

GENDER POLICY AND ITS IMPLEMENTATION IN UKRAINE WITHIN THE FRAMEWORK OF EUROPEAN INTEGRATION

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INTRODUCTION

Ukraine as a post-Soviet country has been in the process of transition to democratic institutions, including gender component. European vector of integration plays important role in the defining values among which there is equality and fairness. Gender equality measures access of men and women into resources and possibilities to stand for their interests in all spheres of the social life.

Gender equality is part of a broad cultural transformation that changes the functioning of traditional societies and promotes the development of democratic institutions. Adoption of the value of gender equality ensures the transition to post-materialist values of self-realization, which contributes to the economic development of countries. That is why the gender policy in Ukraine, especially in the context of the chosen course for the construction of European democratic institutions, appears entirely in a new, relevant mode. And it requires the adoption of the value of gender equality, in particular, the prevention of gender discrimination, the equal participation of women and men in the adoption of socially important decisions (through the election to the representative bodies and the appointment to government positions), the equal opportunities for women and men in combining professional and family responsibilities, and elimination of gender-based violence, etc.

In this paper attention is paid to the evaluation of Ukrainian legislative framework on gender equality and implementation of gender policy in Ukraine as a factor of European integration policy. After the adoption of Beijing Declaration and Platform for Action, Ukraine has managed to achieve certain progress in the promotion of gender equality and empowerment of women, in setting up institutional mechanism for gender equality and aligning the national legislative framework with international standards. In spite of this, gender equality situation in Ukraine shows the shortcomings. In fact, political empowerment component is the most problematic one while speaking about gender equality implementation in different spheres of the Ukrainian society.

The main purpose of this article is to show those steps that have been already done by Ukrainian authority and to identify those that are needed to be resolved in gender equity policy.

1. Legislative framework on gender equality in Ukraine

The issue of equal rights and opportunities for women and men in the Ukrainian society is governed by both general and special legislation. According to international NGOs and experts, during the last two decades, Ukraine has achieved considerable progress in promotion of gender equality by establishing core elements of an appropriate legal and institutional framework. Analyzing contemporary gender legislation in Ukraine it should be noted that its implementation takes place on the background of comparative analysis and reference to European models of gender policy institutional provision¹.

Ukraine has already taken the key international commitments on gender equality. The country adopted the Sustainable Development Goals, joined the Beijing Declaration and the Platform for Action of the 4th World Conference for Women (1995) and ratified key human rights treaties, including Convention on the Elimination of All Forms of Discrimination against Women (CEDAW, 1980) and its Optional Protocol. Ukraine is obliged to report to Committee on the Elimination of Discrimination against Women about the progress in achieving women's rights. But as it is concluded into 8th State periodic report, "the problem of preserving gender stereotype still remains topical. The work for counteracting stereotypes reproducing gender inequality is unsystematic and is more formal in its nature"².

The Ukraine-EU Association Agreement, signed in 2014, entails a commitment to ensure equal opportunities for women and men in different fields of life. In fact, gender equality is mentioned in the article 419, Chapter 21 "Cooperation on employment, social policy and equal opportunities". In the Article 420 it is stated that Agreement shall pursue the following goals, among which are: aim at gender equality and ensure equal opportunities for women and men in employment, education, training, economy and society, and decision-making.

Moreover, the European Union was actively supporting the empowerment of women and children via a €14 million package of technical assistance under the programme "Women and Children's rights in Ukraine" 2009–2011. Working with the Ministry of Family, Youth and Sport, as well as with other line ministries and civil society actors, the programme consisted of five projects run by international donors including the International Labour Organization, Council of Europe, United Nations Development Programme and United National Children's Fund's and

¹ Кушнір Н.В, Історико-правова еволюція визнання рівності чоловіків і жінок. *Науковий вісник Міжнародного гуманітарного університету*. 2016. № 22. С. 95.

² Цікул І.В. Гендерні аспекти формування паритетної демократії в Україні: автореф. дис. ... канд. політ. наук : 23.00.02. Черкас. нац. ун-т ім. Ю. Федьковича. Чернівці, 2009. С. 9.

