

DOI: 10.52363/passa-2024.1-11

UDC: 32-027.542:305]316.256

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DIRECTIONS FOR FORMING AN INSTITUTIONAL MECHANISM FOR DEVELOPING A STATE GENDER POLICY

The article examines issues of the existing institutional mechanism for developing a national gender policy. Issues of equality for women and men are guaranteed by the Constitution of Ukraine and other legislative acts. The paper highlights the necessity for integrating the gender approach in all areas of state policy.

The author analyzes functions of various state and local authorities responsible for implementing a standard policy on gender equality.

The paper highlights that the institutional framework of the national gender policy is a complicated and complex issue that encompasses various areas.

The author emphasizes that gender equality is the equal legal status of women and men and equal opportunities for its realization, which enables individuals of both sexes to participate equally in all the areas of public life. The paper contains a comprehensive analysis of the state mechanism for ensuring gender equality as a system of international, national, regional, and local institutions aimed at establishing the principles of gender equality in various areas of social life and guaranteeing the development of gender strategies and a corresponding state gender policy.

The research results in developing ways for combating gender inequality in governmental institutions (statistical, sociological, normative, informational, and educational ones).

***Keywords:** state, state policy, gender, gender equality, public administration, institutional provisioning, institutional mechanism.*

A pivotal condition for achieving gender equality is a targeted state policy as the activity of state institutions, which provide and guarantee equal rights and opportunities for men and women, proclaim gender democracy, promote gender culture in a society, and protect women from gender-based discrimination.

Analyzing current trends of gender policy development in Ukraine, both domestic and international experts have agreed upon the necessity for strengthening institutional mechanisms for implementing this policy at state and regional levels with the simultaneous integration of gender issues into reforms and coordination of corresponding actions.

As a consequence, the competencies of the Deputy Prime Minister for European and Euro-Atlantic Integration of Ukraine were supplemented with the duties of developing and implementing of the state policy for gender equality, which implies a coordinating interaction between central executive authorities on gender equality and managing activities related to developing and representing a Ukrainian official position in communication with NATO, including in gender equality issues [7].

In 2017, the Government of Ukraine introduced the post of Commissioner for Gender Policy, which also highlighted the importance of the policy for equal rights and opportunities for men and women as an integral part of the process of European integration and strengthening its institutional mechanisms.

Over the past years, the understanding of gender equality issues has changed in a way that reflects the process of integration of gender issues in the scientific and political practice, the development of the feminist movement and various initiatives to support gender equality. However, for numerous reasons, it is still uncertain whether significant shifts in combating gender discrimination and ensuring gender equality have been achieved.

Analysis of recent research and publications. The mechanisms for providing gender equality have been considered by representatives of different social sciences in the area of economics (H. Herasymenko, I. Sulima, et al.) and public administration (V. Hrytsiak, H. Daudova, N. Kovalishyna, et al.). Issues of developing, optimizing, and enforcing an institutional mechanism for the purpose of developing a state gender policy were examined by O. Bandurka, N. Hrytsiak, L. Kobylianska, Ye. Lutsenko, K. Levchenko, T. Melnyk, K. Levchenko, H. Zhukovska, et al. Nevertheless, Ukraine still requires an efficient, complex, and integral institutional mechanism for developing a state gender policy.

Research aims at substantiating major areas of developing an institutional mechanism for enforcing a state gender policy within the context of reforming Ukrainian public administration.

Main statement. An institutional mechanism is considered as a set of institutions, entitled to guarantee gender equality and to promote integration of the gender approach in all policies and areas of state governance. Usually, it is a central authority supplemented by an interdepartmental coordination agency on gender equality and coordinators responsible for integration of the gender approach in ministries [4].

The basis for legal approaches to forming a state gender policy is the principles of international law proclaimed in international documents on human rights, developed by the United Nation and its units, European Council, OECD, as well as European Union and NATO. The plan for membership in the latter two is proclaimed in the Constitution of Ukraine [1]. International documents contain direct responsibilities of the countries, particularly in the area of providing equal rights and opportunities for women and men.

The Convention on the Elimination of All Forms of Discrimination against Women [5] takes an important place among all the legal documents on gender equality.

