

ENSURING IMPLEMENTATION OF THE CONSTITUTIONAL PRINCIPLE OF GENDER EQUALITY IN UKRAINE: PROBLEMS AND PROSPECTS

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Abstract. The approval and provision of the principle of gender equality of rights is currently one of the main standards and at the same time an important indicator of democratic progress towards the implementation of universal equality in the activities of leading international organizations. The implementation of equal rights and opportunities for women and men has been declared a key direction of policy in the activities of the European Union, which began to actively develop in the European countries of developed democracies as early as the 80s of the XX century.

Today, scientists and practitioners in the field of jurisprudence consider gender equality as a fundamental legal value, an asset for the civilized development of the state and society, because the recognition of basic human rights and freedoms, key principles of gender democracy is a necessary component of the formation and development of a modern legal state, which is born on the foundation of an established liberal democracy. In this way, the process of consolidating gender equality in all spheres of social life takes place.

Gender equality implies equal rights, freedoms and responsibilities for women and men, their equal significance in society, opportunities, participation in all spheres of public life and interpersonal relations. Correspondingly, it also means equal access of women and men to various benefits, resources and their distribution between representatives of both sexes.

The scientific and theoretical basis of the study of the issue of gender equality of rights are the works of representatives of legal science who studied the issue international standards

of equality'women and men, as well as the rights and opportunities of women in various fields, in particular, M. Baimuratov, N. Bolotina, V. Butkevich, I. Hrytsai, V. Denisov, V. Yevintov, T. Zavorotchenko, G. Ignatenko, V Kostytskyi, O. Matvienko, O. Melnikova, T. Melnyk, A. Movchan, N. Onishchenko, Zh. Pustovit, P. Rabinovych, V. Tymoshenko and others.

Introduction. INcomprehensive analysis of the legal foundations of gender policy and constitutional consolidation of the principle of gender equality in Ukraine, identification of problems of equality of rights of men and women in our country and search for ways to solve them.

The study of the implementation of the principle of gender equality in the Ukrainian state requires the study of global trends in gender equality, which are declared in international documents, the analysis of national state mechanisms for ensuring equal rights and opportunities for women and men in various countries and regions of the world, the definition of forms of gender democracy and the formation of gender policy and modern culture, clarification of the effective gender component in the public policy of European countries, activities of political parties, public associations, international organizations, etc.

In accordance with the set goal, the following research tasks are expected to be solved: determination of international legal standards of gender policy; characteristics of the constitutional and legal consolidation of the principle of gender equality in Ukraine; study of the mechanism of implementation of the principle of gender equality in Ukraine; identification of actual problems of implementation of the principle of equality of rights of men and women in Ukraine and proposal of ways to solve them.

International legal standards of gender policy and constitutional and legal consolidation of the principle gender equality in Ukraine

Gender equality is an integral part of the general legal status of a person, one of the main prerequisites for the sustainable development of society, as well as an indicator of the development of institutions of democracy and civil society. Therefore, it is natural that ensuring gender equality is a mandatory component of almost all international documents focused on people and ensuring their fundamental rights.

According to N. Hrytsyak, gender equality is an ideological component of state policy and state administration, which has four dimensions that underlie the development of state gender policy at the current stage of the development of Ukrainian society. The first dimension of gender equality is human rights as a universal standard of political, civil, economic, social and cultural rights and freedoms of women and men. The second dimension of gender equality is human rights as women's rights. The third dimension is the equality of freedoms, rights and duties. Fourth, equal opportunities are a key element of gender equality¹.

The word "gender" comes from the Latin words "genus", "generic", which have many different meanings: from the classification of a species or class to the definition

¹ Hrytsiak N. Formation of gender policy in Ukraine: problems of theory, methodology, practice: monograph. K.: Publishing House of the National Academy of Sciences, 2004. with. 325-332

of a family or a people with a separate identity, that is, a nation. Relatively recently, in some languages, especially in English, the word "gender" acquired other grammatical forms, including masculine and feminine gender, gender; the difference between men and women by anatomical sex².

At the same time, the "Modern Dictionary of Foreign Words" interprets the concept of "gender policy" too narrowly - as "a set of internal political measures aimed at realizing the real equality of men and of the female sex, mostly for the improvement of the situation of working women, the expansion of their social rights"³.

It should be noted that this reference source deals only with women's social rights and, in particular, the right to work. In our opinion, the gender policy of the state should be considered on a larger scale - as a set of all organizational and legal means, measures and methods aimed at achieving equal rights and equal opportunities for women and men in all spheres of social life, a policy based on a fair approach to places and roles of a woman and a man as equals in rights, freedoms, duties, opportunities and responsibility for actions.

As L. Kovalenko notes, "State gender policy" is the actions of state authorities to address the issue of gender equality in society, namely, ensuring the equal social status of women and men, the conditions for the realization of human rights, the ability to use social and economic resources, to promote national, political, social, economic and cultural development, as well as the equal right for women and men to have the same remuneration for their activities. Such status equality between women and men can be achieved only in a society that recognizes as an axiom that a woman is an active subject of civil society and state-building, and not only an object of state protection⁴.

The peculiarity of the formation of state gender policy in Ukraine, in our opinion, is that it is built, firstly, on the basis of international legal acts ratified by Ukraine, and secondly, it is regulated by national legal acts on the equality of women and men. Thus, the legal regulation of the state gender policy of Ukraine is carried out by normative legal acts of two levels: supranational (supranational) and national.

Modern international policy is aimed at achieving the equality of women and men in society, overcoming all forms of discrimination, in particular on the basis of gender, creating the necessary social and political prerequisites for realizing the rights and opportunities of women and men in all spheres of work, social and personal life. An important role in the formation and implementation of gender policy is played by the state, which creates mechanisms to achieve gender equality. In Ukraine today, a large-scale public administration reform is being carried out, which is aimed at

² Modern dictionary of foreign words: about 20,000 words and phrases / compiled by: O.I. Skopnenko, T.V. Tsybalyuk Kyiv: Dovira, 2016.with. 161

³ Modern dictionary of foreign words: about 20,000 words and phrases / compiled by: O.I. Skopnenko, T.V. Tsybalyuk Kyiv: Dovira, 2016.with. 161

⁴ Kovalenko L.P., Nychiporenko K.Yu. Some problems of ensuring gender equality in Ukraine. Actual problems of the influence of the armed conflict in the East of Ukraine on the emergence and spread of gender-based violence and ensuring access to justice: *Coll. theses of sciences add. science and practice conf.* (Kyiv, September 18, 2020) / Edited by: M.G. Verbenskyi, V.O. Ryadinska, Yu.B. Irkha, O.I. barrel Kyiv: DNDI of the Ministry of Internal Affairs of Ukraine, 2020.with. 85

modernizing the activities of all state bodies, as well as building their personnel and institutional potential in accordance with European and international standards and the best practices of other countries⁵. The signing and practical implementation of the Association Agreement between Ukraine and the European Union, ratified by the Law of Ukraine "On the Ratification of 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, is of great importance » dated September 16, 2014 No. 1678-VII.