Safege company. Among the issues covered by the programme were domestic violence, child protection and gender equality at work³.

The new *State Social Programme on Equal Rights and Opportunities of Women and Men* for the period up to 2021 looks to strengthen the institutional mechanism for gender equality with an integrated approach to addressing the institutional barriers to gender equality. Ukraine's policy and legislative framework on gender equality also includes the Human Rights Strategy and Action Plan adopted in 2015, which aims to ensure equal rights and opportunities for women and men in all areas of public life. Adoption by the Government of the National Action Plan for Implementation of UN Security Council Resolution 1325 is also a commendable step towards implementation of the Women, Peace and Security agenda in Ukraine. Overall, the document has been updated until 2020⁴.

The Council of Europe *Convention on preventing and combating violence against women and domestic violence*, the so-called Istanbul Convention, is the first legally binding instrument in Europe on this subject and the most far-reaching international treaty in this field. According to Council of Europe's project on "*Preventing and combating violence against women and domestic violence in Ukraine*", the Ukrainian Constitution guarantees equal rights for women and men, and the country has made significant advances in ensuring equality between women and men however, Ukrainian women still face discrimination at legal, policy and practice levels. The legislation is inconsistent, which added to the lack of available data, results in the low effectiveness of measures aimed at combating violence against women. Lack of cooperation between various bodies and services makes it impossible for victims of violence against women to receive assistance. Ukraine signed the Istanbul Convention on 7 November 2011. On November 14, 2016, President of Ukraine Petro Poroshenko submitted to the Verkhovna Rada of Ukraine a draft law on ratifying the Istanbul Convention. The ratification of the document has not yet taken place, but some of its provisions are included in Ukrainian legislation.

One more major achievement in gender policy of Ukraine is development of the national legislative framework on equality between men and women. Basically, gender equality is enshrined in the Ukrainian Constitution and special legislation, based on its provisions⁵. Discrimination on the basis of gender is prohibited both by the Constitution of Ukraine (Article 24 guarantees to citizens equal constitutional rights and freedoms, "there can be no privileges or

³ Koriukalov M. Gender policy and institutional mechanisms of its implementation in Ukraine. Kiev: The Friedrich-Ebert-Stiftung, 2014. P. 13–15.

⁴ Кондрич Т. Проблема гендерної рівності в Україні. Європейська юридична освіта і наука: зб. матеріалів 8-ї Міжнар. наук.-практ. конф. (м. Київ, 11–13 жовт. 2013 р.). 2013. С. 127.

⁵ Гендерна політика в системі державного управління : підручник / [М.М. Білинська, Л.В. Гонюкова, Л.О. Воронько та ін.: за заг. ред. М.М. Білинської]. Запоріжжя: Друкарський світ, 2011. С. 94.

restrictions based on race, color, political, religious and other beliefs, sex, ethnic or social origin, property, residence, language or other characteristics”) and the Law of Ukraine of 2012 “On Principles of Prevention and Combating Discrimination in Ukraine”. Ukraine also has specific legislation designed to promote gender equality: the Law of Ukraine “On ensuring equal rights and opportunities of women and men”.

In 2005 Verkhovna Rada of Ukraine adopted the Law “*On ensuring equal rights and opportunities of women and men*”. It provides for equal position of men and women in all areas of life, determines main directions of national gender policy, establishes national gender mechanism, and prohibits gender-based discrimination. The national gender mechanism is composed of the legislative and executive authorities, local self-government bodies, Ukrainian Parliament Commissioner for Human Rights, and gender advisors, and entails cooperation with NGOs. However, some provisions of the Law do not stipulate specific sanction for their violation. It is important to note, that during 1995–2014, Ukraine managed to set up the system of prevention and combating gender-based violence. The Law of Ukraine “*On Prevention of Violence in Family*” was adopted in 2001, and the Law “*On Combating Human Trafficking*” was passed in 2011. Ukraine has acceded to the Council of Europe conventions on preventing violence against women and combating human trafficking. The law sets forth criminal liability for human trafficking and administrative liability for domestic violence. The national mechanism for providing support to survivors of human trafficking was set up. The programmes of work with survivors of violence and correction programmes for perpetrators are developed and introduced.

