

ppi 201502ZU4645

Esta publicación científica en formato digital es continuidad de la revista impresa
ISSN-Versión Impresa 0798-1406 / ISSN-Versión on line 2542-3185 Depósito legal pp
197402ZU34



CUESTIONES POLÍTICAS

Instituto de Estudios Políticos y Derecho Público "Dr. Humberto J. La Roche"
de la Facultad de Ciencias Jurídicas y Políticas de la Universidad del Zulia
Maracaibo, Venezuela



Vol.39

Nº 70

2021

Administrative-legal framework for the implementation of gender equality in the activities of the National police of Ukraine

DOI: <https://doi.org/10.46398/cuestpol.3970.32>

Viktoriya Bass *

Sergiy Bratel **

Iryna Bulyk ***

Nelia Liakh ****

Abstract

From a documentary methodology close to legal hermeneutics, the article examines the problems of gender inequality; in particular, the study focuses on the problems of gender inequality in the Ukrainian National Police. The concepts and main stages of formation and development of gender policy in Ukraine are analyzed. The factors contributing to the emergence of gender inequality in the Ukrainian National Police have been studied. These include, firstly, the unequal position of women and men in society due to gender stereotypes. The article analyzes the components, characteristics, and functions of the mechanism for ensuring gender equality in the Ukrainian National Police. Particular attention is paid to the legal basis for ensuring gender equality in the activities of the Ukrainian National Police. To this end, the normative framework aimed at ensuring gender equality in the Ukrainian National Police was analyzed. It is concluded that, despite significant changes in the content of the laws to establish the principle of gender equality, there is still a long way to go to achieve effective equality.

Keywords: gender equality; gender stereotypes; mechanism to ensure gender equality; normative basis; human rights.

* Associate Professor of the Department of Police Law, National Academy of Internal Affairs, PhD in Law, Associate Professor, Kyiv, Ukraine. ORCID ID: <https://orcid.org/0000-0002-4915-2991>. Email: v774910@gmail.com

** Professor of the Department of Police Law, National Academy of Internal Affairs, PhD in Law, Associate Professor, Kyiv, Ukraine. ORCID ID: <https://orcid.org/0000-0001-6826-2582>. Email: sergebratel@gmail.com

*** Associate Professor of the Department of Public management and Administration, National Academy of Internal Affairs, PhD in Law, Kyiv, Ukraine. ORCID ID: <https://orcid.org/0000-0001-8072-5287>. Email: rina_bulik@ukr.net

**** Senior Lecturer, Department of Police Law, National Academy of Internal Affairs, Associate Professor, Kyiv, Ukraine. ORCID ID: <https://orcid.org/0000-0002-0260-708X>. Email: neliasurkova@gmail.com

Marco administrativo-legal para la implementación de la igualdad de género en las actividades de la Policía Nacional de Ucrania

Resumen

Desde una metodología documental próxima la hermenéutica jurídica, el artículo examina los problemas de desigualdad de género; en particular, el estudio se centra en los problemas de desigualdad de género en la Policía Nacional de Ucrania. Se analizan los conceptos y las principales etapas de formación y desarrollo de la política de género en Ucrania. Se han estudiado los factores que contribuyen al surgimiento de la desigualdad de género en la Policía Nacional de Ucrania. Estos incluyen, en primer lugar, la desigualdad de la posición de mujeres y hombres en la sociedad debido a los estereotipos de género. El artículo analiza los componentes, características y funciones del mecanismo para garantizar la igualdad de género en la Policía Nacional de Ucrania. Se presta especial atención a la base jurídica para garantizar la igualdad de género en las actividades de la Policía Nacional de Ucrania. Para ello, se analizó el marco normativo destinado a garantizar la igualdad de género en la Policía Nacional de Ucrania. Se concluye que, a pesar de cambios significativos en el contenido de las leyes para establecer el principio de igualdad de género, falta aún mucho camino por recorrer para el logro de una igualdad efectiva.

Palabras clave: igualdad de género; estereotipos de género; mecanismo para asegurar la igualdad de género; base normativa; derechos humanos.

Introduction

Equality of people is the primary source in ensuring the fair distribution and use of social gains and benefits, the formation of effective social relationships. The establishment of social equality is a condition for the development of an open state and civil society. One of the types of social equality is gender equality, which provides for the equal rights, freedoms and opportunities of women and men in all spheres of life.

