



State Positive Obligations In Ensuring The Socio-Economic Rights Of Women And Youth: Between Normative Commitments And Structural Realities

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ABSTRACT

This article critically examines the doctrine of positive obligations in international human rights law in relation to the socio-economic rights of women and youth. It argues that while the normative framework imposes clear duties on states to act, the effectiveness of these obligations depends on their translation into coherent policies addressing structural inequality. By combining doctrinal analysis with policy-oriented insights, including the Address of the President of the Republic of Uzbekistan, the article demonstrates that positive obligations serve as a bridge between legal commitments and socio-economic transformation, yet remain constrained by issues of indeterminacy, resource allocation, and institutional capacity.

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Introduction. In contemporary Uzbekistan, the discourse on socio-economic rights increasingly reflects a shift from formal guarantees toward active state responsibility. This evolution is clearly articulated in the Address of the President of the Republic of Uzbekistan to the Oliy Majlis and the people, where particular emphasis is placed on empowering women and youth as a strategic priority of national development. The Address highlights the need to expand access to education, employment opportunities, and social support mechanisms, recognizing that the “future of society depends” on the development of the younger generation and the active participation of women in socio-economic life.¹

Such policy framing is not merely rhetorical; it reflects a deeper convergence between domestic reform agendas and international human rights standards. In legal terms, this convergence is captured by the doctrine of **positive obligations**, which requires the state not only to refrain from violating rights but also to actively create the conditions necessary for their realization.

The central argument of this article is that positive obligations are indispensable for addressing structural inequalities affecting women and youth. However, their practical effectiveness remains contingent upon the extent to which they are concretized through enforceable standards and implemented through coherent institutional frameworks.

This research is based on a doctrinal and analytical approach. It examines primary sources of international human rights law, including the **International Covenant on Economic, Social and Cultural Rights (ICESCR)** and the **Convention on the Elimination of All Forms of Discrimination against Women**

¹ Address of the President of the Republic of Uzbekistan Shavkat Mirziyoyev to the Oliy Majlis and the people of Uzbekistan (26 December 2025)

(CEDAW), alongside interpretative materials such as General Comments of the Committee on Economic, Social and Cultural Rights.

In addition, the study engages critically with leading academic scholarship to assess the conceptual coherence and limitations of positive obligations. Policy documents, including presidential discourse, are used not as primary legal sources but as indicators of the evolving understanding of state responsibility at the national level.

The analysis demonstrates that positive obligations occupy a central place in the legal protection of the socio-economic rights of women and youth, but their significance becomes fully visible only when examined through four interrelated dimensions: the legal determinacy of such obligations, their relationship with progressive realization, their group-specific application to women and youth, and their dependence on enforceability and accountability.

Results. First, the study confirms that positive obligations possess a more concrete normative basis than is sometimes assumed in doctrinal debate. Although they are often criticized for being less precise than negative obligations, the examined legal sources show that international human rights law does not leave their content entirely open-ended. The tripartite framework of obligations to respect, protect, and fulfil provides an established structure for identifying the forms of state action required under socio-economic rights.² In particular, the obligation to fulfil encompasses legislative, administrative, budgetary, judicial, educational, and social measures necessary to ensure the effective enjoyment of rights. The analysis of CESCR interpretative practice further indicates that positive obligations are framed not merely as broad aspirations, but as duties requiring deliberate, concrete, and targeted action.³ This suggests that their relative indeterminacy does not negate their legal character; rather, it places greater importance on interpretative and institutional frameworks capable of assessing the adequacy of state conduct.

Second, the findings show that the principle of progressive realization does not weaken positive obligations to the extent often suggested in state practice. Article 2(1) of the ICESCR allows for gradual implementation, yet the Covenant and its interpretation impose immediate duties that significantly qualify state discretion.⁴ These include the obligation to take steps without delay, the prohibition of unjustified retrogressive measures, and the immediate requirement of non-discrimination. The analysis therefore indicates that progressive realization should not be read as a general defence for insufficient state action. On the contrary, scientific and doctrinal material shows that it operates as a framework of conditional flexibility: states may implement rights over time, but they must justify the pace, direction, and distributive effects of their measures. This finding is particularly relevant where women and youth remain exposed to systemic disadvantage despite the formal existence of legal guarantees.

