

UDC 340.1:316(477)

DOI: <http://doi.org/10.5281/zenodo.1403058>

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GENDER EQUALITY IN UKRAINE: NATIONAL AND INTERNATIONAL PERSPECTIVES

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ГЕНДЕРНА РІВНІСТЬ В УКРАЇНІ: НАЦІОНАЛЬНІ ТА МІЖНАРОДНІ ПЕРСПЕКТИВИ

Introduction

The question of gender equality is becoming increasingly more popular in Ukraine. From the beginning of humanity, humans were trying to make a difference based on race, wealth, and later by nationality, social class, religious groups, and other background factors. However, by the 20th century, there was an increased understanding of human rights and equality, which led to a general declaration in the form of the Universal Declaration of Human Rights in 1948. The equality of humans refers to men and women. This understanding gave rise in the 20th century to female politicians, astronauts, soldiers, business people, and other kinds of jobs which were previously dominated by men, and presumed to be 'men-only' jobs. These changes provide women with opportunities to discuss problems that largely affect only women, for example, domestic violence issues. At the global level, the international community agreed that it was important to not just proclaim equality de jure but to make it de facto as well.

Despite such international agreements, these principles are implemented differently from country to country in domestic legislation. Some countries are more successful than others when implementing aspects of these agreements. For example, Ukraine signed the Istanbul Convention in 2011, yet the implementation process is ongoing because ratification is still in progress. Such a long process can be explained by social and political circumstances in Ukraine, such as the 2014 'Revolution of dignity', the annexation of Crimea, providing anti-

terrorist operations in Donbas, and the economic damages caused by this.

Recently, official intentions have been to handle these problems by implementing Ukrainian legislation to the standards of the Istanbul Convention, for example, the new Ukrainian law 'Prevention and Counteraction of Domestic Violence', introduced on 7th December 2017. These changes apply to the whole of Ukrainian legislation, including criminal, civil, administrative, and procedural law. The law provides new definitions such as gender-based violence, which establishes the administrative and penal punishment for offenders. These changes and the necessity to increase the knowledge of not only officials but citizens, residents and other casual persons in Ukraine demonstrate the value of our article.

Analysis of research and publications

Recently, the problems of gender equality and gender-based violence are addressed in the scientific work of (in no particular order): Kateryna Levchenko, Ludmila Shevchenko, Nadiya Grinshyn, Urszula Nowakowska, Ewa Bienkowska, Andrzej Dominiczak, Golie G. Jansen, Madelaine Adelman, Hillary Haldane, Jennifer R. Wies, Emma Williamson, Hilary Abrahams and Anne Phillips.

Previous unsolved problems

The UN and international standards in the area of gender equality are still being implemented in Ukrainian legislation – this is an ongoing process. This process addresses numerous problems, including the world financial/economic crisis from

2008, the 2014 'Revolution of dignity' in Ukraine, increasing the level of armed activity in Ukraine (e.g. annexation of Crimea, anti-terrorist operations in Donbas), and others. The key activities to solve these problems in Ukraine include: positive learning experiences from successful foreign countries in this sphere, learning experience about gender equality during armed conflict, and aligning national standards of protection against gender-based violence.

Appearance of gender equality issues in Ukraine

Gender studies are comparatively young. Modern definitions of gender in scientific terms materialized approximately 70 years ago. However, discussions on the context and definitions of gender go back to the beginning of humanity in some form. In some circumstances, even today there are situations where people may not have the experience of communicating with those from other ethnic or religious groups, but humans have contact with both sexes – women and men, from the moment of birth onwards. This is why each person has their own experience and understanding of gender equality, which is based on their own life experiences. The problem of early gender socialization is that humans may not realize that their own experiences are not unique and may contain a number of violations or discrimination [1, p.1].

The Constitution of Ukraine, from 28th June 1996, in Article 24 proclaims that 'Citizens have equal constitutional rights and freedoms, and are equal before the law'. Within this Article, there should be no restrictions on the basis of religious or political beliefs, race, skin color, ethnic or social origin, property status, place of residence, language, sex, or other grounds. It states that equal rights between men and women are ensured in a number of ways:

- First, providing women with the same opportunities as men in socio-political and cultural activities, as well as training, education and employment (including pay).
- Second, specific measures on labor protections for women, and establishing rights for pension provisions.
- Third, encouraging conditions that allow women to combine their careers with home and family life.
- Fourth, legal protections, support for motherhood and childhood, which includes paid maternity leave and other assistance to pregnant women and mothers [2].