At the present stage in Ukraine, as in any other country in the world, developing on a democratic basis, ensuring the principle of gender equality is one of the fundamental tasks of society and the state. The issue of ensuring the principle of gender equality has been relevant for a long time, but it has received a modern scientific assessment and new solutions since the middle of the last century (it is important to take into account the peculiarities of each country's development).

However, every country in the world to some extent still faces with gender asymmetry. This objectively prevents the full operation of public structures and the development of the private sphere. The lack of an appropriate mechanism to ensure the principle of gender equality deepens the problem of social injustice in society and, as a consequence, hinders sustainable human development. Today, ensuring gender equality is one of the priority issues on the way to the modern Ukrainian state.

The issue of ensuring the principle of gender equality and the formation of an appropriate national mechanism is caused by world political processes, Ukraine's international obligations, its European choice and other factors and has significant theoretical and practical importance for legal doctrine and state development.

The principle of gender parity should be implemented in the activities of the National Police of Ukraine as well. After all, according to the experience of European countries, where women make up 25-40% of the staff, women's service in the police has a positive potential and is effective: it improves the quality of staff selection, improves the socio-psychological climate in the team, improves efficiency and quality management decisions, as well as trust in the police. Women show a higher level of executive discipline and a lower level of aggression, they are more communicative in resolving family conflicts, and the work of women police officers is indispensable while dealing with victims of violence and adolescent offenders.

At the same time, the introduction of a gender-balanced approach in the ranks of the National Police of Ukraine, which is *de jure* free from systemic barriers to full participation in professional activities regardless of gender, in practice causes a number of problems for both women and men.

1. Formation and development of gender policy in Ukraine

Gender policy has become a widespread legal phenomenon in all democracies of the world after the establishment in 1946 of a special UN Commission to monitor the situation of women and promote the realization of their rights (Piren *et al.*, 2002). Since then and to this day, the world's democracies have worked hard to improve guarantees for the implementation of the principle of gender equality in their territories and at the international (regional, including European) level. Such states include Ukraine. Since 1991, a number of measures have been taken in Ukraine to develop gender policy.

In the course of long-term historical development of society and the state, various types of state policy, including types of state gender policy, have been developed and scientifically systematized. Thus, based on the

generalization of world experience, science and practice determine the types of such policies:

1. patriarchal policy of the state, the purpose and content of which is to focus on the main place and role of women in fulfilling the natural function of motherhood and housekeeping, removing her from the public sphere and restrictions on professional activities, recognition of women's dependence on power, property, and ideology, formed by men.
2. paternalistic policy of the state - the direction of state activity on women, the content of which is the proclamation and protection of rights and freedoms at the level of men, organized involvement of women in state forms of government and administration, creating a system of benefits and protection of motherhood and childhood, regulating women's participation in production, promoting women's image as equal to a man.
3. egalitarian state policy - purposeful activities of the state to create conditions and opportunities for women on a par with men, providing guarantees for their will, self-affirmation and self-realization, expression of personal strength of both sexes (Hrytsai, 2018).

The term "politics for women" was one of the first concepts to appear historically in the 1970s and 1980s, reflecting the actions of some European governments to combat discrimination against women in politics in the labor market. The basis of this policy was the principle of "positive discrimination" (Levchenko, 2002a). It should be noted that the term "politics for women" was used in the documents of various international organizations, mostly European. However, in Ukraine, both in the formal and informal spheres, the term "state policy towards women" or "policy towards women" was mainly used.

The term "policy towards women" covers the legal, political, economic, social measures and actions aimed at women as a socio-demographic group in society (Hrytsai, 2017); comprehensive targeted activities of the state for each woman, and issues of cooperation with the women's movement in general, which aims to eliminate all forms of discrimination against women in society, the formation of mechanisms that form the basis of women's human rights to improve the situation of women and society as a whole due to the disclosure of the potential of women (Levchenko, 2002b). The content of these definitions corresponds to the modern understanding of the role and importance of women in a democratic society.

In the late 1980s and early 1990s, various international organizations, some foreign states, finally asserted the position that it is necessary to pursue a policy to protect the rights of both women and men. This was caused by

a complex of reasons, including domestic - shorter life expectancy of men, more cases of alcoholism and suicide among men, etc., which led to the need for change, and more precisely in the expansion of public priorities, in connection with which there is such phenomenon as “equality policy” because women’s policies did not take into account the male factor, even when the issue of equality between women and men was raised.

