicable. In cases when the child's mother or other person with family responsibilities does not benefit from these guarantees (certificate of employment, death certificate, enforceable court decision declaring the mother or other person with family responsibilities legally incompetent or depriving them of parental rights, etc. In such a case, the established procedure governing maternity leave and the associated benefits will apply.

At the end of maternity leave, at the woman's request, she is granted leave to care for a child up to the age of 2 years, with the payment of benefits for this period in accordance with the procedure established by law.

Under Presidential Decrees "On improving the system of State social assistance for families with children" No. DP-871 of 16.06.1994 and "On measures for providing material assistance to low-income families and further expanding the scope of poverty reduction" No. DP-6277 dd. 11.08.2021 as of 1 September 2021, the monthly benefits for working mothers (except those working in State-financed organizations) to care for a child up to the age of 2 was set at 60 per cent of the minimum wage, and as of 1 April 2023 the MW is 980,000 UZS, i.e. 588,000 UZS.

In accordance with Resolution No. 1113 of the Ministry of Employment and Poverty Reduction and the Ministry of Finance dd. 14 March 2002, the Regulation on the procedure for allocating and paying monthly childcare allowances to working mothers until the child reaches the age of 2 was adopted.<sup>129</sup>

The child care benefit is paid monthly, as a rule, to the mother, father, adoptive father, guardian, or other relatives who actually care for a child born, adopted, or taken into care until the child reaches the age of 2, regardless of the number of children in care and the employment history of the person receiving the benefit in the amount:

If two or more children are being cared for, adopted or taken into custody, the care benefit is paid at the same amount until the youngest child reaches the age of 2 years.

If the mother is entitled to maternity leave for the second child during the period of maternity leave until the child reaches 2 years of age, one of the two benefits is paid for that period, at the mother's choice.

#### **Paragraph (10.2)**

It is recommended that consideration be given to the possibility of an employee being entitled to leave equal to the unexpired portion of postpartum maternity leave for pregnancy and childbirth in the event of sickness or hospitalization of the mother after childbirth.

It should be noted that there are no direct provisions governing this issue, but Article 238 of The Labour Code provides for the establishment of social leave by collective agreements or collective bargaining agreements or other legal acts on labour. Article 24 of the Law of I Republic of Uzbekistan "On guarantees with respect to equal rights and opportunities for women and men" provides that both parents are entitled to paid maternity leave. The duration of maternity leave may be divided between the parents at their discretion, and parents may use the leave in parts. Thus, collective agreements or collective bargaining agreements or other legal acts on labour may provide for: Providing employees with other, not established by law, social leaves (in connection with marriage, the father of a child in connection with the birth of a child, in connection with the death of a close relative of an employee and others). Which creates conditions for the implementation of this recommended provision. Also, Article 228 of the Labour Code provides for the right of fathers of working men to take annual labour leave at their will during their wife's maternity leave.

#### **Paragraph (10.3)**

Recommendation concerning the right of working mothers or fathers to parental leave after maternity leave. As previously stated, national legislation provides for the right of mothers, fathers or other relatives, as well as guardians, to paid parental leave until the child reaches 2 years of age. And there is also a provision for unpaid leave to take care of a child until the child reaches 3 years of age.

#### **Paragraph Recommendation No. 191 (10.4)**

The period during which parental leave might be granted, the length of the leave and other modalities, including the payment of parental benefits and the use and distribution of parental leave between the employed parents, are determined by national laws or regulation, such as the Labour Code (Articles 405, 400,) General Procedure for calculating maternity benefits, Regulation "On the order of appointment and payment of state social insurance benefits" of the Ministry of Justice dd. 08.05.2002 No. 1136. The Child Care Allowance for working mothers is assigned at the place of work on the basis of the Regulations "On the procedure for allocating and paying working mothers a monthly allowance for child care until the child is two years old", registered by the Ministry of Justice of Uzbekistan on 14.03.2002, No. 1113.