The normative legal acts of the supranational level include, first of all, the Universal Declaration of Human Rights, adopted by the UN General Assembly on December 10, 1948.⁶, the UN Convention "On the Elimination of All Forms of Discrimination against Women" dated December 18, 1979.⁷, and the UN Millennium Declaration⁸, signed by the President of Ukraine at the Millennium Summit on September 8, 2000.

In particular, the Universal Declaration of Human Rights of 1948 in Article 2 established for the first time the rule of equality of all people at the international level; "Everyone is entitled to all the rights and freedoms set forth in this Declaration, regardless of race, color, sex, language, religion, political or other opinion, national, social or economic origin, property or other status."⁹ With this norm, the authors of the Declaration - representatives of the countries that signed it - sought to determine the direction of further development of humanity on the basis of equality, in particular, regardless of gender.

Convention "On the elimination of all forms of discrimination against women"¹⁰, ratified by Ukraine on March 12, 1980, is often called the "Women's Rights Bill." It is one of the main international human rights agreements under the United Nations treaty system, which imposes legal obligations on member states to ensure respect, protection and realization of human rights and freedoms.

In accordance with international obligations, each UN member state submits a national report every four years on its legislative, judicial, administrative and other measures taken to implement the provisions of the Convention, as well as on the progress achieved in ensuring equality of rights and opportunities for men and women in the state.

⁵Shcherbak N. V. International standards on gender equality and their implementation in Ukraine (under the conditions of public administration reform). Law and public administration. 2020. No. 4. P. 153.

⁶ The Universal Declaration of Human Rights, adopted by the UN General Assembly on December 10, 1948. URL: https://zakon.rada.gov.ua/laws/show/995_015#Text

⁷ UN Convention "On the Elimination of All Forms of Discrimination Against Women" dated 18.12.1979 URL: https://zakon.rada.gov.ua/laws/show/995_207#Text

⁸ The UN Millennium Declaration, adopted by the UN General Assembly on September 8, 2000. URL: https://zakon.rada.gov.ua/laws/show/995_621#Text.

⁹ The Universal Declaration of Human Rights, adopted by the UN General Assembly on December 10, 1948. URL: https://zakon.rada.gov.ua/laws/show/995_015#Text

¹⁰ UN Convention "On the Elimination of All Forms of Discrimination Against Women" dated 18.12.1979 URL: https://zakon.rada.gov.ua/laws/show/995_207#Text

However, in the process of implementing the provisions of this Convention in Ukraine, certain problems were identified, therefore, in 1995, parliamentary hearings on the topic "On the elimination of all forms of discrimination against women" were held, at which the recommendations of the participants of the parliamentary hearings regarding the implementation of the said Convention in Ukraine were adopted. They were approved by the resolution of the Verkhovna Rada of Ukraine "On the recommendations of the participants of the parliamentary hearings regarding the implementation in Ukraine of the UN Convention on the Elimination of All Forms of Discrimination against Women"¹¹. In these documents, the Cabinet of Ministers of Ukraine was recommended to take measures for their implementation together with the parliamentary committees, in particular, to create an appropriate regulatory and legal framework.

The UN Millennium Declaration of 2000 proclaimed "Ensuring gender equality" as one of the Millennium Development Goals¹². Having committed to addressing gender issues within the framework of the Millennium Development Goals, Ukraine has set itself a number of challenges to overcome this inequality between women and men. In particular, the goals of national gender development focus on ensuring equal representation of women and men in electoral and state administration, as well as reducing gender pay inequality.

The specified goals are reflected in the system of indicators characterizing the participation of women and men in representative bodies of power at various levels - in the national parliament and local self-government bodies, in the highest civil service positions (among managers of 1-2 categories), as well as the gender ratio of the average salary in economy of the country¹³.

Another extremely important regulatory act at the supranational level should be defined as the Beijing Declaration and Platform for Action, which was approved by the Fourth World Conference on Women, where 12 problematic strategies were defined (poverty, education and training, health care, violence against women, armed conflicts, economy, power and decision-making, mechanisms of gender equality, human rights, mass media, ecology and women's issues)¹⁴. The strategies are recognized as priorities in the final documents of the Special Session of the UN General Assembly "Women in the year 2000: equality between men and women, development and peace in the XXI century" (June 2000) and are the basis of gender equality in Ukraine.

¹¹ On the recommendations of the participants of the parliamentary hearings regarding the implementation of the UN Convention on the Elimination of All Forms of Discrimination against Women in Ukraine: Resolution of the Verkhovna Rada of Ukraine dated July 12, 1995 No. 298/95-BP. URL: <https://zakon.rada.gov.ua/laws/show/298/95-%D0%B2%D1%80#Text>

¹² The UN Millennium Declaration, adopted by the UN General Assembly on September 8, 2000. URL: https://zakon.rada.gov.ua/laws/show/995_621#Text.

¹³ Millennium Development Goals. Ukraine-2013: National report. K.: Ministry of Economic Development and Trade of Ukraine, 2013. P. 69 URL: <C:/Users/Asus/Downloads/MDGs%20Progress%20Report%20Ukraine%202013%20ukr.pdf>

¹⁴ Beijing Declaration: adopted at the Fourth World Conference on the Status of Women on September 15, 1995. URL: https://zakon.rada.gov.ua/laws/show/995_507#Text.

On March 7, 2018, the Council of Europe adopted the Gender Equality Strategy of the Council of Europe for 2018-2023¹⁵, which is based on the huge legal and political attribute of the Council of Europe on gender equality and the achievement of the first Gender Equality Strategy of the Council of Europe 2014-2017. The new strategy defines the Council of Europe's goals and priorities for gender equality for 2018-2023, identifies working methods and key partners, as well as measures needed to improve the effectiveness of results.

Among the normative legal acts of the national level, which regulate relations in the sphere of state gender policy in Ukraine, the Constitution of Ukraine belongs, first of all. In accordance with the requirements of the above-mentioned UN Convention, Ukraine included the principle of equality of women and men in the Basic Law, the provision of which is the basis for the further development of gender legislation.

