

Novak Vadym, Maslova Yuliia, Zukow Walery. Gender policy in Ukraine: features of legislative practice. *Pedagogy and Psychology of Sport*. 2020;6(1):18-23. eISSN 2450-6605. DOI <http://dx.doi.org/10.12775/PPS.2020.06.01.002>
<https://apcz.umk.pl/czasopisma/index.php/PPS/article/view/PPS.2020.06.01.002>
<https://zenodo.org/record/3593842>

The journal has had 5 points in Ministry of Science and Higher Education parametric evaluation. § 8. 2) and § 12. 1. 2) 22.02.2019.

© The Authors 2019;

This article is published with open access at Licensee Open Journal Systems of Nicolaus Copernicus University in Torun, Poland
Open Access. This article is distributed under the terms of the Creative Commons Attribution Noncommercial License which permits any noncommercial use, distribution, and reproduction in any medium, provided the original author (s) and source are credited. This is an open access article licensed under the terms of the Creative Commons Attribution Non commercial license Share alike.
(<http://creativecommons.org/licenses/by-nc-sa/4.0/>) which permits unrestricted, non commercial use, distribution and reproduction in any medium, provided the work is properly cited.
The authors declare that there is no conflict of interests regarding the publication of this paper.

Received: 05.12.2019. Revised: 25.12.2019. Accepted: 27.12.2019.

UDC 002:001.4

Gender policy in Ukraine: features of legislative practice

Novak Vadym, Maslova Yuliia

National University of Ostroh Academy

Zukow Walery

Nicolaus Copernicus University in Torun, Torun, Poland

Abstract

The article analyses the main legislative and theoretical initiatives of Ukraine, as a state unit, regarding the implementation of gender policy, observance and realization of equal rights and opportunities of men and women in all spheres of public life of the state.

Key words: politics of gender; gender equality; gender discrimination

Політика гендеру в Україні: особливості законодавчої практики

Новак Вадим, Маслоva Юлія

Національний університет «Острозька академія»

Zukow Walery

Nicolaus Copernicus University in Torun, Torun, Poland

Анотація

У статті проаналізовано основні законодавчі та теоретико-правові ініціативи України, як державної одиниці, стосовно впровадження гендерної політики, дотримання та реалізація рівних прав та можливостей чоловіка та жінки у всі сфери суспільного життя держави

Ключові слова: політика гендеру; гендерна рівність; гендерна дискримінація

Due to the update process of democratic values and system of the Ukrainian state, there is a problem removal and gradual elimination of established traditional forms of stereotypes society, the issue of gender as a new form of global practices for women and men.

Relevance of research this article is aimed at development trends of state policy of gender progress in Ukraine. Accordingly, since the 90s began to form research in the field of gender aspects of public policy. So on, issues of gender equality in Ukraine worked such scientists as L. Kobelyanska T. Melnyk, O. Levtsun S. Gerashchenko, K. Levchenko, N. Hrytsiak. and other.

The article is disclosure of the legal aspects of gender equality policy in Ukraine on the basis of the legal framework described in the article of the Law of Ukraine "On ensuring equal rights and opportunities for women and men"

To achieve the aim should be to put the following objectives: 1) to analyse the regulations concerning equality of articles; 2) isolate legislative initiatives concerning the elimination of latent discrimination; 3) identify the positive and negative aspects of legal practice policy of gender equality.

The problem operationalisation of gender policy examined as scientists, as T. Melnyk, S. Gerashchenko and N. Hrytsiak defined by gender politics - is the act of political entities, states, political parties, socio-political organizations and institutions that have intended to solve the existing problems of gender equality in society, namely to ensure the uniform for male and female social status, conditions of human rights, opportunities to use social and economic resources to contribute to national, political, socio-economic and cultural development as well as equal rights for women and men have equal benefit from the results of their activities [4].

Implementation of gender edits the content of national law, currently the main trend of modern solution to this problem. Indication of equal rights and obligations in the legislation of various countries occurs depending on frequency of income other social norms (traditions, customs, established moral and political norms and similar socio-cultural elements).

Regarding Ukrainian practice, the legislation on the equality of all people (and therefore gender equality) contained in Art. 21 of the Constitution of Ukraine: "All people are free and equal in dignity and rights. The rights and obligations of a citizen are inalienable and inviolable." It should be noted - equality is seen from the perspective of natural rights that got everyone and their enforcement is fundamental mission of the State [3].

More specifically, the equality of rights and freedoms referred to in Art. 24 of the Constitution of Ukraine which fully summarized that: "Citizens have equal constitutional rights and freedoms and are equal before the law. There should be no privileges or restrictions based on race, religion, color, political, religious, or other types of classification, gender, ethnicity and social status, economic status, place of residence, language or other characteristics." [2].