<sup>129</sup> <https://lex.uz/uz/docs/325449>

**Paragraph (10.5)**

The recommendation addresses the rights of adoptive parents to access the protections offered by the Convention, especially with respect to leave, benefits, and employment protection. Article 406 of the Labour Code provides rights for leave for an employee who adopts a newborn child or establishes guardianship over the child. An employee who has adopted a newborn child or has established guardianship over child shall be granted leave for the period from the day of adoption or establishment of guardianship and until the expiry of fifty-six calendar days from the child's birth (in case of simultaneous adoption of two or more children – seventy calendar days) with payment of benefits in the amount established by law, but at least seventy-five percent of the average monthly wage. At the written request of an employee who has adopted a newborn child or has established guardianship over it, the employee is granted leave to care for a child until the age of two years with the payment of allowance for this period in accordance with the procedure established by the Cabinet of Ministers, as well as leave without pay until the child is three years old.

## ► Annex II. Other maternity policy recommendations

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### General recommendations

1. It is recommended that the current scheme design be revised so as to progressively phase out individual employer liability arrangements and ensure that cash maternity benefits are provided through compulsory insurance or public schemes. Annex III of this report provides some preliminary elements for assessing the financial aspects of implementing Convention No. 183; however, the information provided therein is indicative and should be interpreted with caution due to the limited official and reliable statistical data available. As such, it is strongly recommended to undertake a feasibility study that, based on Official statistical data for the latest year available, assesses the estimated cost of providing cash maternity benefits in a manner that is fully compliant with the requirements of this advanced international standard. The ILO stands ready to provide all necessary technical assistance to the Government to organize the financing of maternity benefits in accordance with the collective financing principle established by ILO maternity protection and social security standards.
2. A feasibility study to estimate the expected cost of cash maternity benefits provided in line w'th ILO's up-to-date standards on the subject matter would require the availability of sufficiently disaggregated and reliable data. For example, the following information should be systematically collected: average wage of women, the number of employed women, including the number of those in atypical forms of dependent work (e.g. remote work, telework, temporary work, etc.), as well as the total number of women who have been receiving cash maternity benefits and non-contributory benefits (i.e. one-time childbirth benefit and child care benefit for low-income families).
3. The findings of this report together with the results of a possibility feasibility study, can be a solid basis for guiding the reform options to overcome the observations raised in this report to ensure that all women in Uzbekistan have the right to adequate maternity leave, achieve greater harmonization between the national legislation and practice with the principles and minimum requirements established in the Maternity Protection Convention, 2000 (No. 183). This includes, for example, revising the relevant provisions regarding the calculation and level of maternity benefits and their financing (e.g. Regulations No. 1136 of 8 May 2002 on the procedure for the determination and payment of state social insurance benefits, registered with the Ministry of Justice, and Regulations No. 1113 of 14 March 2002 on the procedure for allocating and paying monthly child care benefits to working mothers up to the age of 2).<sup>130</sup>
4. While Convention No. 183 does not explicitly require the provision of paternity leave, most countries have recognised the important role of paternity and parental leave policies in achieving gender equality, equality of opportunity and treatment. However, women still shoulder a disproportionate share of unpaid care work, which places them at a disadvantage regarding their participation in the labour market. Therefore, to promote an equal sharing of family responsibilities and support the objective of transforming the distribution of unpaid care work between women and men, it is recommended that the national legislation is revised so as to provide for the right to paid paternity leave that is compulsory and collectively financed.
5. The Government should also consider other complementary measures to decrease the unequal share of women's family/household responsibilities, increase equal redistribution of household roles between women and men, and ensure work and life balance for women and men. For example, measures to promote the development of basic infrastructure and investments in public or private childcare facilities to ensure the availability of affordable public services and care facilities, including childhood care,

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<sup>130</sup> Some provisions of these regulations are no longer in force due to the adoption of other legal acts.

education services and care for older people, are crucial to achieving gender equality and promote women's labour force participation. Such measures could also include revising the availability of pre-schools and schools, which might not be aligned with working parents' needs, as they might only provide part-time childcare or operate within the working hours of most organizations, which can affect women's take-up of full-time work.