It should be emphasized that our state was among the first five countries in the world that introduced an independent norm on equal rights and opportunities for women and men to the Constitution. Thus, the equality of rights and freedoms of a person and a citizen, regardless of gender, is determined and guaranteed by Art. 24 of the Constitution of Ukraine, which, in particular, enshrines: "Citizens have equal constitutional rights and freedoms and are equal before the law. There can be no privileges or restrictions based on race, color, political, religious or other beliefs, sex, ethnic and social origin, property status, place of residence, language or other characteristics. The equality of the rights of women and men is ensured by: giving women equal opportunities with men in socio-political and cultural activities, in obtaining education and professional training, in work and remuneration for it; special measures regarding labor protection and women's health, establishment of pension benefits; creation of conditions that give women the opportunity to combine work with motherhood; legal protection, material and moral support for motherhood and childhood, including the provision of paid vacations and other benefits to pregnant women and mothers"¹⁶. The principle of gender equality is also enshrined in Art. 51 of the Constitution of Ukraine: "Marriage is based on the free consent of a woman and a man. Each spouse has equal rights and responsibilities in marriage and family... Family, childhood, motherhood and parenthood are protected by the state"¹⁷.

With the adoption of the Basic Law, the constitutional and legal regulation of equal rights and opportunities for women and men in Ukraine not only did not end, but on the contrary, it was activated and deepened by concretizing the relevant constitutional norms in codes, laws, resolutions, decrees, orders and other legal acts of the competent authorities. authorities in Ukraine.

The interests of women and men are protected by national legislative acts of different legal force. At the same time, the provisions of the laws do not establish

¹⁵ Gender Equality Strategy of the Council of Europe for 2018-2023. URL:<https://rm.coe.int/prems-041318-gbr-gender-equality-strategy-2023-ukr-new2/16808b35a4>

¹⁶ The Constitution of Ukraine: adopted at the fifth session of the Verkhovna Rada of Ukraine on June 28, 1996. URL:<http://zakon5.rada.gov.ua/laws/show/254k/96-bp>.

¹⁷ The Constitution of Ukraine: adopted at the fifth session of the Verkhovna Rada of Ukraine on June 28, 1996. URL:<http://zakon5.rada.gov.ua/laws/show/254k/96-bp>.

proper procedures and mechanisms for ensuring gender equality, and therefore remain declarative. The fact that the law itself should specify constitutionally enshrined rights and freedoms, establish appropriate guarantees for the exercise of all constitutional rights without discrimination based on gender, is also defined in Protocol No. 12 of the Convention on the Protection of Human Rights and Fundamental Freedoms¹⁸.

Yes, in accordance with Part 1 of Art. 1 of the Protocol, the enjoyment of any rights recognized by law is ensured without discrimination based on gender, skin color, language, religion, political or other beliefs, national or social origin, membership of national minorities, property status, birth, or any other circumstance¹⁹.

The Beijing Declaration on the Status of Women, adopted at the Fourth World Conference on September 15, 1995, emphasized that until national legislation and national practice - in civil, family, criminal, labor and economic codes and administrative rules and regulations - fully full recognition and effective protection, application, exercise and observance of women's rights will be ensured, in accordance with international human rights treaties, these treaties will not apply²⁰.

From a legal point of view, Ukraine has non-discriminatory legislation for women. From the point of view of ensuring gender equality, it should be noted that Ukrainian legislation is at the stage of transformation from gender neutral to gender sensitive.

Basic human rights, as well as guarantees of their protection, are enshrined at the constitutional level. Human and citizen rights in Ukraine are protected by national laws and codes. However, the provisions of the laws do not establish proper procedures for ensuring gender equality, and therefore remain declarative. According to the Constitution of Ukraine, the constitutional rights and freedoms of a person and a citizen have direct effect. They determine the content of laws and other normative legal acts.

All constitutional norms defining the rights and freedoms of a person and a citizen contain models of behavior of citizens and the state. It is natural that these models require legislative consolidation of the mechanism for implementing the provisions of the Constitution of Ukraine. A further task is the adoption of such laws and regulatory acts that will ensure the practical implementation of the principle of gender equality in all spheres of Ukrainian society.

In Ukraine, the principle of gender equality is enshrined not only in the Basic Law of our state, but also in the Laws of Ukraine "On Principles of Prevention and Counteraction of Discrimination in Ukraine"²¹ and "On ensuring equal rights and opportunities for women and men"²². The legislative regulation of gender equality created the legal basis for the activity of state and public structures, defined the role of

¹⁸ Protocol No. 12 to the Convention on the Protection of Human Rights and Fundamental Freedoms (ETS No. 177) dated 04.11.2000 No. 12. URL: https://zakon.rada.gov.ua/laws/show/994_537

¹⁹ Protocol No. 12 to the Convention on the Protection of Human Rights and Fundamental Freedoms (ETS No. 177) dated 04.11.2000 No. 12. URL: https://zakon.rada.gov.ua/laws/show/994_537

²⁰ Beijing Declaration: adopted at the Fourth World Conference on the Status of Women on September 15, 1995. URL: https://zakon.rada.gov.ua/laws/show/995_507#Text.

²¹ On the principles of preventing and countering discrimination in Ukraine: Law of Ukraine dated September 6, 2012 No. 5207-VI. URL: <https://zakon.rada.gov.ua/laws/show/5207-17>.

²² On ensuring equal rights and opportunities for women and men: Law of Ukraine dated September 8, 2005 No. 2866-IV. URL: <https://zakon.rada.gov.ua/laws/show/2866-15>.

the parliament, government, and public organizations, and ensured the guarantee of legal opportunities for self-affirmation of women and men as equal in rights, duties, and responsibilities.

The purpose of the Law of Ukraine "On Ensuring Equal Rights and Opportunities for Women and Men" is to achieve a parity position for women and men in all spheres of society through legislative provision of equal rights and opportunities for women and men, elimination of discrimination based on gender and the application of special temporary measures aimed at elimination of the imbalance between the ability of women and men to exercise equal rights granted to them by the Constitution. This means the integration of gender approaches in various spheres of social relations in Ukraine²³.

In addition to the specified legal acts, gender legislation also consists of such legislative acts as the Labor Code of Ukraine, the Family Code of Ukraine, the Civil Code of Ukraine, the Electoral Code of Ukraine and the Criminal Code of Ukraine, the Law of Ukraine on Education, Pensions, State Assistance for Families pits with children, labor protection, Fundamentals of the legislation of Ukraine on health protection and others.

Ukraine implemented the principle of gender equality by signing the Association Agreement with the European Union, in which an important provision was announced: "Ensuring gender equality and equal opportunities for men and women in the sphere of employment, education and training, economic and social activities, as well as in the decision-making process"²⁴.

In April 2018, the Cabinet of Ministers of Ukraine approved the State Social Program for ensuring equal rights and opportunities for women and men until 2021, developed by the Ministry of Social Policy. The document takes into account international documents of the UN, the Council of Europe, the European Union, the OSCE, as well as the recommendations of international monitoring institutions in the field of human rights.

The specified document is aimed at the implementation of complex measures at the national and local levels to strengthen the national mechanism for ensuring equal rights and opportunities for women and men in all spheres of social life and the implementation of European standards of equality.

An important component of the document is the consideration of the gender aspect in programs of economic and social development in view of the current needs of industries and regions, as well as the assessment of the gender impact of reforms.