The list of legal documents of the highest level, which regulate relations in the area of a state gender policy, contains the Constitution of Ukraine [4] approved in 1996. Under the pressure of non-governmental organizations, the Constitution of Ukraine was complemented with the principle of gender equality for women and men in line with the

United Nation Convention on the Elimination of All Forms of Discrimination against Women [5]. This principle has significantly encouraged the development of gender legislation.

The Constitution of Ukraine proclaims the principle of equality with the following components: equality under the law for all citizens; non-discrimination regardless of the race, skin tone, religious, political and other beliefs; equality regardless of the ethnicity and social background, financial position, residence, language and other features; equal rights for women and men.

Equal rights for a female and male is ensured by empowering women with opportunities equal to the ones provided for men in social, political, and cultural areas; in the area of obtaining education; professional training; work and remuneration; introducing special tools for ensuring women's occupational health and safety; establishing retirement benefits; creating an environment favorable for balancing a career with maternity; providing legal protection, material and moral support of maternity and childhood including paid vacation benefits and other privileges for expectants and mothers. Female and male equality implies equal opportunities for participation in all the areas of social life.

By approving this principle, the Constitution of Ukraine has legally and politically proclaimed a gender strategy of development for Ukrainian society.

An important step in encouraging gender equality and widening rights and opportunities for women and men is related to developing legal documents on legal equality issues, in particular approving the Law of Ukraine "On Ensuring Equal Rights and Opportunities for Women and Men" of 08 September 2005, which proclaims institutional mechanisms for encouraging gender equality. In particular, Article 7 of the Law [3] sets the list of institutions responsible for guaranteeing equal rights and opportunities for women and men, which are as follows:

- The government of Ukraine;
- The Ukrainian Parliament Commissioner for Human Rights;
- The Cabinet of Ministers of Ukraine;

- The Ministry of Social Policy as a special government agency on providing equal rights and opportunities for women and men;
- Government and local authorities, their commissioners (coordinators) responsible for providing equal rights and opportunities for women and men;
- Non-for-profit organizations.

The Parliament of Ukraine is a legislative authority responsible for developing and approving legal acts, particularly in the area of providing equal rights and opportunities for women and men as well as issues of international agreements ratification. The Parliament of Ukraine is empowered with responsibilities of developing a state gender policy in all the areas of social life. Under the Article 8 of the Law of Ukraine on Providing Equal Rights and Opportunities for Women and Men, the Parliament of Ukraine is entitled with the following responsibilities: determines core principles of a state gender policy; applies the principle of equal rights and opportunities for women and men in the legislative process; undertakes governmental control over implementing legal acts in providing equal rights and opportunities for women and men [3].

Issues of gender equality fall within the competence of two parliament committees, in particular:

1. The Committee on international policy and inter-parliamentary cooperation and its Sub-committee on fulfilling international obligations in the area of protecting human rights and gender policy. The position of the Head of the sub-committee on fulfilling international obligations of Ukraine in the area of protecting human rights and gender policy is held by Bardina Maryna Olehivna.

2. The Committee on human rights, de-occupation and reintegration of temporarily occupied territories in Donetsk, Luhansk Regions and Autonomous Republic of Crimea, national minorities and interethnic relations, and its sub-committee on gender equality and non-discrimination. The Committee manages the following issues: enshrines human rights and freedoms; introduces European standards of protecting human rights and basic freedoms into the domestic legislative system; provides equal rights and opportunities for women and men within the legislative framework.

In September 2019, the Sub-committee on Gender Equality and Non-discrimination was headed by Nelli Yakovlieva. The Sub-committee focuses on developing and improving legal mechanisms for providing gender equality and non-discrimination and adapting the domestic gender legislation to the European and international standards. The Sub-committee initiates to consider gender issues in operating activities of all the committees and in all the areas of national law with the purpose of providing actual equality of rights and opportunities for equal participation of women and men in all the social processes, as well as equal access to management positions, division and exploitation of national resources. Legislative activity of the Sub-committee aimed at integrating gender issues into the political agenda facilitates social and gender sensitivity of political processes and accelerates Ukrainian integration into the community of democracies.

It is worth mentioning that in the end of 2014, representatives of different fractions of the Ukrainian Parliament have arranged a voluntary union of human deputies – an interfractional deputy association for equal opportunities aimed at improving women's position in a society and enhancing a social dialogue on gender equality in different areas of social and political life. The association is established with the purpose of protecting gender equality including issues related to involving women in social and political life. Among the priorities of the union are struggling domestic violence, protecting rights of women and children, and developing equal opportunities for men and women in different areas of social life.