6. In continuation of the previous recommendation, it seems possible to pilot the possibility of allowing children under one year of age to stay in preschool institutions, based on the experience of foreign countries (e.g. Bulgaria, Finland, Spain). Currently, children in Uzbekistan can be admitted to state preschool educational organizations as of age 2, working part-time in the form of services on a fee-paying basis. The proposed practice may contribute to solving the issue of child care in case a woman wants to go to work.

7. Develop and implement awareness-raising campaigns on the role and importance of maternity and paternity leave and benefits, as well as education programs to widely disseminate the legal rights and responsibilities regarding maternity at work, health protection, breastfeeding, employment protection and non-discrimination, including in remote and rural areas of the country.

8. It is necessary to strengthen the dissemination of information in the media and printed publications, as well as the placement of information boards in medical institutions, especially in remote areas and rural areas, on women's rights, particularly concerning maternity, including, for example, a list of free maternity-related medical services, the types of benefits that are available and the conditions for receiving them. It is also necessary to provide means of feedback when there are questions or problems in connection with access to benefits provided to mothers and children.

9. Undertake measures to ensure the availability and accessibility of up-to-date information on the benefits in force and the conditions for receiving them, as well as statistical data on the coverage of benefits by type of benefit, gender, geographical area and type of employment.

## Recommendations to enhance compliance with the provisions of Convention No. 183

- Develop a detailed plan of phased actions to implement the provisions of Convention No. 183, taking into account the existing legislative framework and the legal and implementation gaps between the national legislation and the requirements and principles enshrined in this advanced international standard, as detailed in this report.
- Consider the guidance provided by ILO standards on social security and maternity protection when drafting the Social Insurance Law, which the Social Protection Strategy envisages. This approach will ensure that the scheme design aligns with the principles and parameters of international standards. Including regarding the sources of financing of social insurance benefits, relationship with benefits payable from the Social Insurance Fund, qualifying conditions for entitlement to social insurance benefits, as well as the minimum and maximum amount of benefits.
- Reform options should be discussed at the national level through tripartite consultations to revise, investigate and define the introduction of a sustainable system of financing cash maternity benefits in line with international standards and the international obligations accepted by Uzbekistan. In this regard, it can be recalled that to protect the situation of women in the labour market, cash maternity benefits should be provided through compulsory social insurance, public funds, or any other risk-sharing mechanism identified and agreed upon by the government and representatives of workers and employers. Reform options should also define the responsibilities of the State for the due provision of benefits and establish the legal and institutional framework for the implementation of the Social Insurance Law.

- Collect statistics that allows analysing how legal coverage of maternity benefits translates into effective access to adequate benefits for all employed women, including those in atypical forms of dependent work (e.g. remote work, telework, temporary work, etc.) and in the informal economy.
- In case the Government wishes to consider the ratification of Convention No. 183 and avail itself of the possibility to exclude wholly or partly from the scope of the Convention limited categories of workers when its application to them would raise special problems of a substantial nature. It will be necessary to hold consultations and social dialogue with associations of employers and trade unions to discuss the issue and define the categories of temporarily excluded workers and the reasons for their exclusion.
- Social security, employment, and care policies and measures should be coordinated to progressively extend the coverage of maternity protection, including the effective coverage of benefits among workers in atypical forms of dependent work (e.g. remote work, telework, temporary work, etc.) and the informal economy.
- As part of the certification of the workplace, provide for the possibility of conducting an unscheduled certification of the workplace at the request of a pregnant woman. Develop and approve standards for the establishment of under adequate hygienic conditions at or near the workplace based on the guidance provided by Recommendation No. 191.
- Ensure that women not entitled to cash maternity benefits, such as unemployed women and those working in the informal economy can access adequate social assistance benefits such as the child care benefit for low-income families. To ensure that that non-contributory benefits are sufficient to allow women to maintain themselves and their children in proper conditions of health and with a suitable standard of living, the level of benefits should be set and revised in light of relevant cost-of-living indicators.