In Ukraine demonstrated articles of the Constitution enshrined the need to implement identical standards of rights and freedoms to all citizens. Both men and women - should get on

equal footing able to use the full range of constitutional rules without discrimination on the part of both the authorities and other parties.

Analysing gender equality position with the introduction of fair labour rights for men and women in Ukraine, it is advisable to isolate a large number of positive points. At present the legal aspects of the Labour Code of Ukraine is the most effective labour relations to implement the fundamental principles of occupational safety.

For example, chapter 12 of the Labour Code Ukraine determined the most important and immediate guarantees of women. Among the standards specified chapter is to limit the employment of women in the relevant areas at night, especially labour and providing social benefits for women during pregnancy, women with children, and a number of other equally important safeguards [3]

However, the fundamental problem is the fact of the existence of the so-called hidden discrimination, which is reflected in the consciousness of society and outdated stereotypes. Typically representative of normal male examines the place and role of women only in the context of family and himself - with activities at work. So things expedient interpreted as a manifestation of gender inequality in Ukraine [3].

Given present trends point to eliminate these stereotypes evidenced by the Verkhovna Rada of Ukraine Law of Ukraine "On the observance of equal rights and opportunities for women and men" from 08 09. 2005. Number 2866-IV [5]. This law is a necessary mechanism for the implementation of relevant international standards interpersonal equality and legal framework is respect for the constitutional principle of equal rights for men and women.

In addition to the constitutional consolidation, gender policy had a chance to take root through the National Action Plan for improving the situation of women and help the implementation of gender equality in society for 2011-2015 yy. In State Program with compliance of gender equality in Ukrainian society, including the period of 2010 and for other similar regulations and legal acts.

Therefore, the state of equal rights and opportunities for men and women includes strategic direction and practical activity of state structures to create conditions for realization of constitutional rights of citizens as equal subjects of social relations. The state of gender equality in society is due to the formation of a gender policy which aims to integrate the gender approach in all spheres of public and political life [6].

But modern world trends and processes are increasingly pointing to attempts to manipulate the principle of gender equality legislation in Ukraine considering only subjective

elements that do not match conventional public morality, and most importantly - the usual nature of things [1, p. 12].

Conclusions and prospects for further study

On the one hand, the principle of gender equality is intended to be the basis to ensure equal rights and freedoms for women and men, on the other - it does not destroy the moral fabric of society that have evolved for millennia.

So the analysis of legal gender assessments indicates that the issue of gender equality must start to examine the legislative level to form a so-called current "revolution of the Mountain", which involves the elimination of traditional forms of discrimination both sexes

The question is, which do not need to match two incompatible processes - a gender-based discrimination and discrimination based on belonging to sexual orientation. The first concept is characterized by natural and legal content that corresponds to the understanding of honour and dignity, and the second of dissonant social and historical values, national traditions and public morality.

References

1. Vesel's'ka A. L. Hendernyj aspekt liderstva:teoretychnyj analiz. [Gender aspect of leadership: a theoretical analysis]. Nauka i osvita. 2014. № 5. S. 19-23. Ukrainian.
2. Heorhizova I. L. Zhinka yak sub'yeht polityky v Ukrayini: hendernyj aspekt. [Woman as a Subject of Politics in Ukraine: Gender Aspect]. Visnyk Cherkas'koho universytetu. Seriya: Istorychni nauky. 2017. № 1. S. 58–62. Ukrainian.
3. Henderna rivnist' i rozvytok: pohlyad u konteksti yevropejs'koyi stratehiyi Ukrayiny. [Gender equality and development: a perspective in the context of the European strategy of Ukraine]. [Elektronnyj resurs]. Rezhym dostupu: <http://razumkov.org.ua/upload/Gender-FINAL-S>. Ukrainian.
4. Hrycyak I. O. Pryncyp gendernoyi rivnosti u social'no-ekonomichnij sferi na miscevomu rivni: vitchyznyanyj ta zarubizhnyj dosvid. [The principle of gender equality in the socio-economic sphere at the local level: domestic and foreign experience]. Pryvatne ta publichne pravo. 2018. № 2. S. 3–7. Ukrainian.
5. Zakon Ukrayiny «Pro dotrymannya rivnyx prav ta mozhlyvostej zhinok i cholovikiv» vid 08, 09. 2005 roku. № 2866-IV. [The Law of Ukraine "On Equal Rights and Opportunities for Women and Men" of 8 September 2005. No. 2866-IV.]. Ukrainian.
6. Zakonotvorchist' zabezpechennya rivnyx prav ta mozhlyvostej zhinok i cholovikiv zakony i zakonodavchi akty. [Legislation for ensuring equal rights and opportunities for women and men

laws and regulations]. Za red. i uporyad. O. I. Suslova, E. R. Raximkulov; red. O.B. Dyrda. K. Zapovit, 2006 289 s.