Third, the research confirms that the socio-economic rights of women and youth cannot be adequately protected through formally universal guarantees alone. In relation to women, the legal framework is comparatively well developed. CEDAW requires states not only to prohibit discrimination, but also to dismantle the structural conditions that reproduce inequality in social and economic life.⁵ The concept of substantive equality, as reflected in the Convention and its interpretation, demonstrates that identical treatment may entrench disadvantage where social realities are unequal. As a result, the state's positive obligations toward women extend beyond neutrality and require differentiated interventions, including measures aimed at addressing care burdens, labour-market exclusion, and indirect discrimination.

With respect to youth, the findings reveal a different but equally important pattern. Although international law does not provide a single comprehensive convention devoted specifically to youth rights, the broader framework of socio-economic rights still generates concrete positive obligations toward this group. The rights

² CESCR, *General Comment No 12: The Right to Adequate Food* (1999) UN Doc E/C.12/1999/5, para 15.

³ CESCR, *General Comment No 3: The Nature of States Parties' Obligations (Art 2, para 1)* (1990) UN Doc E/1991/23, para 2.

⁴ International Covenant on Economic, Social and Cultural Rights (adopted 16 December 1966, entered into force 3 January 1976) 993 UNTS 3, art 2(1); CESCR, *General Comment No 3* (n 2) paras 1–2, 9.

⁵ Convention on the Elimination of All Forms of Discrimination against Women (adopted 18 December 1979, entered into force 3 September 1981) 1249 UNTS 13, arts 2–3; CEDAW Committee, *General Recommendation No 25: Temporary Special Measures* (2004) paras 7–15.

to work, education, health, and social security, as interpreted by international bodies, require states to respond to age-specific forms of exclusion, such as barriers to labour-market entry, skills mismatches, precarious employment, and weak access to social protection.⁶ The analysis therefore shows that the absence of a dedicated treaty does not imply a lack of legal obligations. Rather, youth-related positive duties are derived from the interaction of general socio-economic guarantees with the particular vulnerabilities associated with age and transition into adult economic life.

Fourth, the operational content of positive obligations becomes most visible in the key sectors through which socio-economic rights are realized in practice. In the sphere of education, the findings confirm that state responsibility extends beyond formal access and includes the duty to ensure that education is available, accessible, acceptable, and adaptable.⁷ This is especially important for women and youth, whose educational exclusion is often linked to broader patterns of social inequality. In employment, the analysis shows that positive obligations require states not only to prohibit overt discrimination but also to adopt targeted labour-market policies capable of addressing structural exclusion, occupational segregation, and youth unemployment.⁸ In healthcare and social protection, the legal material demonstrates that the state must secure access to essential services and basic guarantees even where resources are limited, particularly for groups facing heightened vulnerability.⁹ Thus, positive obligations are not abstract doctrinal formulations; they acquire concrete meaning through sector-specific duties that can be evaluated in institutional and policy terms. Finally, the research reveals that the legal force of positive obligations depends significantly on whether political recognition is translated into enforceable standards. The Address of the President of the Republic of Uzbekistan to the Oliy Majlis and the people of Uzbekistan reflects a strong policy emphasis on women, children, and youth as priorities of national development. The analysis suggests that this discourse is consistent with the logic of positive obligations, insofar as it acknowledges that these groups require active state support to participate fully in social and economic life. At the same time, the findings indicate that political prioritization alone is insufficient from a human rights perspective. For positive obligations to function as genuine legal duties, they must be institutionalized through legislation, implementation mechanisms, measurable indicators, and forms of accountability capable of assessing compliance. This means that the central legal issue is not simply whether women and youth are recognized as policy priorities, but whether such recognition produces reviewable obligations and tangible socio-economic outcomes.

Taken together, these findings show that positive obligations are best understood not as supplementary to socio-economic rights, but as the mechanism through which those rights become effective for groups exposed to structural disadvantage. Their significance lies precisely in their ability to convert general guarantees into differentiated, action-oriented, and potentially reviewable duties of the state.