## ► Annex III. Preliminary data for assessing the approximate cost of maternity benefits

#	Indicator	Unit of measure	2020	2021	2022	2023	2024
1	Number of women, total	thousand people	16 860	17 181	17 527	17 871	18 221
1.1	Of them, at the reproductive age (16-49 years old)	thousand people	8 724	8 791	8 842	8 902	8 962
1.2	Proportion of women of reproductive age to the total number of women	per cent	52 per cent	51 per cent	50 per cent	50 per cent	49 per cent
1.3	<b>Of these, those working officially</b>	<b>thousand people</b>	<b>5 485</b>	<b>5 595</b>	<b>5 708</b>	<b>5 823</b>	<b>5 941</b>
1.4	Proportion of employed women to the total number of women	per cent	33 per cent	33 per cent	33 per cent	33 per cent	33 per cent
2.	<b>Women Employed by Businesses and Organizations *</b>	<b>thousand people</b>	<b>2 243</b>	<b>2 316</b>	<b>2 392</b>	<b>2 470</b>	<b>2 551</b>
2.1	Ratio of women employed to the number of women working officially	per cent	40,9 per cent	41,4 per cent	41,9 per cent	42,4 per cent	42,9 per cent
2.2	<b>Number of women of reproductive age working in enterprises and organizations *</b>	<b>thousand people</b>	<b>1 958</b>	<b>2 069</b>	<b>2 185</b>	<b>2 308</b>	<b>2 438</b>
2.3	Share of employed, reproductive age workers in enterprises and organizations (18 -49 years) **	per cent	87,3 per cent	89,3 per cent	91,3 per cent	93,4 per cent	95,6 per cent
3	Number of births in total	thousand units	842	858	875	891	909
3.1	<b>Estimated number of births based on the proportion of employees of reproductive age</b>	<b>thousand units</b>	<b>189</b>	<b>202</b>	<b>216</b>	<b>231</b>	<b>247</b>
4	Average wages ***	thousand UZS	2 585	2 979	3 722	4 470	5 476
5	MCE (4* MCE)	thousand UZS	-	1 760	1 992	2 255	2 552
6	<b>Employer's burden (100 per cent of wages) to pay part of benefits from the Fund</b>	<b>thousand UZS</b>	<b>-</b>	<b>-</b>	<b>1 730</b>	<b>2 215</b>	<b>2 924</b>
6.1	<b>Total burden on the employer to pay part of the benefits from the Fund</b>	<b>thousand UZS</b>	<b>-</b>	<b>-</b>	<b>373 855</b>	<b>511 950</b>	<b>722 780</b>
7	<b>Necessary amount of benefits from the Fund under conditions of payment of part of the benefits by the employer</b>	<b>thousand UZS</b>	<b>-</b>	<b>-</b>	<b>430 524</b>	<b>521 111</b>	<b>630 759</b>
8	<b>Amount of benefits in case of full coverage of benefits by the Fund</b>	<b>thousand UZS</b>	<b>-</b>	<b>-</b>	<b>804 379</b>	<b>1 033 061</b>	<b>1 353 538</b>

\* Calculation is made on the basis of the number of women employed by organizations (excluding budgetary workers)

\*\* excluding small business employees

\*\*\* without small businesses and agriculture

Based on the information available, 170 billion UZS were allocated from the State budget to the Social Insurance Fund in 2022 and the budget expenditures related to:

- Payment of maternity benefits to workers of budget-funded organizations (i.e., public sector): 665,000 thousand UZS;
- Budget for maternity benefits for women working in the private sector: 300,710,000 UZS.<sup>131</sup>

From the calculated data it can be concluded that the planned expenditures of the State budget for the payment of maternity benefits from the Fund cover approximately only 50 per cent of the necessary amount based on the approximate calculation of the proportion of births that can account for women of reproductive age who are hired and might be entitled to these benefits.