In particular, the state regional development strategy for 2021-2027, approved by Resolution No. 695 of the Cabinet of Ministers of Ukraine dated August 5, 2020, defines the following operational goal: "Ensuring equal rights and opportunities for women and men, preventing and countering domestic violence and discrimination",

²³ On ensuring equal rights and opportunities for women and men: Law of Ukraine dated September 8, 2005 No. 2866-IV. URL: <https://zakon.rada.gov.ua/laws/show/2866-15>.

²⁴ 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, dated September 16, 2014. Official Gazette of Ukraine. 2014. No. 75. Art. 2125.

which provides for the application of the following measures: firstly, ensuring the application of a gender approach to the processes of strategic planning and budget formation at the regional and local levels, with the involvement of local women's organizations in this process, as well as persons experiencing various forms of discrimination; secondly, the introduction of a system of monitoring and evaluation of regional and local development, focused on ensuring equal rights and opportunities for women and men, respect for human rights,²⁵.

In order to ensure the implementation of a unified state policy aimed at achieving equal rights and equal opportunities for women and men in all spheres of social life, improving the mechanisms for its implementation, the Ministry of Social Policy in 2021 completed the development of the project "State strategy for equal rights and opportunities for women and men until 2030" and posted it for public discussion on the official website²⁶.

The strategy is based on basic international documents in the field of ensuring equal rights and opportunities for women and men, and also takes into account strategic documents in the field of human rights and already approved national plans in the field of gender equality.

Thus, legal regulation of state gender policy in Ukraine, in our opinion, is carried out by normative legal acts of two levels: supranational and national. The formation and development of the national level regulatory framework of the state gender policy in Ukraine in accordance with the concept of a necessary and sufficient regulatory framework, i.e. its implementation is implemented in stages, and the development of the necessary regulatory documents in the specified area allows streamlining the already developed array of regulatory legal acts different legal force.

It should be emphasized that during the last decade, our country managed to achieve some progress in the formation of gender equality policy. This is evidenced by bringing the domestic legislative framework into compliance with international standards, the creation of special authorized bodies and the development of a strong sector of non-governmental organizations whose activities are aimed at combating gender inequality.

The formation and development of the national level regulatory framework of the state gender policy in Ukraine in accordance with the concept of a necessary and sufficient regulatory framework, i.e. its implementation is implemented in stages, and the development of the necessary regulatory documents in the specified area allows streamlining the already developed array of regulatory legal acts different legal force.

²⁵ State strategy for ensuring equal rights and opportunities for women and men until 2030. URL: <https://www.msp.gov.ua/projects/709/?fbclid=IwAR1FVo8KtabLHY99Sc31UTG8dpJGsEI4mAbR4i1XeiuHIYC-yEy36xyLa0U>

²⁶ State strategy for ensuring equal rights and opportunities for women and men until 2030. URL: <https://www.msp.gov.ua/projects/709/?fbclid=IwAR1FVo8KtabLHY99Sc31UTG8dpJGsEI4mAbR4i1XeiuHIYC-yEy36xyLa0U>

The mechanism of implementation of the principle gender equality in Ukraine

The principle of gender equality is one of the important components of the concept of human rights of the third generation. In the countries of the European region, its guarantees are established at the supranational level. The standards and mechanisms for ensuring gender equality of the Council of Europe include the activities of a number of bodies and organizations, as well as a fairly large number of mandatory and recommendatory documents, the number of which is constantly growing. It should also be noted that some problems on the way to European integration, and this primarily concerns Ukraine, which chose the European vector of state development, are simultaneously problems of ensuring gender equality.

Taking into account all the variety of ways to ensure the implementation of the principle of gender equality, which collectively form an appropriate mechanism for implementing the equality of women and men in developed EU countries, the question arises, how effective is the work of national protection bodies against discrimination based on gender in Ukraine?

In legal science, the category "gender equality" is understood as a principle that establishes the legal and factual equality of the rights of men and women and the opportunities for their realization.

Gender equality is a process of fair treatment of women and men. Women, men and women must have the same social status, have the same conditions for the realization of all human rights, the same opportunities to contribute to the political, economic, and social development of the state, as well as enjoy the results of development²⁷.

Constitutional and legal meaning of the principle of equality of rights of women and men is a set of basic ideas and provisions that: 1) reflect established views on the rights of women and men, their essence, reveal substantive characteristics, and fix legal values; 2) are generally accepted requirements, expressed in a generalized form and addressed to all subjects of law²⁸.

The principle of gender equality should be understood as a set of specific historical conditions of the development of the society of basic ideas and provisions that objectify legal values in relation to the establishment of gender justice in all spheres of private, public and state life and ensure the development of the rule of law and civil society. The components of the principle of gender equality are freedom, justice, rule of law and legality. Gender equality involves the creation and use of uniform means of legal protection for all participants in social relations - women and

²⁷ Inequality in Ukraine: scope and possibilities of influence / edited by E.M. Libanova. Kyiv: Institute of Demography and Social Research named after M. V. Ptukha, National Academy of Sciences of Ukraine, 2012. p. 142-143

²⁸ Demetradze T.R. The constitutional principle of equal rights of women and men: concept, meaning, mechanism of its implementation and protection: autoref. thesis Ph.D. law of science Uzhhorod, 2015. p. 5-6.

men; guaranteeing organizational and procedural means for realizing the rights and responsibilities of women and men²⁹.

The issue of ensuring the principle of gender equality and the formation of the corresponding national mechanism determined by political processes, international obligations Ukraine, its European choice and other factors theoretical and practical significance for legal doctrine and state and social development³⁰.

First of all, it should be noted that the legal mechanism for ensuring gender equality is an important tool for guaranteeing the equality of rights, freedoms and interests of women and men and is part of the state mechanism.

Analysis of idea development ensuring the principle of gender equality at the international level makes it possible to identify global trends in the development of the state-legal mechanism for its implementation at the national level, namely:

- inclusion of a gender component in state strategies, plans, programs;
- constitutional and legal provision of equal rights and opportunities for men and women in national societies based on the harmonization of national legislation with international legal documents;
- the spread of state influence on the formation of gender ideology in the minds of residents of regions and states with the aim of eliminating patriarchal stereotypes and preventing discrimination based on gender;
- the formation of gender culture as a component of the culture of modern civilization;
- inclusion of the gender component by components in the political culture of the world community;
- filling the activities of political parties and public associations with gender content³¹.

The implementation of the principle of gender equality in Ukraine takes place primarily with the help of a mechanism that includes a state-legal mechanism and an organizational mechanism.

The state-legal mechanism includes the activities of the system of state authorities, which make up the institutional element of the mechanism for ensuring the equality of the rights of women and men, which within their powers adopt normative acts aimed at implementing the principle of gender equality.