Furthermore, in 2008 the Law of Ukraine “*On Ukrainian Parliament Commissioner for Human Rights*” was amended: the Commissioner shall perform control over the observance of equal rights and opportunities of men and women. In 2012 the Law of Ukraine “*On the Principles of Prevention and Combating Discrimination in Ukraine*” was adopted to prohibit gender based and other kinds of discrimination. In addition, in 2012 the Law of Ukraine “On the Employment of Population” was also passed. It provides equal opportunities of all citizens irrespective of their sex for free selection of activity. Finally, in 2012 the amendment was introduced to *the Family Code of Ukraine* in order to increase the marriage age of women to 18 years (the same as men’s marriage age).

In October, 2018 the Verkhovna Rada adopted the Law “*On Amendments to Certain Laws of Ukraine on Ensuring Equal Rights and Opportunities of Women and Men during Military Service in the Armed Forces of Ukraine and Other Military Formations*”. The idea of the law is that all individuals enjoy the same rights during military service. The law, in particular, stipulates that women shall perform military service on an equal footing to men (except in the cases

envisaged by the legislation on protection of mother and child welfare as well as prohibition of discrimination on the grounds of sex), which includes voluntary acceptance (by contract) and conscription for military service, military duty in reserve and compliance with military registration rules. Now, women who serve in the army will receive equal access to posts and military ranks and an equal amount of responsibility.

On January 07, 2018, the Law of Ukraine “On Prevention and Combating Domestic Violence” came into force. Now, domestic violence includes not only physical but also psychological, economic and other forms of violence. Previously, only the spouses living together and their children were the subject of the Law, but now it extends to those who have suffered from ex-husband / wife or partner, as well as those who are couple, but do not live together. The law introduces the instrument of an urgent prohibition and a restrictive prescription. These are two documents that isolate the abuser from the victim and children.

At the same time, it could be argued that despite different legislative attempts not much has been implemented in terms of factual policies. Unarguably, there is a lack of accountability by the government for meeting those legislative initiatives. Mentioned above gender legislation “On ensuring equal rights and opportunities for women and men” is a clear example of such ineffectiveness. On the one hand, the Law introduced such gender sensitive terminology as equal rights and opportunities for women and men, gender equality, discrimination on the sex basis, sexual harassments etc. The aims of government policy to ensure equal rights and opportunities for women and men have at least been proclaimed. Concrete bodies, institutions and organizations are named as those with powers in the area of ensuring equal rights and opportunities for women and men (article 7). On the other hand, most articles are simply declarative, without any real mechanism for implementing them, or sanctions for violating them.

For example, according to Article 17 “Employers shall not discriminate by offering jobs only to women or men in vacancy advertisements, except of specific jobs that only persons of certain sex can perform. Employers shall not put different demands to employees based on their sex giving priority to one of the sexes and require from them information about their personal life and plans to have children.” But in the absence of any sanctions, the Ukrainian labor market vacancy advertisements are full of such discriminatory descriptions⁶.

Ukrainian legislation such as the Code of Labor Laws of Ukraine, in its effort to become gender specific, still tries to protect women, family and children, thus, perpetuating traditional gender roles. Some examples of more favorable treatment of women (especially who has children) than men:

⁶ Martsenyuk T. Gender equality situation in Ukraine: challenges and opportunities. *Gender Equality Policies and eu Integration – experience of Visegrad for EaP Countries*. Fund of Women Entrepreneurs, 2016. P. 210–211.

- article 185 allows pregnant women and women with children under the age of 14 to claim vouchers to sanatoriums and rest homes as well as material aid;
- article 182 provides 56 days leave for women who adopt a child from birth (70 days if the woman adopts two or more children);
- articles 63 and 177 require employers to obtain the consent of women with children aged between three and fourteen years old or who have a disability before requiring them to work overtime or to go on business trips.

According to experts, “while unique and favourable treatment for women during pregnancy and immediately after childbirth may be justified, the blanket favouring of mothers of young children or children with disabilities over fathers in the same situation is unjustifiable, as is the prohibition of women, regardless of whether they are pregnant or have children, from undertaking certain forms of work cannot be justified”⁷.