It should also be noted that in 2016-2021 the share of social expenditures in total state budget expenditures decreased. In 2016 this indicator was 58.9 per cent, compared to 42.7 per cent in 2021 (16.2 p.p. reduction). At the same time, the share of spending on the economy in total state budget expenditures increased from 10.6 per cent to 11.5 per cent. The total share of economic and social expenses in state budget expenditures decreased from 69.5 per cent in 2016 to 54.2 per cent in 2021.<sup>132</sup>

In 2023, it is expected that 50 per cent of expenditures, or 130 trillion UZS, will be allocated to the social sphere. According to Law of the Republic of Uzbekistan "On the State Budget of the Republic of Uzbekistan for 2023" No. LRU-813 dd. 30.12.2022,<sup>133</sup> it is planned to allocate 28.43 trillion UZS for healthcare. An allocation of 1.5 trillion UZS is also envisaged to finance 22 state programs in this sphere, including 31 billion UZS – for the cost of additional provision of necessary medicines and medical products to ensure the health of mothers and children, women of reproductive age.<sup>134</sup>

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131 <https://lex.uz/uz/docs/6333242>

132 [https://ifmr.uz/publications/articles-and-abstracts/state\\_index](https://ifmr.uz/publications/articles-and-abstracts/state_index)

133 <https://lex.uz/uz/docs/6333242>

134 <https://www.gazeta.uz/ru/2022/12/19/budget-2023/>

## ► Annex IV. Scheme for the determination and payment of maternity benefits

Stages	Entities	Activities	Due terms
Stage 1	Regional outpatient clinic, responsible employee of the Maternity Hospital	Entering electronic data about a pregnant employee's sick leave into the Tibbiet information system	Within 5 working days from the date of the certificate of incapacity for work
Stage 2	Tibbiet information system	<ol style="list-style-type: none"> <li>1. Checks the data entered through the E-Government system.</li> <li>2. Sends the verified data to the information system "Unified Register of Social Protection"</li> </ol>	Automatically
Stage 3	Unified Register of Social Protection System	<ol style="list-style-type: none"> <li>1. Checks the beneficiary for uninterrupted length of service for the last 6 months, income in the form of wages, employed in budgetary organizations or not.</li> <li>2. Forms a decision on the assignment of the allowance automatically.</li> <li>3. Forms payment lists.</li> <li>4. Sends the recipient SMS-message about the form and term of the allowance payment.</li> <li>5. Provides payment lists to Khalk Bank</li> </ol>	The sheet of incapacity for work is included in the system from the month to the 4th day of the following month
Stage 4	Ministry of Finance	Transfers funds to the Khalk Bank for payment of benefits	By the 4th day of the month in which payment is to be made
Stage 5	Khalk Bank	Makes payment to the recipients' bank plastic cards	By the 10th day of the month in which payment is to be made
		If the recipient does not have a bank plastic card, pays the allowance in cash	By the 27th day of the month in which payment is to be made
		Electronic information about payments made, as well as unpaid funds provides to the Unified Registry	By the end of the month in which the payment is to be made

**Source:** Regulation on the procedure for determination and payment of maternity benefits under the state social insurance system, approved by Resolution No. 515 of the Cabinet of Ministers of the Republic of Uzbekistan "On measures for the development of state social insurance system" dd. 20.09.2022.

## ► Annex V. International good practices on maternity protection

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This section provides an overview of international practices on maternity protection. Although the organization of social security systems varies from country to country, it is possible to observe the following trends.