According to Ukrainian Law 'On ensuring equal rights and opportunities for women and men' from 8th September 2005, gender equality is proclaimed as equal legal statutes and real possibilities of its proper implementation by women and men, which creates representatives from both sexes, equal possibilities to take part in all issues without any exceptions, in the sphere of social life in Ukraine [3].

Among different international obligations in the sphere of gender equality, the most basic is the 1979 UN Convention on the Elimination of All Forms of Discrimination against Women. This Convention was intended as an international 'bill of rights' for women, defining what counts as discrimination, as well as providing the framework for national action plans against such discrimination. States who accept the Convention are expected to focus on three key areas:

First, incorporate the principle of equality of men and women in their legal systems, abolish discriminatory legislation, and introduce new laws that forbid discrimination against women.

Second, establish tribunals and similar institutions to address the protection of women.

Third, ensure that discrimination against women by persons and organizations comes to an end [4].

General mistakes of understanding gender equality in Ukraine / most common mistakes

Understanding the definition of gender equality is strongly related to cultural, religious and historical developments within the country. Patriarchy is common in every society, where men dominate women. Under this traditional model of patriarchy, men generally have leading roles. Men are heads of families and households, and other family members are expected to fulfill his orders, should respect him, and should follow his instructions without any doubts. Not fulfilling these demands would likely cause not only physical or moral punishment but also a social stigma. For a long time in legal regulation, women in patriarchal families were treated like goods or commodities. For instance, one man was able to 'purchase' a woman from another man and call it marriage. From that period, the phrase 'taking a woman' appeared. Nowadays, understanding of marriage has little to do with these older practices.

Unfortunately, these social stereotypes of male and female roles still exist in Ukraine, which does not help to develop the idea of gender equality.

Towards the end of the 20th century, science in Ukraine started to discuss the definition and issues of gender equality. However, gender equality was mainly viewed through the prism of feminism, believing

that gender equality involved giving women rights to obtain similar social positions as men [5, p.68].

Ukrainian legislation, for example Ukrainian Law 'On ensuring equal rights and opportunities for women and men' from 8th September 2005, defines gender equality as equal, legal status of women and men, and equal possibility for its realization, allowing individuals of both sexes to take equal participation in all spheres of social life [3].

Also, there is a position in science with which we disagree that gender equality is presumed to protect women's rights and to proclaim women as equal to men. However, this position risks neglecting the rights of men, who may be discriminated against, for instance in the Ukrainian context when awarding the rights of custody for a child to the mother. Another violation of men's rights included the inability to take paternity leave. This situation was resolved after the law 'On ensuring equal rights and opportunities for women and men' was adopted.

However, women's rights compared to men are frequently neglected in Ukraine, and arguably for most of the world. For example, in Ukraine women have less opportunity to engage in political life, which does not provide the possibility to establish their agendas. The first key mistake of understanding gender equality in Ukraine is that gender equality works only for women.

The second mistake believes that gender equality relates only to homosexual couples and transgender persons. The perception is that the main task of the gender equality policy is to ruin family values, the possibilities of people to have children, and generally trying to undermine Ukrainian social values. However, such understanding of problems is based on a lack of education, limited information about gender, a lack of desire for new learning experiences, and fear of change.

The third mistake is that gender equality policy violates Ukrainian traditions that have developed and been in place for centuries. This mistake is based on a lack of knowledge about Ukrainian traditions. Ukrainian people have a wide range of traditions and experiences, which were positive and negative, and addressed rights of men and women. The people of Kievskia Rus had some form of gender equality, in the sense that many women were able to read and write during that period, and were as intelligent as men. Although men were dominant figures, women also had privileged positions in the family and society. For example, women had the right to purchase and manage the property, to take part in court trials, the right to decide whether to take their husbands' surnames

when marrying. Moreover, women were sometimes able to propose to men or to refuse marriage proposals from men [6, p.26].

The fourth mistake is to conflate domestic violence with gender-based violence. Many people believe that domestic violence is a rare crime that occurred in the past. In the past, rules in the family and society were stricter, whereas now they are more relaxed, and women have the right to learn, to work, and have as much independence as men. This is why they think that nowadays domestic violence is rare, but this is not true. According to information from the UN, one in three women worldwide experiences domestic violence in their lives. Also, 70 % of women who do not die from natural causes die due to actions of their current or former male partners [7, p.87].