2. Gender equality in Ukrainian political sector

Recent events in Ukraine connected with Euromaidan protests of 2013–2014 and later armed conflict in the Eastern part, brought changes into women’s lives and their roles both in the society and their families⁸. From one hand, the threat of violence makes women more vulnerable towards socio-economic situation. For example, women are the majority among internally displaced persons from Eastern Ukraine responsible for children, elderly, and disabled relatives. From the other hand, during these turbulent events Ukrainian women managed to challenge traditional gender roles.

According to the Global Gender Gap Report 2018, provided by the World Economic Forum, Ukraine takes 65 th place among 144 economies according to how well they are leveraging their female talent pool, based on economic, educational, health-based and political indicators.

Ukraine undertook to reach *the Millennium Development Goals* by 2015. The goals were adapted to the Ukrainian context, taking into consideration the particularities of the country’s development. In particular, Goal 3 is connected to ensuring gender equality. In this aspect of development there are two main targets: gender equality in political life and gender equality in Ukraine’s labour market. According to the UNDP Millennium Development Goals for 2015, ratified by Ukraine, those goals were not successfully reached⁹. By 2015 the

⁷ Оніщук Д.Г. Проблеми гендерної політики в Україні / Матеріали XX Ювілейної міжнародної звітної конференції юних юристів, студентів, аспірантів і молодих вчених, присвяченої 20-річчю Національного університету «Одеська юридична академія» та 170-річчю Одеської школи права (Одеса, 12 травня 2017 року): Т. 1. 2017. С. 392–394.

⁸ Martsenyuk T.O. Gender Issues in Ukraine and EuroMaidan Protests: Patriarchal or Egalitarian Notions? Anti-Gender Movements on the Rise? *Strategising for Gender Equality in Central and Eastern Europe*. Warsaw: Heinrich Böll Foundation, 2015. Vol. 38. P. 76.

⁹ Lucas B. Gender and conflict in Ukraine / Brian Lucas, Brigitte Rohwerder, Kerina Tull. *Helpdesk Report*. Brighton, UK: Institute of Development Studies, 2017. P. 12–13.

Ukrainian state planned to have at least 30% of women in the Verkhovna Rada, but this number fell far short of meeting its international obligation. Following the 2014 parliamentary elections, the Verkhovna Rada continued to be an almost totally male-dominated body, consisting of only 12% of women of all 450 deputies.

In the year 2015, the Law of Ukraine “*On Local Elections*” introduced a norm which requires the representation of the same sex in the electoral rolls of candidates for members of local councils in multi-mandate constituencies not less than 30% of the total number of candidates in the electoral roll.

According to the results of the gender monitoring of the local elections of 2015, conducted by the Committee of Voters of Ukraine, the vast majority of the parties observed the quota during the formation of lists of candidates for regional councils, city councils and city-regional centres. On average, the level of representation of women in the lists to regional councils throughout Ukraine was 29.6%, and city councils – 32.1%. According to 22 regional councils, women accounted for 15% of them, and in city councils – 18.1%. The threshold of 30% was overcome only in one city council and none of the regional councils. Such indicators are not proportional to the representation of women in the electoral lists, which testifies to the unwillingness of political parties to support women in the elections¹⁰.

Before 2015 Ukraine has made approximately ten legislative attempts to introduce gender party quotas. Each of these attempts failed. Article 1 of the Law of Ukraine “*On Ensuring Equal Rights and Opportunities for Men and Women*,” discussed above, defines the term “positive actions” as “special temporary actions, designed to overcome the imbalance between opportunities for women and men to implement equal rights given them by the Constitution and the Laws of Ukraine”. Article 3 of the same law refers to affirmative action as the primary focus of state politics on ensuring the equal rights and opportunities for women and men. So, the law does not offer concrete quotas for eliminating the gender imbalance in politics.

3. Challenges and future improvements to the Gender Policy in Ukraine

Ukraine has managed to achieve certain progress in the promotion of gender equality and empowerment of women. In particular, it succeeded in setting up institutional mechanism for gender equality and aligning the national legislative framework with international standards. A powerful sector of non-governmental organizations working to promote gender equality and empower women has been developing.