Therefore, the Public Council on gender issues operates within the Interfractional Deputy Association – a permanent agency, which summarizes information about current programs on gender equality in different areas. The Public Council enhances coordination of different activities to avoid duplicates in certain areas and gaps in others, as well as combating inequality between women and men.

Secretaries of the committees of the Ukrainian Parliament appoint officers responsible for consulting and methodological support on promoting equal rights and opportunities for women and men.

Nevertheless, K. Levchenko highlights the following problems relating the issues of implementing a gender policy in the Parliament of Ukraine: the absence of a plan for implementing a gender policy in the Ukrainian Parliament; the absence of institutional division of functions on gender policy in the Secretary of the Parliament; insufficient gender competence of deputies and the members of the Secretary of the Parliament.

In accordance with the paragraph 13 of the Article 13 of the Law of Ukraine “On Ukrainian Parliament Commissioner for Human Rights” of 23.12.1997 No. 776/97BP [2] and the Article 9 of the Law of Ukraine “On Ensuring Equal Rights and Opportunities for Women and Men” [3], the Parliament Commissioner for Human Rights is entitled with the following functions:

- 1) Control over promoting equal rights and opportunities for women and men.
- 2) Considering cases of sex-based discrimination and sex-based abuse.
- 3) Annual reporting on gender equality and sex-based abuse.

Responsibilities regarding considering cases on sex-based discrimination and sex-based abuse are prescribed in the Article 22 of the Law of Ukraine “On Ensuring Equal Rights and Opportunities for Women and Men”: an individual, which considers itself as a subject of sex-based discrimination, sexual harassment, or sexual abuse, has rights to file a complaint to the Parliament Commissioner for Human Rights [3].

The Cabinet of Ministers of Ukraine is considered to be the supreme institution within a system of executive authorities responsible for providing equal rights and opportunities for women and men. Following the Article 2 of the Law of Ukraine “On the Cabinet of Ministers of Ukraine”, the Government performs the following duties: provides implementing a unified state policy of achieving equal rights and opportunities for women and men in all the areas of social life; approves the National Plan for implementing gender equality for the purpose of combating sex-based assault and controls its implementation; develops and introduces state programs on ensuring equal rights and opportunities for women and men, preventing and combating sex-based violence; manages activities of the ministers and other executive authorities on ensuring gender equality, preventing and combating sex-based violence; prepares a state report on

implementing the Convention on the Elimination of All Forms of Discrimination Against Women; considers the principles of gender equality in the process of adopting legislative acts; approves procedures of gender expertise; performs other duties in the given area proclaimed by Ukrainian legislation [3].

Therefore, the Cabinet of Ministers of Ukraine is responsible for promoting a unified state gender policy, developing and implementing state programs on providing equal rights and opportunities for women and men, coordinating an interaction between ministers and other authorities on providing gender equality, etc.

To improve coordination between the executive authorities and implement the principle of gender equality in all the areas of social life, the Government introduced the position of the Government Commissioner for Gender Policy by approving the Regulation No. 390 of 07 June 2017. The Resolution of the Cabinet of Ministers of Ukraine No. 90-p of 14 February 2018 appointed Kateryna Levchenko for the position of the Government Commissioner for Gender Policy.

It is worth mentioning that the Government Commissioner with the right of deliberative vote participates in the government meetings, but exclusively with regard to issues, which correspond to his/her competence.

To efficiently coordinate the issues of the gender policy, and combat domestic abuse and human trafficking, the Cabinet of Ministers approved Resolution No. 1087 of 05 September 2007 “On Consulting Agencies on Family Issues, Gender Equality, Demographic Development, Combating Domestic Violence, and Human Trafficking”, which proclaims the establishment of the Interdepartmental Council on family issues, gender equality, demographic development, combating domestic violence, and human trafficking.

The Interdepartmental Council performs the following functions: fostering the realization of the efficient state policy on family issues, gender equality, demographic development, combating domestic violence, and human trafficking, etc. [6].

Therefore, the importance of the Interdepartmental Council as a temperate consulting agency established by the Cabinet of Ministers of Ukraine refers to an

opportunity of an interaction with the executive authorities, local governments, civil society organizations, international organizations, and respective institutions of other countries.