The term “(state) policy of achieving equal rights and opportunities” can be considered in two aspects: as a synonym for the concept of “policy in the interests of equality” and as its component. In contrast to the concept of “equality policy”, the emphasis is on the legal and political, rather than the socio-cultural component. An important principle of public policy to achieve equal rights and opportunities (may be synonymous with “gender policy”) is the recognition of the admissibility of positive discrimination to overcome gender asymmetry (Levchenko, 2003).

“State policy to ensure equality between women and men” is based on the conceptual framework of a gender mainstreaming, which is formed in the documents of the Council of Europe in combination with traditional principles of support for women, as the latter has not lost its relevance given the real situation status in different spheres of life of Ukrainian society than men. In fact, this is a concretization of the term “policy of achieving equal rights and opportunities” (Hrytsiak, 2005).

Thus, despite significant changes in the form and content of the activities of the public, the state and international actors to establish the principle of gender equality, in recent decades in Ukraine and other countries research on the protection of women’s rights in various spheres of society should continue, especially in the domestic space. Equally important is the intensification of the study and analysis of problematic issues related to the guarantee of men’s rights. These areas of research on the rights and freedoms of women and men do not reject each other, but on the contrary, are part of the understanding of individual processes of social development at the national and international levels.

Summing up, it should be noted that today in every society that has chosen a democratic path of development, one of the priority tasks is to ensure the principle of gender equality and a purposeful path of all gender policy actors to this end. Implementation of the principle of gender equality involves systemic and multi-vector activities of both public authorities and civil society.

2. Gender inequality issue in the National Police of Ukraine

At this stage of development of public relations, the problem of gender equality deserves special attention. For Ukraine this issue is no less important because the development of a democratic legal and social state requires equal parity for all segments of the population, without distinguishing it on any grounds, including gender. Within the raised issues, we note that Ukraine is no exception, because in many spheres of public life there is discrimination on the grounds of sex. This situation indicates not only outdated thinking in society, but also imperfections in public administration, in particular at the level of gender policy.

The rapid transformation of social relations in the modern world is characterized by increasing the role of women in the formation of certain vital social spheres, as well as relations based on this phenomenon with the male part of society, the perception of women in certain circles and more.

The problem of gender equality is not a novelty for any world power, because it existed during the formation and development of social relations. The main problem of modern gender theory is the inequality of the position of women and men, because now the place and role of women in society is often defined by certain boundaries beyond which she cannot transcend, in particular, she is not allowed to go beyond boundaries indicated by public opinion, traditions, culture and more. The problem of gender equality for women is mainly present in professional activities and in family and domestic relations. Gender inequality is especially noticeable when choosing a profession, where considerable attention is paid to gender stereotypes, which cause difficulties not only for women but also for men.

Stereotype is an image, polar by the sign of evaluation, rigidly fixed, which does not imply doubt in its truth and encourages strict and unambiguous action (Leshanych, 2012). Established gender stereotypes shape certain social roles and statuses, forming patterns of behavior between women and men, where women are predominantly dependent on men.

A significant number of contradictions arise precisely because of the indication of a woman's role in society only as a mother, a wife, and so on. In addition, the economic independence of women should be taken into account, in particular the traditional view of women's economic dependence on men. A woman's inability to meet her needs on her own through professional development really makes her economically vulnerable and dependent. The reason for the inability of a woman's self-realization can also be considered her rejection as one that can meet the needs of society, for example, in a particular area of social activity (politics, where the leading role is played by men; law enforcement agencies, etc.).

In Ukrainian society, as well as in other countries, gender stratification is clearly visible, which is manifested even in the very gender discrimination. First, this applies to all levels of the management system, because here all decisions that determine the strategy and tactics of development are made. And equal representation of women and men is a prerequisite for effective performance. However, at the managerial level, for example among civil servants of 1-3 rank, women are an absolute minority - from 6 to 12%, while at the executive level of specialists, in the lower categories, their share in some areas reaches 82-88%. This means that women have no real influence on the decision-making process. This applies not only to the executive, but also to the representative, legislative power of different levels, where at the highest levels women's representation is limited to 8-10% (Kormych, 2013).

It should also be noted that according to the State Statistics Service of Ukraine, the average monthly salary of women is 26% lower than that of men. Women control only 5-10% of economic resources. In private business, women own 30% of small, 12.7% of medium and only 13% of large enterprises. Many professions and positions are inaccessible to women due to the existence of paternalistic legislation (Kovalchyuk *et al.*, 2017).