The gender approach as a strategic direction should be implemented primarily through compliance by state authorities with the following conditions of their activity:

- 1) supporting the natural role that women play in sustainable development;

²⁹ Hrytsai I.O. The mechanism for ensuring the principle of gender equality: theory and practice: monograph. K.: "Hi-Tech Press", 2018. p. 28

³⁰ Hrytsai I.O. The mechanism for ensuring the principle of gender equality: theory and practice: monograph. K.: Hi-Tech Press, 2018. with. 6.

³¹ Kovalenko L.P., Nychiporenko K.Yu. Some problems of ensuring gender equality in Ukraine. Actual problems of the influence of the armed conflict in the East of Ukraine on the emergence and spread of gender-based violence and ensuring access to justice: *Coll. theses of sciences add. science and practice conf.* (Kyiv, September 18, 2020) / Edited by: M.G. Verbenskyi, V.O. Ryadinska, Yu.B. Irkha, O.I. barrel Kyiv: DNDI of the Ministry of Internal Affairs of Ukraine, 2020. 609 p. P. 84.

2) recognition that the results of the policy significantly affect the development of women and men as individuals;

3) ensuring conditions under which the views of women and men as participants in decision-making processes at all levels regarding key issues affecting their lives are equally taken into account;

4) ensuring equal access of women and men to public service;

5) ensuring equal participation in the fair distribution of resources between men and women;

6) giving women the right to personally determine their needs, express expectations, acquire professional skills, experience, social confidence on an equal basis with men;

7) the use of language in official documents and political statements that would be gender tolerant and did not have discriminatory expressions³².

The organizational mechanism involves activity non-governmental bodies, institutions, organizations, the results of which influence the implementation of gender policy. In our opinion, such bodies, institutions and organizations should include local self-government bodies, research institutions, political parties, public associations, mass media, etc.

It is the organizational mechanism for implementing gender equality that is particularly relevant in modern society and must meet the following requirements:

–ensuring effective decentralized planning, implementation and control in order to comprehensively involve public organizations and the public in the implementation of gender policy;

–include the necessary human, financial and other resources;

–to have a certain influence on the development by central authorities not only of gender policy, but also of policy in all spheres³³.

It should be agreed that both the state-legal mechanism and the organizational mechanism are extremely important, because they form a single comprehensive mechanism for implementing the principle of gender equality in Ukraine.

In this context, K. Levchenko emphasizes that "the mechanism of formation and implementation of any direction of policy at the state level is a set of state authorities, international, non-governmental, research organizations that are in close cooperation, have a coordinating body and jointly direct their activities to solve issues of development, promotion, implementation, control, evaluation, efficiency, legislative,

³² Kovalenko L.P., Nychiporenko K.Yu. Some problems of ensuring gender equality in Ukraine. Actual problems of the influence of the armed conflict in the East of Ukraine on the emergence and spread of gender-based violence and ensuring access to justice: *Coll. theses of sciences add. science and practice conf.* (Kyiv, September 18, 2020) / Edited by: M.G. Verbenskyi, V.O. Ryadinska, Yu.B. Irkha, O.I. barrel Kyiv: DNDI of the Ministry of Internal Affairs of Ukraine, 2020. 609 p. P. 84.

³³ Zadoenko K.O. Improvement of the organizational mechanism of formation and implementation of gender policy in Ukraine. *Public administration: theory and practice.* 2019. Issue 1(21). P. 6. URL:http://nbuv.gov.ua/UJRN/Patp_2019_1_9

scientific information, personnel, financial support of a certain sphere of state policy"³⁴.

Taking into account the above, it is possible to single out the following tasks, which must be performed by a comprehensive mechanism for the implementation of the principle of gender equality in Ukraine:

–defining the features of gender consciousness that is formed in society. To achieve this goal, it is necessary to involve various research organizations, the scientific and educational sector, which study modern gender issues³⁵;

–analysis of modern experience in the formation and implementation of both national gender policy and foreign countries with the prospect of implementing positive experience in domestic realities. It is desirable to conduct such an analysis involving relevant research organizations and research institutions, as well as public organizations (both national and international) that have experience in this field;

– this mechanism should be formed taking into account the features of modern gender consciousness and the results of the analysis of the content of directions for improving the state gender policy, which should be based on the principles of gender equality. Public and scientific organizations should play a key role in this;

– timely and effective provision of necessary resources: financial, material, intellectual, informational, etc³⁶;

– effectiveness of gender policy implementation. Gender groups and active public organizations play an important role here. In addition, the implementation of the mechanism for ensuring gender policy must necessarily be connected with appropriate gender education, which, in turn, will contribute to the further implementation of the policy itself, because gender education is positive, it affects the change of gender consciousness and the introduction of the ideology of equality. Indicators of the effectiveness of gender policy implementation in this context are: the number of educational programs, courses on gender education of the population; ratio of women and men in management positions; salary ratio of women and men; the level of unemployment and poverty of women and men³⁷.

The current legislation of Ukraine regulates the issue of authority of state authorities to introduce the principle of gender equality into state policy. First of all, the Law of Ukraine "On Ensuring Equal Rights and Opportunities of Women and Men" should be mentioned. With the adoption of this Law, the executive authorities received new gender-oriented tasks. In particular, Art. 4 of this Law provides for a

³⁴ Levchenko K.B. Gender policy in Ukraine: definition, formation, management: monograph. Kyiv: National. University of Internal Affairs of affairs, 2013. 343 p.

³⁵ Grabovska I.V. Source foundations of the study of parity (gender) democracy: Ukrainian and world context. URL: http://papers.univ.kiev.ua/ukrainoznavstvo/articles/Sources_grounds_of_the_investigation_Parity_democracy_Gender_democracy_Ukrainian_add_World_context_12970.pd.

³⁶ Gender policy in the state administration system: a textbook / M.M. Bilynska, L.V. Honyukova, L.O. Voronko and others; in general ed. M.M. Bilynska. Kyiv ; Zaporizhzhia: Print. World, 2011. P. 22.

³⁷ Zadoenko K.O. Improvement of the organizational mechanism of formation and implementation of gender policy in Ukraine. Public administration: theory and practice. 2019. Issue 1(21). P. 10. URL:http://nbuv.gov.ua/UJRN/Patp_2019_1_9

gender-legal examination of current legislation and draft regulations: "Gender examination is an analysis of current legislation, draft regulations, the result of which is the provision of a conclusion on their compliance with the principle of ensuring equal rights and opportunities for women and men"³⁸.

In this regard, the Cabinet of Ministers of Ukraine adopted Resolution No. 997 dated November 28, 2018, "Issues of Conducting Gender Legal Expertise", which approved the Procedure for Conducting Gender Expertise³⁹. In accordance with this resolution of the Cabinet of Ministers of Ukraine, the Ministry of Justice conducts a gender-legal examination of current legislation and draft legal acts in all areas of legislation related to human rights and freedoms.