The Interdepartmental Council encompasses ministers, central executive authorities, the Government Commissioner on human rights, scientists, experts, business representatives, public institutions, and domestic and international funds.

The Ministry of Social Policy of Ukraine performs the role of authorized central agency for providing equal rights and opportunities for women and men within the general framework for developing and implementing a gender policy in Ukraine [9].

Another central executive authority responsible for providing equal rights and opportunities for women and men is the Ministry of Justice of Ukraine that operates in accordance with the Regulation “On the Ministry of the Justice of Ukraine” approved by the Directive of the Cabinet of Minister of Ukraine No. 2283 of 02 July 2014.

According to the Article 4 of the Law of Ukraine “On Providing Equal Rights and Opportunities for Women and Men” and Regulation of the Cabinet of Minister of Ukraine “On Performing Gender Expertise” No. 997 of 28 November 2018, gender expertise of the legislation is performed by the Ministry of the Justice.

Furthermore, the Ministry of Internal Affairs of Ukraine is involved in the process of fulfilling core international obligations of Ukraine regarding establishing gender equality. It is one of the main bodies providing a gender policy on combating sexual assault, preventing domestic violence, cruelty to children, countering trafficking, and considering complaints against sex-based discrimination in Ukraine.

Prosecutor's offices are responsible for accepting and considering complaints about facts of sex-based discrimination in accordance with the Article 22 of the Law of Ukraine "On Ensuring Equal Rights and Opportunities for Women and Men". Courts consider lawsuits regarding sex-based discrimination in accordance with the current legislation of Ukraine.

The Article 12 of the Law of Ukraine "On Ensuring Equal Rights and Opportunities for Women and Men" states that the development and implementation of the gender

policy in the state and local executive authorities are ensured by the authorized persons (coordinators); advisers on ensuring equal rights and opportunities for women and men; consultative and advisory bodies; responsible departments. In addition, local state administrations and local self-government bodies are entitled for establishing advisory agencies, appointing advisers on ensuring equal rights and opportunities for women and men, and preventing and countering gender-based violence. The position of the adviser should be included in the staff list of each executive agency.

The role of public associations in developing and implementing a state gender policy is of extreme importance as well. They act both as initiators of the policy and as its implementers, also performing a monitoring function. The forms and terms of cooperation between authorities and public organizations are diverse and not limited to participation in advisory agencies.

The research of the institutional nature of a mechanism for developing a state gender policy has enabled indicating problems of implementing institutional mechanisms in all the branches of government [1].

1. The non-settlement of gender components in regulations, which refer to the central executive authority, its departments, and regional state administrations, which does not create the legal basis for considering gender approaches in different areas of political life and within the regions.

2. Insufficient general coordination within the institutional mechanism.

3. Insufficient gender competence of authorized persons (coordinators) on providing equal rights and opportunities for women and men.

4. Optionality of appointing managers' advisors on gender issues, the insufficient competence of advisors, as well as of other participants of the institutional process.

5. Absence of a clear strategy for consolidating and strengthening the potential of the national mechanism for improving the position of women at central and local levels and ensuring human rights.

Conclusion. There is a need to emphasize that, nowadays, the concept of equality states that different treatment of women and men is necessary to create equal

opportunities to achieve equal results, because there are different living conditions for women and men, and the legacy of historical discrimination against women should be overcome.

Taking into account the above-mentioned research outcomes, it is possible to determine ways for combating gender inequality at governmental institutions:

1. Statistical - collecting, analyzing, and disclosing statistical data on male and female participation in the governmental and public life at state, regional, and international levels on a regular basis

2. Sociological - conducting the scientific research of the "women and politics" issues to eradicate presumption of women's non-political nature and the statement that the role of women in society is dictated by nature and, therefore, unchanged.

3. Normative, which contemplates:

a) Developing the legal basis for a state policy of gender equality, including the adoption of a law that would specify the relevant constitutional role applicable for different areas of social life and would determine procedures for its implementation

b) Making amendments to the electoral law, which would extend the representation of women in lists of candidates for deputies from political parties and associations

c) Developing a state strategy of achieving gender equality

d) Making amendments to the legislation on civil service, which would stimulate the promotion of women to the top management positions in government agencies

e) Providing support for women, youth, trade unions, and other organizations, which struggle to improve the position of women and promote capable and professionally competent women to the positions in government agencies

f) Ensuring women's access to all types of job positions in the public sector without being limited by areas in which women are traditionally employed (education, health care, and social services).