Considering the issue of feminization of certain professions, we note that one of the problems for women is the appointment of a police officer. Such stratification can be traced during the selection for training in specialized institutions of the Ministry of Internal Affairs, when a specific number of places for women and men is determined, i.e., a certain quantitative and gender boundary is drawn.

As for Ukraine, until 1999 the number of women in law enforcement was limited: for example, the so-called "female" quota for admission to educational institutions of the Ministry of Internal Affairs was 5-10%. As of 2016, the total number of women in the staff and units of the Ministry of Internal Affairs of Ukraine was 27,626 people, while male police officers - 105,266, i.e., there were only 20.7% of women in the police (Garkusha, 2019).

Recently, the situation has improved, but nevertheless the quantitative ratio of women and men in the system of the Ministry of Internal Affairs of Ukraine still remains indicative. Indicators are growing, but the problems of insufficient equality between women and men among employees of the Ministry of Internal Affairs remain. It is insufficient provision of equal treatment and equal career opportunities for women and men, unjustified refusals to hire women or frequent violations of men's social and labor rights, performance of tasks related to the risk to life and health (Plutagar, 2018).

Thus, considering a woman in society next to a man, i.e., through the prism of gender stereotypes, we note that not only in the Ukraine, but also

in other developed countries there is an unresolved and significant problem of gender stratification. Although equality is enshrined in law, at the same time, society cannot deviate from the guidelines that are manifested in the superiority of men over women, which is clearly seen in women's choice of profession, in particular, service in the National Police of Ukraine.

3. Legal bases for ensuring gender equality in the National Police of Ukraine

First of all, it should be noted that ensuring gender equality in the National Police of Ukraine is objectively possible provided that there is a real legal mechanism through which this principle will be implemented in public life through the activities of state and public institutions and supported by state guarantees.

In legal doctrine, the term “mechanism” is common, it is used to denote such categories as “mechanism of legal regulation”, “mechanism of public administration” and many others. In terms of the implementation of the principle of gender equality in the National Police of Ukraine, we propose to use the term “mechanism for gender equality”, and therefore it is necessary to define its concepts, elements and provide a general description.

Note that in legal doctrine the components of this mechanism are characterized by a certain variability, which allows us to distinguish two approaches. According to the first approach, the mechanism of ensuring gender equality is reduced to its institutional (organizational and legal) component. Thus, some scholars identify the state mechanism for promoting gender equality in Ukraine with its purely institutional component, and others consider the mechanism of gender equality as an orderly system of international, regional, and national organizational structures of state and public nature (Gerasimenko, 2004). O. Wenger (2009) understands the mechanism of gender equality as an institutional governmental and parliamentary structure that is created to promote the strengthening of the role of women and the full realization of women's rights, and K. Levchenko (2003) notes that it is a set of public authorities, international, non-governmental, research organizations that are in close cooperation. Note that this approach is too narrow and does not reflect the real content of the gender equality mechanism.

Representatives of the second approach believe that ensuring gender equality is carried out through several separate, independent mechanisms that act. Thus, A. Slatvytska (2010) identifies four mechanisms through which the state gender policy is implemented: international, regional, national state and non-state, and G. Daudova (2008) distinguishes organizational, legal, economic, and political mechanisms. T. Melnyk

(2010), analyzing foreign experience in ensuring gender equality, identifies more than fifteen forms of mechanisms that differ in their functionality, in particular: international, regional, national; institutional, organizational, financial; legal and non-legal; political, economic, social, cultural; theological, psychological, praxeological, etc. We believe that the selected forms of mechanisms do not constitute a single complex mechanism, and therefore we can distinguish in the mechanism of ensuring the principle of gender equality regulatory and organizational-legal (institutional) subsystems.

At the same time, we believe that such an approach leaves a very important issue unresolved: what kind of tools should be used for the implementation of the principle of gender equality in the activities of a certain subject of public administration (in our case - the National Police of Ukraine) and what should be the order of such implementation. The answer to this question can be given only in the context of the procedural activities of such an entity with an emphasis on the legal instruments of the mechanism of gender equality. That is why we propose the allocation of three components in the mechanism of gender equality: 1) regulatory; 2) institutional (organizational and legal); 3) procedural.