Conversely, the fifth mistake is that domestic violence is a new issue and did not exist many years ago. The perception is that it appears nowadays due to the influence of modern economic and psychological changes, which were started by casual lifestyles and life stresses. However, this is incorrect, because the tradition to beat wives is as old as the institution of marriage. History has a lot of evidence that from ancient law and society, men had permission to beat women and this right was protected [6, p.27].

The sixth mistake is that women deserve to be punished due to their own 'wrong' or unsuitable behavior. Women deserved to be beaten because they did not listen to their husbands, and were constantly doing something 'not right'. This common mistake shows that the problem of beating women is hidden in gender stereotypes and unequal positions of men and women in society. It shows that our society connects marriage and owner rights, love and cruelty. No humans have the right to beat other humans, yet the perpetrators always find an excuse that the victim provokes them and deserves the punishment [6, p.27].

The seventh mistake is that the definition of gender equality is somewhat unusual for Ukrainian society because in Ukraine it does not exist. This common mistake is associated with lack of intelligence and low educational levels of people.

The eighth mistake is that the definition of gender is interchangeable with the definition of sex. In modern understandings, the definition of 'gender' was proposed by psycho-analyst Robert Stoller in the 1960s. He proposed to use this word in order to account for social and cultural aspects of the sexes, which before were used only in biological or physiological aspects for defining the sex of species.

Nowadays the definition of gender covers not only physiological differences between men and women but also social roles, characteristics, features, which states that men and women are influenced by background factors such as upbringing, education and cultural traditions and others. For example, in Ukraine, it is common to tell teachers that this is a woman's job, and that police officer is a man's job [6, p.8].

The ninth mistake believes that gender equality is not a 'real' issue and that Ukraine has larger problems to address. For example, it's economic challenges and political changes [6, p.8].

The tenth mistake is that gender equality is unnatural, and that gender role of men and women in society are proclaimed in nature. A man should be a hunter, and a woman should be looking after the home. This is why in social life in Ukraine women are obtaining less influential, well-paid jobs, and explains that this is needless because women will go on maternity leave and manage issues in the home. This is why women are less socially active and career ambitions. Also, these stereotypes judge female leaders by 'men's features' which makes them not 'real' women. These features include being active, mentally strong, ready to take difficult decisions, being prepared to spend a lot of time on work, and a lack of desire to break work patterns.

The eleventh mistake is that work segregation based on gender is presumed to be necessary. Due to this segregation, women are able to obtain work with less salary. Young specialists, especially women, are less likely to get work because employers are more reluctant to hire women over fears women will soon become pregnant and go on maternity leave. Also, during this segregation, there is a violation of women's gender rights, for example demanding from female employees the obligation that they do not get pregnant for a set period of time. Otherwise, she would be fired or demoted to a lower position, which is a violation of working rights for women and a form of gender discrimination.

According to the above mistakes, understanding the necessity of implementing gender equality issues into social, economic and cultural life in Ukraine becomes more difficult. Moreover, the development of Ukraine as a democratic country gives women and men more rights and possibilities to fight for their rights according to modern standards.

Armed conflict and gender equality

Analyzing the gender situation in Ukraine is especially important due to the ongoing tensions and possibility of conflict in this area.

Violation of human rights in these war situations are breaches of international humanitarian law, which were proclaimed in the Geneva Convention of 1949 and additional Protocols, and other international law devoted to human rights. Severe violation of rights and policies of ethnic cleansing in the war territories is still ongoing. This causes the mass movement of people, who need international protection, and most of these victims are women and (female) children or teenagers. However, it is common for women to take care of wounded combatants in their families, and due to conflict, become the only financial provider of the family. At the same time, society suffers due to conflict and terrorism, but women and girls suffer more because of their gender in society. Parts of the conflict frequently without punishment include raping a woman; however, there are situations of systemic raping, which are used as a tactic of war and terrorism. These consequences are felt by women of different ages, and this becomes worse because of social, economic, psychological traumas caused by armed conflict [8, p.66].

Women and children take about 80 % of all world refugees, and other displaced persons, including internal displacement. They are threatened with losing their homes, goods, other services, violation of their rights for returning to their homes, with the absence of safety as a result of these violations. We should pay special attention to sexual violence against displaced women and girls, which is frequently used as a method of terrorizing them with different ethnic, religious and cultural backgrounds. Refugees and displaced women in most situations show strength and possibility for adaptation [8, p.67].