¹⁰ Грицай І.О. Загальнотеоретичний аналіз гендерного збалансування в національних парламентах. *Прикарпатський юридичний вісник: зб. наук. праць*. 2016. № 6 (15). С. 4.

Ukraine has repeatedly affirmed that it shares the gender principles and activities of establishing equal rights and opportunities for women and men as proclaimed in international instruments: the Universal Declaration of Human Rights (1948), the European Convention on Human Rights and Fundamental Freedoms (1950), the Convention on the Elimination of All Forms of Discrimination against Women (1979), the Declaration on Equality between Women and Men (1988), the Vienna Declaration of Human Rights (1993), the Beijing Declaration and Platform for Action (1995), the documents of the Special session of the UN General Assembly on gender equality (2000), Millennium Declaration (2000) and others.

At the present stage of the European integration process, the main benchmark for Ukraine is the Association Agreement between Ukraine, on the one hand, and the European Union, the European Atomic Energy Community and their Member States, on the other hand (the Law of Ukraine on ratification of 16.09.2014 No. 1678-VII).

The Ukraine-EU Association Agreement may become an external impetus for the formation of the political will to implement the relevant changes to the current gender situation in Ukraine.

The main tasks of the European Union gender policy in Ukraine are the following:

- achievement of the equal economic independence of men and women by reducing the pay gap, promoting female entrepreneurship, upgrading of social protection and poverty alleviation, etc.;

- implementation of measures that would contribute to the harmonious combination of work, personal and family spheres of life: mobility of labour contracts; increase in the number of services (state / private property) for the care of children and elderly; providing family state policy, sensitive to representatives of both sexes;

- attraction of men and women to equal participation in decision-making in politics, economics and business, science and modern technologies;

- elimination of gender stereotypes in all spheres of social interaction, especially on the labor market, etc.¹¹

According to the provisions of the Chapter 21 of the Agreement “Cooperation on Employment, Social Policy and Equal Opportunities”: Commitment of Parties to strengthen dialogue and cooperation on decent work, employment policies, safe and healthy working conditions, social dialogue, social protection, social inclusion, gender equality and non-discrimination (Article 419). Towards achieving this goal, Ukraine’s tasks are to ensure the promotion of gender

¹¹ Яковюк І.В. Адаптація законодавства України до законодавства Європейського Союзу: проблеми теорії і практики. *Європейський Союз і Україна: особливості взаємовідносин на сучасному етапі* / Нац. акад. прав. наук України, НДІ держ. буд-ва та місц. самоврядування. Харків: Оберіг, 2014. Розд. 1. С. 17.

equality and equal opportunities for men and women in the field of employment, education and training, economic and social activities, as well as in the decision-making process¹². In addition, the EU facilitates to succeed Ukraine in these tasks by providing a range of standards, models for regulating relevant areas of relations, and successful practices. Thus, Ukraine can take an experience already gained by the EU member states, to avoid the mistakes that were made on their way of gender policy implementation.

Moreover, the relevant annex to the Agreement provides a list of key EU Directives in the field of non-discrimination and gender equality:

- Council Directive 2000/43/EC implementing the principle of equal treatment between persons irrespective of racial or ethnic origin;
- Council Directive 2000/78/EC establishing a general framework for equal treatment in employment and occupation;
- Council Directive 2004/113/EC implementing the principle of equal treatment between men and women in the access to and supply of goods and services;
- Council Directive 96/34/EC on the framework agreement on parental leave concluded by UNICE, CEEP and the ETUC;
- Council Directive 92/85/EEC on the introduction of measures to encourage improvements in the safety and health at work of pregnant workers and workers who have recently given birth or are breastfeeding;
- Council Directive 79/7/EEC on the progressive implementation of the principle of equal treatment for men and women in matters of social security¹³.

Each of these Directives has a specific schedule, according to which the provisions of the Directive should be fulfilled within a specified period of time from the date of entry into force of the Agreement. Ukrainian government makes a Report on the implementation of Association Agreement between Ukraine and the EU.