This procedure, in particular, determines the mechanism of gender-legal examination of legislation and drafts of normative legal acts in all spheres of legislation.

The purpose of conducting a gender legal examination is:

- 1) carrying out a comprehensive study of legislation and draft legal acts and their compliance with international treaties of Ukraine, approved by the Verkhovna Rada of Ukraine, and resolutions of international conferences, international organizations, and human rights bodies regarding the observance of equal rights and opportunities for women and men;
- 2) preventing the adoption and existence of normative legal acts, the provisions of which do not correspond to the principle of ensuring equal rights and opportunities for women and men.

According to the results of the gender-legal examination of the legislation, the Ministry of Justice is preparing a conclusion. In addition, at the initiative of individuals, legal entities and public organizations, a public gender-legal examination of draft legal acts can be conducted⁴⁰.

It is necessary to pay attention that the gender-legal examination of the legislation is conducted by the Ministry of Justice not only with regard to the laws of Ukraine, but also the acts of the President of Ukraine, the Cabinet of Ministers of Ukraine and other normative legal acts.

Gender-legal examination of draft regulations is carried out by the Ministry of Justice during the legal examination⁴¹.

In the event that a legislative act is recognized as not in accordance with the principle of ensuring equal rights and opportunities for women and men, the Ministry

³⁸ On ensuring equal rights and opportunities for women and men: Law of Ukraine dated September 8, 2005 No. 2866-IV. URL: <https://zakon.rada.gov.ua/laws/show/2866-15>.

³⁹ The issue of conducting a gender-legal examination: Resolution of the Cabinet of Ministers of Ukraine dated November 28, 2018 No. 997. URL: <https://zakon.rada.gov.ua/laws/show/997-2018-%D0%BF#Text>

⁴⁰ The issue of conducting a gender-legal examination: Resolution of the Cabinet of Ministers of Ukraine dated November 28, 2018 No. 997. URL: <https://zakon.rada.gov.ua/laws/show/997-2018-%D0%BF#Text>

⁴¹ The issue of conducting a gender-legal examination: Resolution of the Cabinet of Ministers of Ukraine dated November 28, 2018 No. 997. URL: <https://zakon.rada.gov.ua/laws/show/997-2018-%D0%BF#Text>

of Justice sends a conclusion with substantiated comments to the body that adopted such an act. A copy of such a conclusion is also sent to the Ministry of Social Policy of Ukraine and the Cabinet of Ministers of Ukraine.

Such a mechanism for achieving gender equality, expanding the rights and opportunities of women as a gender-legal examination of legislative acts and drafts of normative-legal acts fully covers the process of improving the legislation of Ukraine. Carrying out this type of examination should have a positive effect on the creation of high-quality, modern legislation that meets international standards of compliance with human and citizen rights⁴².

However, it should be noted that there are currently no sociological studies and statistical information on the exercise of rights by women and men. There is also no gender analysis of the state budget, the existence of which would outline the entire gender imbalance in Ukraine.

The process of developing gender legislation continues, the Government and executive authorities are taking all possible measures to ensure gender equality in Ukrainian society as well.

On August 25, 2019, under the leadership of French President Emmanuel Macron, the leaders of the Group of Seven (G7) launched the Biarritz Partnership at a summit in Biarritz, France. The purpose of this partnership is to consolidate the efforts of the international community and strengthen responsibility for equality between women and men.

On September 11, 2020, Ukraine received the official status of a member of the "Biarritz Partnership" - an international initiative of equal rights and opportunities for all.

In accordance with the order of the Cabinet of Ministers of Ukraine dated December 16, 2020 No. 1578, Ukraine undertook the following commitments:

- 1) prevention of violence;
- 2) reduction of the wage gap between women and men;
- 3) development of barrier-free public space, friendly for families with children and less mobile groups;
- 4) creating more opportunities for men to take care of children;
- 5) teaching children the principles of equality between women and men⁴³.

It should also be emphasized that by the end of 2021, Ukraine plans to develop and approve the "Strategy for the Implementation of Gender Equality in Education by 2030". Therefore, the Ministry of Education and Science of Ukraine is one of the

⁴² Romanova N.V. Gender-legal expertise as a component of the mechanism for ensuring gender equality. *Bulletin of the Southern Regional Center of the National Academy of Legal Sciences of Ukraine*. 2019. No. 19. P. 44.

⁴³ On the approval of the plan of measures to implement the obligations of the Government of Ukraine, taken within the framework of the international initiative "Biarritz Partnership" to establish gender equality: Order of the Cabinet of Ministers of Ukraine dated 16.12.2020 No. 1578-r. URL: <https://www.kmu.gov.ua/npas/pro-zatverdzhennya-planu-zahodiv-z-realizaciyi-zobovyazan-uryadu-ukrayini-vzyatih-v-ramkah-t161220>

subjects of the "Biarritz Partnership" international initiative and fulfills its obligations to establish gender balance.

In general, educational activities on issues of gender equality are carried out in educational institutions in accordance with the Law of Ukraine "On Ensuring Equal Rights and Opportunities of Women and Men". In accordance with Part 3 of Art. 21 of this Law, the Ministry of Education and Science of Ukraine carries out an examination of educational programs, textbooks and manuals for educational institutions for compliance with the principle of ensuring equal rights and opportunities for women and men, preventing and countering gender-based violence⁴⁴.

The starting point for the introduction of gender equality in educational institutions is the principle of humanization and democratization of the educational process, the content of which is respect for women and men, the absence of violence, tolerance, equality between men and women, and the expansion of women's rights and opportunities.

Thus, we believe that all these steps towards the implementation of the principle of gender equality are a good start to the movement towards equality, the destruction of stereotypes and the creation of equal opportunities for everyone, regardless of gender.

Problems of implementation of the principle of equal rights men and women in Ukraine and the ways to solve them

Gender inequality to a certain extent is characteristic of all societies, regardless of the level of socio-economic development, state system or political system of the country. The different social roles that society assigns to women and men determine unequal opportunities for the realization of the rights of these gender groups in certain spheres of life: access to power, education, position on the labor market and opportunities to receive income, ownership of property and decision-making at the household level, etc.

As the analysis of the socio-professional structure of the population shows, it is women who make up more than two-thirds of professionals and specialists, which clearly indicates high educational and qualification achievements, the potential for professional activity, which may well be realized in more responsible senior management positions. However, the presence of gender inequality in access to power structures and the sphere of state decision-making in Ukraine is beyond doubt⁴⁵.

According to the latest report of the World Economic Forum, according to the index of gender inequality, Ukraine ranks 59th among 153 countries covered by this study⁴⁶. Experts, in particular, analyzed 153 countries, taking into account national

⁴⁴ On ensuring equal rights and opportunities for women and men: Law of Ukraine dated September 8, 2005 No. 2866-IV. URL: <https://zakon.rada.gov.ua/laws/show/2866-15>.