The suffering and pain that women experience after conflicts are thousands of years old. According to Golie G. Jansen in her paper 'The effects of armed conflict on women's health and mental health', there have been historical campaigns to stop the war, including women on both sides of the conflict in World War One. The International Congress of Women in the Hague in 1915 was established by Jane Addams and other female European leaders from both sides. This Congress discussed the 'horrors of war', and sent female representatives to all belligerent governments in order to urge them to cease fighting. During this time, women were aware of their important role and the need for structural changes, so that they could play a more active role after the conflict. Participants at the conference appreciated that gender inequality became more significant during wartime, as well as

in the aftermath of conflict and refugee situations [9, p.134].

To solve the problems of gender equality during armed conflict, the UN Security Council introduced resolution 1325 on 31st October 2000. This resolution emphasizes the role of women in preventing and resolving conflicts, negotiating peace agreements, keeping the peace, humanitarian responses and post-conflict reconstructions. It stresses the equal role of women in all efforts when maintaining peace and security. A key goal of the resolution is to increase the number of women participating in UN peace and security efforts, as well as incorporating gender perspectives. In particular, it states that parties should take specific measures to protect women and girls from gender-based violence, especially rape and other sexual abuse during armed conflict [10].

We agree with the authors of the paper 'Realisation of National Plan activity for executing resolution of UN Security Council Resolution 1325 – "Women, war, peace": the experience of international countries and advice for Ukraine' by L Netchaporenko, M Rudenko and others. The argument is that women should have equal access to powerful positions and take part in the resolution of conflicts, which would have importance in maintaining peace and security [8, p.66].

When Resolution 1325 was introduced, it was regarded by some as a useful political framework that made women – and a gender perspective – relevant when negotiating peace agreements, as well as rebuilding countries torn apart by war [11, p.3].

Without any doubts, women, children and other civilians are most likely to suffer from armed conflict. While men are most likely to initiate war and take part in armed conflict, women are most likely to suffer the consequences of it. This is why it is important to provide opportunities for women to take part in these processes before the damage is done. In such a way, from our point of view, the prevention of armed conflict will increase. Women have the right to take a more active role in preventing conflict and bringing conflicts to an end, rather than just being passive victims of atrocities. This is why Resolution 1325 is highly important, which has been recognized across the international community. Yet for Ukraine, the process of recognizing this Resolution took approximately 20 years, which from our perspective does not give enough chances to women to prevent armed conflict (armed mass riots during 2013 and 2014, the annexation of Crimea, the beginning of anti-terrorist operations in Donbas). Nevertheless, the development of gov-

ernment policy has changed to more gender equality orientated approaches. From our point of view, this increases the chances of de-escalating armed conflicts in the territory of Ukraine. To clarify our position, placing women in authoritative positions would not resolve these problems immediately, but may make policy more conciliatory.

Also is, gender equality from our point of view that women take part in the hot-points of armed conflict. However, nowadays for Ukraine, this is not new, since we have precedents for famous female soldiers, war doctors, nurses, as well as other medical personnel.

On 24th February 2006, the government of Ukraine approved the 'National plan of action for implementing UN Security Council Resolution 1325 – "Women, war, peace" for the period until 2020 (rada.gov.ua). The provisions of this legal document should be reflected in the local action plans and programs. On 27th January 2017, by order of the Minister of Internal Affairs no.65, the decision was adopted to create an interdepartmental group, with the main task of implementing the National Ukrainian plan and Resolution 1325 [13]. The implementation of Resolution 1325 in Ukraine takes particular steps.

Conclusions

Without any doubts, we can say that gender equality is associated with fundamental issues for the normal development of any country, and international society in general. The international community has realized that these issues are significant for over 50 years, and have developed forms of legal regulation in different Conventions, Protocols, and agreements. According to these forms of regulation, most states are implementing these principles in their domestic legislation and daily social life. However, proclaiming gender equality de jure does not guarantee that these issues are resolved de facto within states. There are different explanations of this situation, both objective and subjective. Some of them are, such as cultural factors, economic factors, and a lack of desire for their own citizens to receive equal treatment. In this respect, Ukraine has so far not been largely successful, although has made positive steps and does not have the worst record on these issues. Since the start of the 21st century, these gender equality issues started to become more important. Ukraine adopted a new law 'On ensuring equal rights and opportunities for women and men', among others. Recently, a new wave of gender equality issues has arisen. A new Ukrainian law 'On prevention and tackling domestic violence' has been introduced,

the Institute of Gender Authority has been established, which has activated jobs according to the ratification process of the Istanbul conference to Ukrainian standards and implementing international standards intended to address with gender equality and gender-based violence.