Thus, the application of the provisions of the Directives to real situations can give a new ‘push’ to the development of gender policy in Ukraine. And it means that the realization of the goals set in the light of Ukraine’s European integration aspirations and bringing national law into line with EU law cannot be limited to a purely formal transfer of the provisions of the European Union Directives to national legal acts.

¹² Угода про асоціацію між Україною та ЄС: соціально-трудоий вимір. Книга перша: збірник актів законодавства України та *acquis communautaire* [упорядник З. Я. Козак]. Львів: Ресурсно-аналітичний центр «Суспільство і довкілля», 2015. С. 16.

¹³ Рівність за ознакою статі в економічній сфері: зобов’язання України перед ЄС (ключові Директиви ЄС щодо забезпечення гендерного балансу на ринку праці та в професійній діяльності, їх розвиток у практиці Суду Справедливості) / Упорядник О.О. Уварова Харків: видавництво «НТМТ», 2015. С. 6.

Despite all achievements of Ukrainian gender policy, the main issues in the realm of ensuring gender equality and empowerment of men and women remain persistent.

The first challenge that could be named is a declarative character of legislative guarantees in the field of gender equality. Despite the existence of the relevant laws of Ukraine (“On ensuring equal rights and opportunities for women and men”, “On the principles of prevention and combating discrimination in Ukraine”, “On prevention of family violence” etc.), their norms remain mainly declarative for the following reasons:

- low awareness of women about international standards in the field of protection against gender discrimination, no understanding that their rights have been violated. During the last 10 years since the Law “On ensuring equal rights and opportunities for women and men” has been in force, only 145 judgments refer to it, while most cases were initiated by state control bodies and not by the victims of discrimination;

- inability of the representatives of the legal profession, including judges, to identify cases where the violation of the rights and legitimate interests of a woman is the result of the application of discriminatory provisions of the law or gender-neutral laws that in practice lead to discriminatory effects;

- perception of texts of international documents as abstract constructions, which do not offer concrete models for solving real life situations¹⁴.

- Moreover, the Ukrainian legislation is challenging discriminatory provisions in practice of its implementation. Among the most striking examples of legislative provisions that lead to gender inequality, are the following:

- prohibition of use pregnant women’s work and work of women with children under the age of three, at night;

- indexation of monetary incomes of the population is carried out within the limits of financial resources of budgets of all levels (the Law of Ukraine “On the Indexation of Monetary Income”). This provision allowed budget institutions to refuse from indexation of incomes of their employees, most of whom are women, which led to indirect discrimination against women. Indirect discrimination in this case is a situation where gender-neutral legislation leads to a negative effect, especially in a high level of inflation¹⁵.

The above-mentioned shortcomings of the Ukrainian legislation are aggravated by the imperfect system of conducting gender and anti-discrimination examinations of drafts normative acts. Today, these types of expertise are carried out in parallel, but by different bodies, according to dissimilar procedures. For example, the Ministry of Justice holds gender

¹⁴ Блага А.Б. Мартиненко О.А. Права жінок і гендерна рівність в Україні. *Права людини в Україні*. Наукове видання. Київ: Українська Гельсінська спілка з прав людини, 2015. С. 129–131.

¹⁵ Уварова О.О. Права жінок і гендерна рівність в Україні. Харків: «НТМТ», 2016. С. 68–72.

expertises and covers an average of six legislative acts annually. But if an antidiscriminative examination is carried out by the legal service of the executive body, to receive the systematic information about its results is not possible.

The level of women representation in social and public life is still very low. As a result, women have limited opportunities to influence on decisions that concern their life, the life of their communities and the entire country¹⁶. In addition, the country does not gain positive experience that could be used to promote gender equality and women empowerment. The Government, NGOs and international agencies have tried to find responses to this challenge since the adoption of Beijing Declaration and Platform for Action, but their steps did not bring tangible effect so far. The respective objective was integrated into the state programmes on ensuring gender equality. Non-profits and international organizations deliver trainings to women-leaders, run advocacy campaigns and provide support to the Government in developing bills that would introduce positive actions for enhancing women representation in electoral processes, in the Parliament and local councils¹⁷.