Countries tend to build their systems sequentially, addressing different areas in varying order depending on their national circumstances and priorities. In many countries, social protection systems are based on social insurance, financed by contributions from employers and employees, which may be complemented by government subsidies, or tax-financed schemes or a combination of both, is essential for reducing their vulnerability and promoting decent work populations. Many countries have made significant progress in the extension of social protection coverage, reinforced their social protection systems and established effective social protection floors. Some have achieved universal or near-universal coverage in different branches of social protection through a combination of non-contributory and contributory schemes and programmes. For example, in Portugal, women who are not entitled to paid maternity leave from social insurance receive a tax-financed maternity benefit. The effective coordination of these mechanisms within the social protection system is essential to guarantee at least a basic level, or floor, of income security for women workers who become pregnant (ILO 2021, 112).

According to ILO data, in 143 out of the 195 countries and territories for which information was available, periodic maternity cash benefits are anchored in national social security legislation and provided through collectively financed mechanisms: either social insurance that fully or partially replaces women's earnings during the final stages of pregnancy and after childbirth, or non-contributory schemes that provide at least a basic level of income. Almost all of these countries (137) had social insurance schemes, of which eight also operate non-contributory tax-financed schemes. Forty-seven other countries – most of them in Africa or Asia – have provisions in their labour legislation for a mandatory period of maternity leave and establish the employer's liability for the salary (or a percentage thereof) during that period. Eighteen countries combine social insurance and employer liability mechanisms. Three countries provide maternity cash benefits exclusively through non-contributory schemes (ILO 2021,111).

In most countries, social security benefits are financed through employee and employer contributions, sometimes with government subsidies. The principle of collective financing of maternity benefits is inextricably linked to the payment of contributions from earnings. The principle of solidarity in the financing of maternity benefits is also necessary to prevent discrimination in the workplace by freeing employers from bearing the direct costs of paying these benefits, as occurs in schemes where responsibility for them lies with the employer.

Contribution sharing between employers and employees, jointly financing maternity benefits, is the most common model used to finance cash maternity benefits worldwide. The principle of collective financing is observed in countries of all levels of development, including Algeria, Austria, Belize, Brazil, Cabo Verde, Colombia, Cyprus, El Salvador, Greece, Finland, Morocco, Pakistan, Paraguay, Slovenia, South Africa, Spain, Thailand, Tunisia, Uruguay and Venezuela.

Tripartite financing of maternity insurance schemes, where employers, workers, and the government pay contributions, is rare but can be found in countries such as Honduras and Mexico.

Box 7 presents an overview of the organization, financing, replacement rate and duration of cash maternity benefits in selected countries from all regions. It showcases examples from countries at different levels of development and distinct social, economic and national characteristics and financial capabilities of states.

### ► Box 7. Cash maternity benefits in selected countries

► **Canada's** employment insurance system provides five types of benefits for employed persons: unemployment benefit, maternity benefit, sickness benefit, paternity benefit, and care of a sick family member, with employers and employees bearing all the costs of operating the unemployment insurance system. All workers employed under a written contract or verbal agreement, full-time or part-time, including trainees, are insured. The Canada Revenue Agency collects social insurance contributions for employed persons. Employees' contributions are deducted from their wages and remitted to the Tax Agency along with the employers' share, contributions to the Canada Pension Plan, and income tax deductions from their total income. In 2021, employees paid 1.58 per cent of earnings into the Employment Insurance Fund.<sup>135</sup>

► **In Colombia**, cash maternity benefits are provided by the health insurance system, which also covers medical care and maternity medical care. The scheme mandatorily covers all workers with an employment contract, including civil servants, pensioners and retirees who return to work, and self-employed persons with contributory capacity. The scheme is financed by social insurance contributions corresponding to 12.5 per cent of workers' monthly earnings (4 per cent paid by workers and 8.5 per cent paid by employers). Cash maternity benefit corresponds to 100 per cent of the last salary. For workers with variable wages, such as pieceworkers or persons remunerated by tasks, benefits are calculated based on the average wage over the previous 12 months or throughout the months of insurance for workers with less than 12 months of employment.