4. Informational - organizing informational and propaganda work in the mass media aimed at enhancing the role of women in social and economic transformations and increasing their number in government agencies.

5. Educational, which implies:

a) Preparing women for participating in political and public activities and management; developing appropriate education and certification trainings for women; accumulating a female staff reserve to occupy managerial positions in public sector institutions

b) Developing new moral pillars aimed at involving women in civil movements and female participation in representative and executive government authorities of all levels.

The further research of a state gender policy in terms of global and local challenges focuses on developing the methodology for a modern informational mechanism enabling the development of a state gender policy.

References:

1. Genderna polityka v normatyvno-pravovykh dokumentakh. Chastyna 1. [Gender policy in legislative acts. Part 1] Za zah. red Levchenko K.B. / H.H. Zhukovska, K.B. Levchenko, O.O. Ostapenko, O.I. Suslova. Kyiv, 2020. 186 s. [in Ukrainian].

2. Zakon Ukrainy vid 23 hrudnia 1997 r. № 776/97-VR “Pro Upovnovazhenoho Verkhovnoi Rady Ukrainy z prav liudyny” [The Law of Ukraine of 23 December 1997 No. 776/97-VR “On Ukrainian Parliament Commissioner for Human Rights”]. URL :<https://zakon.rada.gov.ua/laws/show/776/97-%D0%B2%D1%80#Text>. [in Ukrainian].

3. Zakon Ukrainy vid 8 veresnia 2005 r. № 2866-IV «Pro zabezpechennia rivnykh prav ta mozhlyvostei zhinok i cholovikiv» [The Law of Ukraine of 08 September 2005 No 2866-IV “On Ensuring Equal Rights and Opportunities for Women and Men”]. URL : <http://zakon3.rada.gov.ua/laws/show/2866-15>. [in Ukrainian].

4. Konstytutsiia Ukrainy vid 28.06.1996 r. [Constitution of Ukraine of 28.06.1996]. URL : <http://zakon.rada.gov.ua/laws/show/254к/96-вр>. [in Ukrainian].

5. Konventsiiia Orhanizatsii Obiednanykh Natsii pro likvidatsiiu vsikh form dyskryminatsii shchodo zhinok. [Convention on the Elimination of All Forms of

Discrimination Against Women]. URL :
https://zakon.rada.gov.ua/laws/show/995_207#Text. [in Ukrainian].

6. Polozhennia pro Mizhvidomchu radu z pytan simi, gendernoi rivnosti, demohrafichnoho rozvytku ta protydii torhivli liudmy [Regulation on the Interdepartmental Council on Family, Gender Equality, Demographic Development, and Combating Human Trafficking], zatv. postanovoioi Kabinetu Ministriv Ukrainy vid 5 veresnia 2007 r. № 1087. URL : [<https://www.kmu.gov.ua/npas/91244299>]. [in Ukrainian].

7. Postanova Kabinetu Ministriv Ukrainy vid 25 bereznia 2020 r. № 274 “Pro vyznachennia pytan, shcho nalezhat do kompetentsii vitse-premier-ministriv Ukrainy” [Resolution of the Cabinet of Ministers of Ukraine of 25 March 2020 No. 274 "On Defining Issues within the Competence of the Deputy Prime Ministers of Ukraine"]. URL :<https://zakon.rada.gov.ua/laws/show/274-2020-%D0%BF#Text>. [in Ukrainian].

8. Postanova Kabinetu Ministriv Ukrainy vid 7 chervnia 2017 r. № 390 “Pro Uriadovoho upovnovazhenoho z pytan gendernoi polityky” [Resolution of the Cabinet of Ministers of Ukraine of 07 June 2017 No. 390 “On the Ukrainian Government Commissioner for Human Rights”]. URL :<http://zakon5.rada.gov.ua/laws/show/ru/390-2017-%D0%BF>. [in Ukrainian].

9. Shcherbak N. V. Instytutsiine zabezpechennia realizatsii derzhavnoi gendernoi polityky v umovakh reformuvannia derzhavnoho upravlinnia [Institutional provision for implementing the state gender policy in the context of reforming public administration]. Pravo ta derzhavne upravlinnia. 2020. № 3. S. 141–149. [in Ukrainian].