⁴⁵ Inequality in Ukraine: scope and possibilities of influence / edited by E.M. Libanova. Kyiv: Institute of Demography and Social Research named after M. V. Ptukha, National Academy of Sciences of Ukraine, 2012. p. 143.

⁴⁶ World Economic Forum Gender Gap Index Report 2020 URL: https://www3.weforum.org/docs/WEF_GGGR_2020.pdf

statistics, the level of achievements and opportunities of men and women in terms of economic participation, career prospects, political rights, health and life expectancy, education. Such a position indicates a significant inequality that exists in our country, which is important to correct.

Modern world realities indicate that the principle of gender equality is being abused more and more frequently and to a greater extent due to purely subjective factors that contradict generally accepted social morality, and most importantly - ordinary natural things⁴⁷.

The gender imbalance in the labor market, in receiving wages, in making state decisions makes it impossible to create comfortable conditions for the realization of the abilities of each person in all spheres of private, state and public life. After all, the absolute equality of men and women in a democratic society consists in providing them with the same opportunities to exercise their rights and fulfill their duties, as well as to protect their interests for equal coexistence in all spheres of life⁴⁸.

On the one hand, the principle of gender equality should serve as a basis for ensuring equal rights and opportunities for women and men, and on the other - not to in any way violate the moral principles of society, which have been formed for centuries.

Therefore, one should be extremely careful with the issue of gender equality. The danger lies in equating two incompatible concepts - discrimination based on gender and discrimination based on sexual orientation. The first concept has a natural and legal meaning that corresponds to the understanding of human honor and dignity, while the second one grossly contradicts socio-historical values, national traditions and public morality⁴⁹, with. 13].

As J. Cottier rightly observed, "Respect for the dignity of a woman and recognition of her equal rights with a man means equal rights regarding participation in cultural, economic, social and political life. However, the equality of rights achieved in this area must go hand in hand with the recognition of the special vocation of women; this equality should not harm a woman, motherhood and family"⁵⁰.

Analysis of the current socio-political and socio-economic situation of women and men in Ukraine indicates the presence of discrimination based on gender. Today, researchers state a violation of the principle of gender equality of men and women in access to social distribution.

Studies by economists and sociologists show that the economic situation of women is worse than that of men:

–feminization of poverty;

⁴⁷ Lvova O. The principle of equality in law: theory and practice: [monograph] / edited by N. Onishchenko. K.: Legal opinion, 2014. p. 12.

⁴⁸ Bukovynska N. Gender equality: a path to success or a threat to the future? Entrepreneurship, economy and law. 2017. No. 3. P. 194.

⁴⁹ Lvova O. The principle of equality in law: theory and practice: [monograph] / edited by N. Onishchenko. K.: Legal opinion, 2014. p. 13.

⁵⁰ Kotier J. Equal rights of men and women. Lexicon: discussion topics and ambiguous terms in the sphere of family, life and ethics. M.: Franciskantsev Publishing House, 2009. P. 690–692.

–performance of the maternal function often interferes with a woman's career and is not properly taken into account in further social security; women are more often discriminated against in employment;

–the number of women in managerial positions, especially at the highest levels of power, is much smaller than that of men; a similar trend is observed in the distribution of qualifications between female scientists and male scientists.

Today, gender stereotypes in the economic sphere, which are faced by almost every woman, are quite common. The most common stereotypes are the following:

– a man must provide for the family, therefore, for the same work, he must receive a higher salary than a woman;

–women by their nature are less oriented towards professional activity, more oriented towards family and children;

–a man by nature is a much better leader than a woman; women are less actively looking for work, etc.

It is these stereotypes of public consciousness that create the basis for the existence of gender inequality in Ukraine.

The principle of gender equality provides for equal legal status of women and men and equal opportunities for its implementation, which allows persons of both sexes to participate equally in all areas of society's life. This principle is a system of requirements aimed at ensuring equal opportunities for the realization of abilities without being tied to a certain social role status.

When studying the issue of gender equality, it is necessary to pay attention to the representation of both sexes in various spheres, in particular, in positions in the system of state authorities, to find out whether the ratio of the number of men and women meets the requirements of the fair involvement of representatives of both sexes.

Gender equality in the system of state authorities includes equal opportunities for admission to public service and election to elected positions, equal opportunities for career advancement, and equal pay for work performed equally. When determining the implementation of the principle of gender equality in the system of state authorities, it is necessary to pay attention to two main criteria - vertical and horizontal segregation with underrepresentation of one article, as a rule - women's⁵¹.

In 2015-2022, the introduction of quotas in Ukraine contributed to the growth of the representation of women in the Verkhovna Rada of Ukraine and local councils: in the Verkhovna Rada of Ukraine - up to 20.7 percent (according to the State Statistics Service of Ukraine), in regional councils - up to 27.8 percent, in city councils of cities of regional importance - up to 30.1 percent (according to the Ministry of Social Policy of Ukraine), in district councils - up to 34.3 percent.

The ranking positions of Ukraine in the Gender Inequality Index regarding women's political participation remain low (103rd place among 156 countries), in

⁵¹Kaganovska T.E., Semenenko T.O. The essence of the principle of gender equality in the system of public authorities of Ukraine. Bulletin of V. N. Karazin Kharkiv National University. "Law" series. 2021. No. 32. P. 36.

particular, 98th place - regarding the representation of women in the Parliament, 110th place - regarding the representation of women in senior management positions⁵².

The mentioned statistics demonstrate that such an approach to solving the problem of gender discrimination, which is reduced exclusively to the adoption of anti-discrimination legal norms, will not provide a solution to the "gender issue", does not stimulate the actual provision of gender equality in the system of state authorities.

One of the reasons for this problem is the imperfection of the current national legislation, because even the presence of gender-neutral legislation does not guarantee protection against violations of the principle of gender equality. As a result, the content of gender equality is broadened in order to achieve gender justice, and as of today, the existence of two mandatory and complementary components is recognized: anti-discrimination legislation and gender equality policy. Both elements are important, complement each other and should be regulated at the legislative level and implemented through the implementation of an effective state gender policy.

At the same time, practice shows that there is a problem of protecting men. In Ukraine, the average life expectancy of men is 10-12 years less than that of women, and, accordingly, 15 years less than in developed countries; men are more likely to suffer from industrial injuries and accidents; they adapt worse than women to a change in social status and lifestyle, as evidenced by the gender analysis of suicide; there is a need to develop special programs for the prevention of alcoholism and drug addiction among men, ensuring their reproductive health, etc⁵³.