It is important to emphasize the development of gender education in Ukraine. In 2009 the Ministry of Education and Science issued the Order “On Integrating the Principles of Gender Equality in the Education”. With the EU and the United Nations support, the guidelines on expert assessment of training curricula, materials and handbooks were developed and the respective assessment was carried out, the curricula on gender equality for school and university students were adopted, and five departments of gender studies and over 20 Gender Education Centers were set up. Namely, the scientific conferences on gender issues are carried out regularly. The education professionals arrange and conduct competitions, fests, master classes and other interactive actions to promote gender equality¹⁸. However, these actions are not systemic so far, and the system of education is still an environment where gender stereotypes are disseminated.

Another problem is a low level of legal awareness of citizens in terms of gender discrimination. Sometimes they are not able to notice the manifestations of gender discrimination in family, including domestic violence, at the workplace and in society. Some women tend to under-estimate their professional, civic and leadership abilities and are not ready to resist to discrimination against them. This is due to low amount of efforts aimed at

¹⁶ Ольвінська Ю.О., Джонмуродова Н.Д. Вплив гендерної рівноправності на рівень людського розвитку. *Статистика – інструмент соціально-економічних досліджень*: збірник наукових студентських праць. Одеса: ОНЕУ, 2018. Випуск 4. Частина I. С. 196.

¹⁷ Оніщенко Н.М., Макаренко Л.О., Львова О.Л. Гендерні паритети сучасного етапу правового розвитку в Україні. *Часопис Київського університету права*. 2013. № 3. С. 10–14.

¹⁸ Никифорова В.Г., Табанова А.І. Гендерна рівність в Україні: проблеми та шляхи удосконалення. *Вісник соціально-економічних досліджень*: зб. наук. пр. / голов. ред. М.І. Зверяков; Одеський нац. екон. ун-т. Одеса, 2014. Вип. 2 (53). С. 219.

raising legal awareness of men and women, including through dissemination of texts of international instruments and national legislation in the realm of equal rights and opportunities, and to insufficient level of protection from violence and discrimination. This problem anchors the gap between women's and men's opportunities and prevents the Government from reacting to violations of human rights. To solve this problem, the respective legislative measures are taken, the functions of Ukrainian Parliament Commissioner for Human Rights are extended, anti-discrimination bodies are set up (e.g., Expert Council to Consider Claims with regard to Gender Discrimination), and awareness raising campaigns are implemented¹⁹. But these efforts are not enough to make sure that anti-discrimination mechanism is fully functional and that everyone in Ukraine knows how to respond to discrimination.

Talking about the future improvement to the gender policy in Ukraine, there are some recommendations can be emphasized.

It is necessary to organize joint events with the participation of state representatives and civil society on the effective implementation of the principle of gender equality in the public and private sphere of relations. One of the directions may be the holding of wide-ranging information campaigns aimed at overcoming rooted stereotypes about the social roles of women and men, raising awareness among women of their rights and mechanisms for its implementation²⁰. The other key aspect is the formation of the ability of the legal profession's representatives, first of all judges, to identify cases where the violation of the rights and legitimate interests of women or men is the result of the application of discriminatory provisions of the law or gender neutral laws that in practice lead to discriminatory effects. In addition, the performance of the relevant information campaigns should overcome public abstract perceptions of the texts of international instruments on gender equality issues.

Ukraine and its government need to pay special attention to the problem of domestic violence and violence against women. In a situation of armed conflict, a significant part of men return home from the Anti-Terrorist Operation Zone, experiencing difficulties in employment and social adjustment to normal life, which sometimes increases the threat of violence (physical, psychological, economic, sexual) towards family members and their relatives.

Ukraine should make efforts to bring national legislation into line with the requirements of the Istanbul Convention and to create all the necessary preconditions for its ratification. Additionally, a separate task must be done for the creation of legal mechanisms for the realization of the rights of women who

¹⁹ Гонюкова Л.В., Педченко Н.С. Сучасний механізм упровадження гендерної політики в Україні. *Вісник Національної академії державного управління при Президентові України. Сер. «Державне управління»: наук. Журнал.* 2016. № 2. С. 117.