► **In Egypt**, cash maternity benefits are provided under the Sickness Insurance scheme administered by the National Organization for Social Insurance. The scheme mandatorily covers private-sector employees with a regular work relationship with an employer,

employees engaged in work related to domestic services, except for employees working for private households, workers employed by family members with a regular employment relation, and self-employed persons, including own-account workers in commercial, industrial or agricultural activities, members of liberal professions, and owners of production facilities or agricultural lands with income above a prescribed threshold. Out of the workers' and employers' contributions to the Sickness Insurance, 0.25 per cent is allocated to finance cash maternity benefits. Maternity benefits correspond to 75 per cent of women's previous earnings and are paid for 90 days.

► One form of social insurance in **Vietnam**, sickness and maternity insurance, covers workers employed in state-owned enterprises, private enterprises (with at least 10 employees), international organizations, and foreign companies. Funding comes from mandatory contributions that are deducted from monthly payroll deductions. Employees who are not covered by compulsory social insurance may participate in the voluntary insurance system.<sup>136</sup> Employees who enter into employment contracts with many employers and are subject to mandatory social insurance, then employees and labour users pay social insurance contributions only for the first employment contract.<sup>137</sup>

► There are several types of social insurance schemes in **Ukraine**, one of them covers temporary disability and maternity benefits. The main sources of financing of the State Social Insurance Fund are social insurance contributions paid by employees and employers. It is noteworthy that the amount is tied to a single social contribution set each year by the Supreme Council of Ukraine simultaneously with adopting the State Budget. The unified social security contribution applicable in 2022 was 22.0 per cent of monthly earnings, which cannot be lower than the minimum wage.<sup>138</sup> Cash maternity benefits correspond to 100 per cent of previous earnings and are paid for 126 days (70 days before and 56 days after childbirth).

135 <https://www.ourcommons.ca/Content/Committee/432/HUMA/Reports/RP11439397/humarp06/humarp06-e.pdf>

136 [https://www.ilo.org/wcmsp5/groups/public/---ed\\_protect/---soc\\_sec/documents/publication/wcms\\_749438.pdf](https://www.ilo.org/wcmsp5/groups/public/---ed_protect/---soc_sec/documents/publication/wcms_749438.pdf)

137 [https://ru.khanhhoa.gov.vn/Resources/Docs/2018/H per centC6 per centAF per centE1 per centBB per cent9ANG per cent20D per centE1 per centBA per centAAN per cent20THU per cent20BHXH per cent20 per centC4 per cent90 per centE1 per centBB per cent90I per cent20V per centE1 per centBB per cent9AI per cent20NG per centC6 per centAF per centE1 per centBB per cent9CI per cent20N per centC6 per centAF per centE1 per centBB per cent9AC per cent20NGO per centC3 per cent80I-1.doc](https://ru.khanhhoa.gov.vn/Resources/Docs/2018/H%20per%20C6%20per%20AF%20per%20E1%20per%20BB%20per%209ANG%20per%20D%20per%20E1%20per%20BA%20per%20AAN%20per%20THU%20per%20BHXH%20per%20C4%20per%2090%20per%20E1%20per%20BB%20per%2090I%20per%2020V%20per%20E1%20per%20BB%20per%209AI%20per%2020NG%20per%20C6%20per%20AF%20per%20E1%20per%20BB%20per%209CI%20per%2020N%20per%20C6%20per%20AF%20per%20E1%20per%20BB%20per%209AC%20per%2020NGO%20per%20C3%20per%2080I-1.doc)

138 <https://cis.minsk.by/page/show?id=6400>, <https://index.minfin.com.ua/labour/social/>