The term “mechanism for ensuring gender equality in the bodies of the National Police of Ukraine” we understand as a complex, structured, dynamic, complex system, through the normative-legal, institutional, and procedural component of which the principle of gender equality is purposefully ensured and implemented in the National Police of Ukraine. We can distinguish the following features of the mechanism for ensuring gender equality in the bodies of the National Police of Ukraine:

1. legal regulation (normative-legal regulation of the principle of gender equality is carried out through a system of normative-legal acts and other sources of law, as well as individual legal regulation (adoption of administrative acts) carried out in the process of administrative-procedural activity of National Police of Ukraine).
2. systematic, logical and functional content (all components of such a mechanism form a holistic system, its construction is logical and there are certain connections between the elements of the system).
3. dynamism and stability (the mechanism of ensuring the principle of gender equality is a dynamic phenomenon, one that is constantly evolving, transforming, improving and in constant motion, but at the same time it is characterized by long-term preservation of a certain quality and predictability).
4. purposefulness (the functioning of such a mechanism is focused on achieving a certain goal - the implementation of the fundamental legal principle of equality in society through the achievement of the

real state of gender equality in the activities of the National Police of Ukraine).

5. guarantee (the existence of general and special conditions and means that practically ensure its functioning, for example, gender quotas in order to ensure gender parity).
6. the procedural nature of the provision (gender equality is ensured within certain procedures - selection and recruitment procedures, promotion, termination of service).
7. permanent nature and efficiency - gender parity is ensured constantly in the process of the National Police of Ukraine (during recruitment, during the career of police officers, in case of termination of service), and the implementation of programs and projects to improve the status of women and men is constantly monitored and is corrected in case of inefficiency.

Functions of the mechanism for ensuring gender equality in the organization of the National Police of Ukraine are:

1. general (forecasting, planning, organization, coordination, etc.).
2. special (implementation of personnel selection procedures, formation of a reserve and appointment to management positions taking into account the principle of gender equality, organization of training on gender issues, etc.).
3. auxiliary (personnel, logistics, etc.).

An important prerequisite for gender change is the legal framework, as it officially establishes in society certain norms of behavior aimed at respecting the rights of women and men. Legislation both reflects traditional social views and determines their formation (Lazar, 2007).

The normative and legal component of the mechanism for ensuring the principle of gender equality is objectively reflected in the system of current legislation of Ukraine, which consists of: laws of Ukraine; bylaws; international normative legal acts and agreements, the binding nature of which has been approved by the Verkhovna Rada of Ukraine. Thus, in normative-legal regulation of maintenance of gender equality in activity of National police of Ukraine it is possible to allocate two levels: 1) national; 2) departmental.

The basic human rights, freedoms and responsibilities are enshrined in the Constitution of Ukraine. Among the fundamental principles of human legal status is the constitutional principle of equality, which provides:

1. equal constitutional rights and freedoms of citizens and equality of everyone before the law (Article 21).

2. prohibition of privileges or restrictions on the grounds of race, color, political, religious, and other beliefs, sex, ethnic and social origin, property status, place of residence, on linguistic or other grounds (Article 24).
3. gender equality (Article 24).

However, the declaration of the principle of equality in the Constitution of Ukraine does not ensure real gender equality in society.

The normative activity to ensure the principle of gender equality at the international level is carried out by the UN, the Council of Europe, the European Union, the OSCE and other international organizations, to which Ukraine has joined. The main international acts defining the standards of equality of people, their social value, regardless of gender, can be divided into general and special. Thus, the general ones include: the Universal Declaration of Human Rights of 1948 (United Nations, 1948), the Convention for the Protection of Human Rights and Fundamental Freedoms of 1950 (Council of Europe, 1950), the International Covenant on Civil and Political Rights of 1966 (United Nations, 1966), the Covenant on Socio-Economic and Cultural Rights of 1966 (United Nations, 1966) and others. Special standards include the Convention on the Political Rights of Women of 1953 (United Nations, 1953), the Convention on the Elimination of All Forms of Discrimination against Women of 1979 (United Nations, 1979), the Charter of the United Nations of 1945 (United Nations, 1945), the Convention on Action against Trafficking in Human Beings and with the exploitation of prostitution by third parties since 1949 (United Nations, 1949), the Declaration on the Elimination of Discrimination against Women of 1967 (United Nations, 1967), UN Security Council Resolution No. 1325 (2000) “Women. Peace. Security” (United Nations, 2000), the Council of Europe’s Gender Equality Strategy for 2018–2023 (Council of Europe, 2018) and others.