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Надійшла 23.04.2018

РЕКОМЕНДОВАНЕ ЦИТУВАННЯ (RECOMMENDED CITATION), АНОТАЦІЇ (ABSTRACTS)

Kachynska M.O. Gender Equality in Ukraine: National and International Perspectives. Форум права: електрон. наук. фахове вид. 2018. № 3. С. 40–47. URL: http://nbuv.gov.ua/j-pdf/FP_index.htm_2018_3_7.pdf

DOI: <http://doi.org/10.5281/zenodo.1403058>

The question of gender equality is becoming increasingly more popular in Ukraine. The UN and international standards in the area of gender equality are still being implemented in Ukrainian legislation. This process addresses numerous problems, including the world financial/economic crisis from 2008, the 2014 'Revolution of dignity' in Ukraine, increasing the level of armed activity in Ukraine (e.g. annexation of Crimea, anti-terrorist operations in Donbas), and others. The key activities to solve these problems in Ukraine include positive learning experiences from successful foreign countries in this sphere, learning experience about gender equality during armed conflict, and aligning national standards of protection against gender-based violence. Analyzing the gender situation in Ukraine is especially important due to the ongoing tensions and possibility of conflict in this area. To solve the problems of gender equality during armed conflict, the UN Security Council introduced resolution 1325 on 31st October 2000. This resolution emphasizes the role of women in preventing and resolving conflicts, negotiating peace agreements, keeping the peace, humanitarian responses and post-conflict reconstructions. This is why Resolution 1325 is highly important, which has been recognized across the international community. Yet for Ukraine, the process of recognizing this Resolution took approximately 20 years, which from our perspective does not give enough chances to women to prevent armed conflict (armed mass riots during 2013 and 2014, the annexation of Crimea, the beginning of anti-terrorist operations in Donbas). Nevertheless, the development of government policy has changed to more gender equality orientated approaches. From our point of view, this increases the chances of de-escalating armed conflicts in the territory of Ukraine. To clarify our position, placing women in authoritative positions would not resolve these problems immediately, but may make policy more conciliatory. Also, gender equality from our point of view that women take part in the hot-points of armed conflict. However, nowadays for Ukraine, this is not new, since we have precedents for famous female soldiers, war doctors, nurses, as well as other medical personnel. Ukraine has so far not been largely successful, although has made positive steps and does not have the worst record on these issues. Since the start of the 21st century, these gender equality issues started to become more important.

Key words: *gender equality; gender-based violence; gender discrimination; domestic violence*

Качинська М.О. Гендерна рівність в Україні: національні та міжнародні перспективи

Виконано аналіз появи гендерного питання у науковій сфері зарубіжних країн та України. Розглянуто норми окремих міжнародних нормативно-правових актів, що закріплюють рівність жінок та чоловіків, а також особливості їх імплементації

у національне законодавство в різних країнах світу. Висвітлені найчастіші помилки, що зустрічаються в українському суспільстві при тлумаченні дефініції гендерна рівність, зроблена спроба їх пояснити та аргументувати їхню хибність. Виконано аналіз гендерної рівності крізь призму військового конфлікту та його міжнародно-правове регулювання. Звернута увага на особливості виконання гендерних стандартів в Україні.

Ключові слова: гендерна рівність; гендерно-обумовлене насильство; гендерна дискримінація; домашнє насильство

Качинская М.А. Гендерное равенство в Украине: национальные и международные перспективы

Выполнен анализ появления гендерного вопроса в научной сфере зарубежных стран и Украины. Рассмотрены нормы отдельных международных нормативно-правовых актов, закрепляющих равенство женщин и мужчин, а также особенности их имплементации в национальное законодательство в разных странах мира. Освещены частые ошибки, встречающиеся в украинском обществе при толковании дефиниции гендерное равенство, предпринята попытка их объяснить и аргументировать их ошибочность. Выполнен анализ гендерного равенства сквозь призму военного конфликта и его международно-правовое регулирование. Обращено внимание на особенности исполнения гендерных стандартов в Украине.

Ключевые слова: гендерное равенство; гендерно обусловленное насилие; гендерная дискриминация; домашнее насилие