As emphasized in the Gender Equality Strategy of the Council of Europe, "Despite the fact that progress is noticeable, and over the past decades the legal status of women in Europe has undeniably improved, the real achievement of equality between women and men in practice is still far away. Gender inequality and structural barriers exist in many areas, forcing women and men into their traditional roles and limiting women's ability to enjoy basic rights. Regular monitoring and research show. That progress in women's political participation, access to justice and the eradication of harmful gender stereotypes and sexism is very slow"⁵⁴.

To solve the problem of violation of the principle of equal rights of women and men in the field of employment in Ukraine, a new model of state employment policy is needed, which will provide for: equal opportunities for women and men for employment and career growth; fair remuneration; minimization of the shadow labor market, formal employment and wages; equal access of women and men to decision-making processes; development of mechanisms that will ensure mobility, flexibility

⁵²State strategy for ensuring equal rights and opportunities for women and men until 2030. URL: <https://www.msp.gov.ua/projects/709/?fbclid=IwAR1FVo8KtabLHY99Sc31UTG8dpJGsEI4mAbR4i1XeiuHIYC-yEy36xyLa0U>

⁵³ Kovalenko L.P., Nychiporenko K.Yu. Some problems of ensuring gender equality in Ukraine. Actual problems of the influence of the armed conflict in the East of Ukraine on the emergence and spread of gender-based violence and ensuring access to justice: *Coll. theses of sciences add. science and practice conf.* (Kyiv, September 18, 2020) / Edited by: M.G. Verbenskyi, V.O. Ryadinska, Yu.B. Irkha, O.I. barrel Kyiv: DNDI of the Ministry of Internal Affairs of Ukraine, 2020. 609 p. P. 85.

⁵⁴ Gender Equality Strategy of the Council of Europe for 2018-2023. URL:<https://rm.coe.int/prems-041318-gbr-gender-equality-strategy-2023-ukr-new2/16808b35a4>

and protection of women and men in the labor market; creation of conditions for employers' interest in preserving and creating jobs; introduction of a system of vocational training throughout life; creating conditions for the return and reintegration of migrant workers into the Ukrainian labor market.

We believe that one of the steps on the way to increasing the level of women's well-being on the part of the state should be the support of their entrepreneurial initiative. Our women are unique. And although a Ukrainian woman is famous in the world for her beauty, she is also a worker and a protector. In our country, women have never shied away from work - they always had time to work in the field, cook food, and keep the house clean, and they also sewed, embroidered, and whitewashed houses. Therefore, it seems incomprehensible why they were forced to find themselves in such an unfair situation today. They should be supported, they are worth supporting.

According to the State Employment Service, in 2018, almost 1,000 women started their own business and received one-time financial assistance for unemployment. Women entrepreneurs made up almost 50% of those. Who started their own business after receiving a one-time benefit. This perfectly illustrates the fact that the famous entrepreneurial streak and flair for management is inherent in both men and women.

The Ministry of Social Policy should undertake to ensure women's access to credit and promote women's entrepreneurship.

It is also necessary to point out that one of the conditions for Ukraine's accession to the European Union is to build it on the territory of a gender-balanced society, in the future - a gender democracy. "Gender democracy" involves the establishment of equality of rights, freedoms, duties, responsibilities and opportunities of men and women in the life activities of society, the state and their personal self-development.

The implementation of gender thinking in society must begin at an early age (kindergartens), including appropriate educational programs. At an early age, children receive some information and knowledge about gender equality through equal rights, equal opportunities, equal division of labor, equal responsibility and achievement, regardless of gender. Only from an early age, by changing the curricula and introducing new subjects related to the study of gender issues, we will be able to eradicate the stereotype that gender equality is purely female. The state must always remember that today they are small children, and tomorrow they are grown men and women who will defend their rights and parity in society⁵⁵.

Therefore, the prerequisite for building a successful competitive country with a gender-balanced society is the reform of legislative and educational activities, which will gradually change the attitude of society to the issue of parity between men and women in all spheres of human life and improve the position of women and men and their role in society.

Changing the gender stereotype in society is a priority of our state, because it is not enough to change only legislation, sign and ratify international documents, it is necessary for people to change themselves and change the country, introducing new

⁵⁵ Hrytsai I. The principle of gender equality: domestic experience and international standards. *NATIONAL LAW JOURNAL: THEORY AND PRACTICE*. 2018. No. 6. P. 15.

standards, applying the experience of the international community and foreign countries that have a positive long-term track record in this field experience.

Conclusions. As a result of the conducted scientific research, conducted on the basis of general and special methods and techniques of scientific knowledge, analysis of national legislation and international treaties, scientific works, it is possible to make some generalizations regarding the issue of ensuring the implementation of the constitutional principle of gender equality in Ukraine.

The gender policy of the state should be considered as a set of all organizational and legal means, measures and methods aimed at achieving equal rights and equal opportunities for women and men in the spheres of social life, a policy based on a fair approach to the place and role of the individual woman and man as equals in rights, freedoms, duties, opportunities and responsibility for actions.

The peculiarity of the formation of state gender policy in Ukraine is that it is built, firstly, on the basis of international legal acts ratified by Ukraine, and secondly, it is regulated by national legal acts on the equality of women and men. Thus, the legal regulation of the state gender policy of Ukraine is carried out by normative legal acts of two levels: national and supranational.

The principle of gender equality should be understood as a set of basic ideas and provisions determined by the specific historical conditions of the development of society, which objectify legal values in relation to the establishment of gender justice in all spheres of private, public and state life and ensure the development of the rule of law and civil society. The components of the principle of gender equality are freedom, justice, rule of law and legality.

During the last decade, our country managed to achieve some progress in the formation of gender equality policy. This is evidenced by bringing the domestic legislative framework into compliance with international standards, the creation of special authorized bodies and the development of a strong sector of non-governmental organizations whose activities are aimed at combating gender inequality.

The implementation of the principle of gender equality in Ukraine takes place primarily with the help of a mechanism that includes a state-legal mechanism and an organizational mechanism. The state-legal mechanism includes the activity of the system of state authorities, which within their powers adopt normative acts aimed at implementing the principle of gender equality. The organizational mechanism involves the activities of non-state bodies, institutions, and organizations, the results of which influence the implementation of gender policy.

The mechanism for the formation and implementation of any direction of policy at the state level is a set of state authorities, international, non-governmental, scientific research organizations that are in close cooperation, have a coordinating body and jointly direct their activities to solving issues of development, promotion, implementation, control, evaluation, efficiency, legislative, scientific information, personnel, financial support of a certain sphere of state policy.

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gradually change society's attitude to the issue of parity between men and women in all spheres of human life and improve the position of women and men and their role in society.

Changing the gender stereotype in society is a priority of our state, because it is not enough to change only legislation, sign and ratify international documents, it is necessary for people to change themselves and change the country, introducing new standards, applying the experience of the international community and foreign countries that have a positive long-term track record in this field experience.

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