Discussion. The findings of this study suggest that the debate on positive obligations in relation to the socio-economic rights of women and youth should be organized around at least four interrelated research questions: **first**, how should the content of positive obligations be determined in legal terms; **second**, how does the principle of progressive realization affect the intensity of those obligations; **third**, can women's and youth rights be adequately protected through universal socio-economic guarantees alone, or do they require differentiated and group-sensitive measures; and **fourth**, under what conditions do political commitments become legally meaningful and enforceable. These questions are not merely methodological. They go to the core of whether positive obligations function as a real legal technique for protecting vulnerable groups or remain a morally attractive but weakly operationalized doctrine.

The first question concerns the **normative determinacy** of positive obligations. A persistent criticism in the literature is that, unlike negative obligations, positive obligations do not identify a single prohibited act, but rather require an assessment of the adequacy of state conduct. Katharine Young has shown that economic and social rights adjudication often turns on standards such as reasonableness, proportionality, minimum core, or

⁶ CESCR, *General Comment No 18: The Right to Work* (2005) UN Doc E/C.12/GC/18, paras 6, 12, 31.

⁷ CESCR, *General Comment No 13: The Right to Education* (1999) UN Doc E/C.12/1999/10, paras 6–7.

⁸ Sandra Fredman, *Human Rights Transformed: Positive Rights and Positive Duties* (OUP 2008) 89–114.

⁹ CESCR, *General Comment No 14: The Right to the Highest Attainable Standard of Health* (2000) UN Doc E/C.12/2000/4, para 43; CESCR, *General Comment No 19: The Right to Social Security* (2008) UN Doc E/C.12/GC/19, paras 22–23.

non-retrogression, each of which gives courts and monitoring bodies varying levels of discretion.¹⁰ In that sense, the indeterminacy of positive obligations is real, but it should not be overstated. The Committee on Economic, Social and Cultural Rights has gradually narrowed that indeterminacy by insisting that states must take **deliberate, concrete and targeted steps**, and by clarifying that legislative, administrative, financial, educational and social measures may all be required under article 2(1) of the ICESCR.¹¹ The legal question, therefore, is not whether positive obligations are indeterminate in the abstract, but whether existing interpretative standards are sufficiently precise to assess state inaction in specific contexts affecting women and youth.

A more persuasive view in the scholarship is that positive obligations should be understood through a **structured model of review**, rather than through an impossible demand for absolute precision. Sandra Fredman argues that positive duties are central to a transformative understanding of human rights because they move the law beyond restraint toward inclusion and substantive equality.¹² Likewise, Henry Shue's classic account undermines the notion that civil and political rights are "negative" while socio-economic rights are "positive": all rights, in practice, require duties to avoid deprivation, protect against deprivation, and aid the deprived.¹³ From this perspective, the real problem is not conceptual vagueness but uneven institutional willingness to specify what counts as adequate public action. Where women face persistent exclusion from decent work, or where youth are systematically locked into precarious employment, the absence of targeted measures should not be treated as a neutral policy choice. It should be examined as a possible failure to discharge a positive obligation.

The second research question concerns the relationship between positive obligations and **progressive realization**. Article 2(1) ICESCR is often read as softening the immediacy of state duties, yet the Committee's interpretation makes clear that progressive realization is not a license for passivity. States must move as expeditiously and effectively as possible, and certain obligations — particularly non-discrimination — are of immediate effect.¹⁴ This distinction is crucial for women and youth. In practice, states often invoke budgetary constraints to explain the slow implementation of social guarantees, but scholarship has repeatedly warned that resource scarcity cannot be accepted at face value. Olivier De Schutter argues that the language of available resources must be scrutinized against actual budgetary priorities, institutional design, and distributive choices.¹⁵ Aoife Nolan similarly shows that austerity or limited resources do not remove the duty to justify retrogressive measures and demonstrate that less restrictive alternatives were seriously considered.¹⁶ This has important implications for the present topic. If women remain concentrated in informal or unpaid care economies, and if youth continue to face chronic barriers to labour-market entry, the legal inquiry must move beyond the formal existence of programs and ask whether the state has used its available resources in a way that genuinely prioritizes equality-enhancing measures. In other words, progressive realization should not be analyzed only temporally, as gradual implementation over time, but also **structurally**, in terms of who benefits first, who is left behind, and which inequalities are treated as politically urgent. On this reading, positive obligations require states to justify not only *whether* they acted, but also *whom* their actions were designed to protect.