²⁰ Литвинчук О.В. Вплив гендерних стереотипів на формування ідентичності жінки. *Актуальні проблеми філософії та соціології: Науково-практичний журнал.* 2017. Вип. 16. С. 61–64.

can potentially become victims of double discrimination (women of pre-retirement age, women living in rural areas etc.).

Another essential improvement of the gender policy in Ukraine include actions of Parliamentary committees together with the public on ensuring that the legislation of Ukraine is deprived of purely paternalistic provisions (e.g. prohibition for some categories of women to work at night, a ban on sending to a business trip women who have children under three years of age etc.) that do not protect women, but reduce their competitiveness in the labor market and form the idea of women as an object for external care in society²¹.

CONCLUSIONS

Summarizing, it can be stated that the legislation of Ukraine is based on the principles of equality of women and men in all spheres of human life, which testifies to the high level of development of Ukrainian legislation and its compliance with European standards. De jure gender equality in Ukraine is supported by national institutional mechanisms and legislation, as well as international agreements. However, it cannot be denied that the existing system of inadmissibility of discrimination against women and men in practice still remains ineffective. This applies, for example, to the equality of women and men in terms of remuneration, discrimination against women in recruitment, and the limited rights of men to protect paternity.

Even though, Ukrainian legislation tries to stay gender-neutral, free from discriminatory provisions, and does not establish different legal status of men and women (some exceptions regarding pregnant women and women with children), at the same time, the majority of legislative framework does not contribute to elimination of gender differences and balancing the status of men and women in the areas where they can suffer discrimination. In this regard, Ukraine should establish a system of guarantees that will ensure the implementation of the constitutional principles of gender equality proclaimed by the legislation.

The example of such contradiction between legal norms and reality we can find in political sphere. According to traditional gender stereotypes, most people in Ukraine associate women more than men with family life, and do not associate women with political life. Despite the fact that the activity of women in the political life of Ukraine for the last decade is increasing, their role and participation in the legislative process are still very weak. After all, a small percentage of women in the Ukrainian parliament cannot professionally influence the process of drafting and adopting laws sufficiently. In addition, the participation of women in politics and peace-making at the local level is also

²¹ Матвієнків С. Гендерна політика: суть, проблеми та українські реалії. *Науковий вісник: Історія. Політичні науки. Міжнародні відносини*. Чернівці: «Рута», 2015. Вип. 272. С. 243.

slowly increasing, which means women have limited opportunities to influence the decisions that concern their lives, and communities.

Furthermore, it is necessary to review the procedure for conducting a gender expertise of the Ukrainian legislation, which today represents a purely formal mechanism. There is a need to develop an appropriate methodology for its implementation and public access to the identification of priority acts that are subject to such expertise and the results of the relevant analysis. Besides, Ukraine should continue to improve good practices that will increase the political representation of women.

Among achievements of gender equality in Ukraine three major developments could be pointed out: legislative framework on gender equality, non-governmental organizations in the sector of gender equality and women empowerment and raising awareness in the society on gender equality and gender education. On the other hand, there are some challenges like: the level of women representation in social and public life is still very low, weak legal awareness of citizens in terms of gender discrimination, and lack of political will to implement gender politics. The total realization of the principle of gender equity is one of the demands for successful European integration of Ukraine and for building discrimination free society.

SUMMARY

This research analyses achievements and challenges in gender equality policy in Ukraine and is based on legislation, and results of different studies. From legislative analyses Ukraine has followed international framework and its standards are integrated in national laws and policies, but there is still no institutional practice to support the implementation of this new legislation. Through the research in particular social sphere (political life) it is obvious to say that it is necessary to review the procedure of realisation of law provisions, because Ukrainian legislation today represents mainly a formal mechanism. There is a need to develop an appropriate methodology for its implementation. For example, the level of women representation in social and public life is still very low, nevertheless an appropriate legislation has passed. Within the framework of European integration the Ukraine-European Union Association Agreement may become an external impetus for the formation of the political will to implement the relevant changes to the current gender policy in Ukraine. Especially, taking into account that the annex to the Agreement provides a list of key EU Directives in the field of non-discrimination and gender equality that should be adapted by Ukraine.

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