The third research question is whether a general socio-economic rights framework is sufficient for women and youth, or whether these groups require **differentiated and group-sensitive obligations**. The findings support the latter view. The formal extension of universal rights is often inadequate where exclusion is patterned by gender, age, dependency, care burdens, or labour-market segmentation. CEDAW is especially important here because it shifts the analysis from formal equality to **substantive equality**, requiring states to confront the

¹⁰ Katharine G Young, *Constituting Economic and Social Rights* (OUP 2012) 45–56.

¹¹ Committee on Economic, Social and Cultural Rights (CESCR), *General Comment No 3: The Nature of States Parties' Obligations (Art 2, para 1)* (14 December 1990) UN Doc E/1991/23, paras 2, 7.

¹² Sandra Fredman, *Human Rights Transformed: Positive Rights and Positive Duties* (OUP 2008) 3–18.

¹³ Henry Shue, *Basic Rights: Subsistence, Affluence, and U.S. Foreign Policy* (2nd edn, Princeton University Press 1996) 52–64.

¹⁴ CESCR, *General Comment No 3* (n 2) paras 1–2, 9; see also International Covenant on Economic, Social and Cultural Rights, art 2(1).

¹⁵ Olivier De Schutter, *International Human Rights Law* (2nd edn, CUP 2014) 735–742.

¹⁶ Aoife Nolan, *Children's Socio-Economic Rights, Democracy and the Courts* (Hart 2011) 129–150.

social and institutional mechanisms that reproduce disadvantage.¹⁷ The CEDAW Committee's interpretation of temporary special measures makes clear that targeted interventions are not exceptional departures from equality, but instruments for achieving it.¹⁸ Scholarly work on gender and socio-economic rights reaches the same conclusion: without attention to care work, time poverty, occupational segregation, and unequal access to property or credit, the promise of socio-economic rights remains superficial.¹⁹

The youth dimension is analytically similar, though less developed in treaty law. The absence of a single comprehensive youth-rights convention does not mean that youth claims are weaker in legal terms. Rather, it means they must be derived from the intersection of rights to education, work, health, social security, and participation. The CESCR has stressed that the right to work includes availability, accessibility, acceptability and quality, and that states must adopt targeted policies for groups facing particular disadvantage.²⁰ For youth, this implies that apprenticeship systems, first-employment programs, skills-transition measures, and social protection during entry into the labour market are not merely desirable social policies. They may be necessary to make the right to work effective in practice. Scientific literature on youth precarity further confirms that young people are disproportionately exposed to temporary work, informal labour, and interrupted social protection histories, all of which weaken the material enjoyment of socio-economic rights.²¹ Therefore, a universalist approach that ignores age-specific barriers risks reproducing inequality under the language of neutrality.

The fourth and perhaps most difficult question is whether policy discourse, including high-level political commitments, can be translated into **enforceable legal standards**. The Address of the President of the Republic of Uzbekistan to the Oliy Majlis and the people of Uzbekistan places noticeable emphasis on strengthening support for women, children, and youth, including through education, employment, and broader empowerment measures.²² From the standpoint of human rights theory, such discourse is significant because it signals official recognition that these groups require active state support, not merely formal legal equality. Yet there is an important analytical distinction between **political priority** and **legal obligation**. A rights-based approach requires that commitments be institutionalized through legislation, budget allocation, access to remedies, measurable indicators, and review mechanisms. Without these elements, empowerment language may remain developmental in tone but weak in accountability.

This is where the question of **justiciability** becomes central. Critics have long argued that socio-economic rights are too polycentric or resource-dependent to be judicially enforced. However, comparative scholarship and case law show that courts need not design social policy in order to review whether the state has acted reasonably, non-discriminatorily, and consistently with constitutional or treaty obligations.²³ The South African experience is especially influential in this regard: while the Constitutional Court has been cautious about recognizing a free-standing minimum core, it has required the state to adopt reasonable measures that are inclusive, coordinated, and attentive to the needs of those in desperate situations.²⁴ Such an approach is highly relevant to women and youth. It suggests that accountability for positive obligations need not depend on courts prescribing exact policies; it may instead depend on whether the state can justify its priorities, demonstrate evidence-based action, and show that affected groups were not excluded from protection.

A further implication follows from this. Positive obligations concerning women and youth should not be measured only by the existence of programs, but by **institutional quality and distributive effect**. Scientific literature increasingly emphasizes indicators, benchmarks, and participatory monitoring as tools for making

¹⁷ Convention on the Elimination of All Forms of Discrimination against Women (adopted 18 December 1979, entered into force 3 September 1981) 1249 UNTS 13, arts 2–3.

¹⁸ CEDAW Committee, *General Recommendation No 25: Temporary Special Measures* (2004) paras 7–15.

¹⁹ Sandra Fredman, *Discrimination Law* (2nd edn, OUP 2011) 175–210.

²⁰ CESCR, *General Comment No 18: The Right to Work (Art 6)* (6 February 2006) UN Doc E/C.12/GC/18, paras 6, 12, 31.

²¹ Guy Standing, *The Precariat: The New Dangerous Class* (Bloomsbury 2011) 46–66.

²² Address of the President of the Republic of Uzbekistan Shavkat Mirziyoyev to the Oliy Majlis and the people of Uzbekistan (26 December 2025).

²³ Malcolm Langford (ed), *Social Rights Jurisprudence: Emerging Trends in International and Comparative Law* (CUP 2008) 1–28.

²⁴ *Government of the Republic of South Africa v Grootboom* 2001 (1) SA 46 (CC) paras 39–44; *Minister of Health v Treatment Action Campaign (No 2)* 2002 (5) SA 721 (CC) paras 67–80.

socio-economic rights review more concrete.²⁵ This moves the discussion beyond the abstract question of whether rights are justiciable, and toward the more productive question of how compliance can be assessed. For example, if the state claims to advance women's economic rights, one should ask whether policies reduce occupational segregation, strengthen maternity and childcare protections, and expand access to formal employment. If it claims to empower youth, one should ask whether education-to-work transitions are improving, whether social protection reaches first-time workers, and whether participation mechanisms allow young people to shape policies that affect them. In this sense, the analytical value of positive obligations lies not in rhetorical affirmation, but in their capacity to generate **reviewable criteria of state conduct**.

Taken together, these points suggest that the central challenge is not whether positive obligations exist, they clearly do in contemporary human rights law, but whether they are interpreted and operationalized with sufficient rigor. For women and youth, that rigor requires three things: first, a substantive equality lens that recognizes structural disadvantage; second, a disciplined approach to progressive realization that scrutinizes resource claims rather than accepting them uncritically; and third, accountability mechanisms capable of distinguishing genuine implementation from symbolic commitment. Only under these conditions can positive obligations function as a legal bridge between the formal recognition of socio-economic rights and their effective enjoyment in social reality.

Conclusion. The doctrine of positive obligations represents a fundamental shift in human rights law, redefining the role of the state as an active guarantor of socio-economic rights. For women and youth, whose exclusion is often structural rather than incidental, this shift is particularly significant.

However, the analysis shows that the existence of legal obligations does not automatically ensure their realization. The effectiveness of positive obligations depends on their operationalization through concrete policies, adequate resource allocation, and robust accountability mechanisms.

The increasing integration of these principles into national policy discourse, including at the highest political level, reflects an important step forward. Yet, the challenge remains to transform this normative and political commitment into consistent and measurable outcomes.

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²⁵ Sakiko Fukuda-Parr, 'The Metrics of Human Rights: Complementarities of Human Rights and Development Indicators' (2012) 17 *Journal of Human Development and Capabilities* 1, 3–20.

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