It should be noted that a real step towards the implementation of the state’s commitments was the adoption of relevant laws and bylaws, which at the level of Ukrainian legislation enshrined ensuring the principle of gender equality as one of the priorities for effective public policy. Thus, the basic Law of Ukraine “On Ensuring Equal Rights and Opportunities for Women and Men” of September 8, 2005, enshrines the basic principles of gender equality, namely:

- the direction of the state policy on consolidation of equal rights and opportunities of women and men is defined.
- mandatory gender legal examination has been introduced.
- discrimination on the grounds of sex is prohibited.

- the system of subjects endowed with powers in the field of guaranteeing equal rights and opportunities for women and men is defined.
- principles of ensuring gender equality in specific areas are provided.
- established liability for violation of legislation on equal rights and opportunities for women and men (Verkhovna Rada of Ukraine, 2005).

Among national legislative acts we should mention The Law of Ukraine of September 6, 2012 “On Principles of Prevention and Counteraction to Discrimination” (Verkhovna Rada of Ukraine, 2012) and the Law of Ukraine of December 7, 2017 “On Prevention and Counteraction to Domestic Violence” (Verkhovna Rada of Ukraine, 2017) which play an equally important role in ensuring gender equality. Some important acts in this area would be also: National Action Plan for the Implementation of UN Security Council Resolution 1325 “Women. Peace. Security” for the period up to 2020, approved by the Order of the Cabinet of Ministers of Ukraine of February 24, 2016 (Cabinet of Ministers of Ukraine, 2016), the Concept of the state social program to ensure equal rights and opportunities for women and men for the period up to 2021, approved by the Order of the Cabinet of Ministers of Ukraine dated April 5, 2017 (Cabinet of Ministers of Ukraine, 2017) and directly the State Social Program to ensure equal rights and opportunities for women and men for the period up to 2021, approved by the Cabinet of Ministers dated April 11, 2018 (Cabinet of Ministers of Ukraine, 2018).

Among the bylaws of the national level, it is necessary to pay attention to the Resolution of the Cabinet of Ministers of Ukraine “On conducting gender legal examination” of April 12, 2006 (Cabinet of Ministers of Ukraine, 2006), the Instruction on conducting gender legal examination of May 12, 2006 (Ministry of Justice of Ukraine, 2006) and others.

At the departmental level of legal regulation, the central place is occupied by the Law of Ukraine of July 2, 2015 “On the National Police of Ukraine” (Verkhovna Rada of Ukraine, 2015), according to which citizens of Ukraine over the age of 18 who have completed general secondary education, regardless their race, skin color, political, religious and other beliefs, gender, ethnic and social origin, property status, place of residence, who speak Ukrainian can become police officers.

Thus, it can be stated that the formation of the legal component of the mechanism of gender equality in the organization of the National Police of Ukraine is not a complex, structural, and linear process and is influenced by international standards in the field of human rights and gender parity. At the same time, declaring the principle of equality in the Constitution of Ukraine does not ensure real equality of rights and opportunities for

women and men in society, just as declaring gender equality in the National Police of Ukraine in a specialized law does not guarantee real equality of police officers regardless of gender. That is why we believe that the further formation of the legal framework for gender equality should be carried out with mandatory observance of European human rights standards, a combination of the principles of unity and differentiation, and the application of measures of positive discrimination and positive action.

As for the legal instruments, using which gender parity is ensured in this law enforcement body, we emphasize that the defining principles of any public entity are its tasks, powers and methods of activity enshrined at the level of the Constitution and laws of Ukraine. However, in the context of this study, these elements are not only and not so many elements of the legal status of these entities, as components of the mechanism of public functions or the mechanism of gender equality in organizing the National Police of Ukraine. Thanks to them that it is filled with a certain meaning, acquiring the necessary concretization.

Specific tools of public administration must be disclosed through the prism of the system of its institutional and functional characteristics. According to R. Melnyk, the instruments of public administration include regulations of public administration, administrative act and administrative agreement (Melnyk and Bevzenko, 2014). However, this list of tools can be expanded, as in the activities of public administration can also be used regulatory planning, organizational and technical, informative and other legal techniques, tools and methods (Gritsenko, 2015).

Taking into account the list of the main tools of public administration, such as regulations, administrative acts, administrative agreements, acts-plans, acts-actions (Galitsina, 2016) and their regime, service as well as protective dimensions, we believe that the tools to ensure gender equality in the organization of the National Police of Ukraine are:

- a) adoption of relevant acts-plans.
- b) gender legal expertise.
- c) gender quotas.
- d) gender budgeting and others.

The issue of acts-plans as tools of public administration is quite new to the domestic legal doctrine, and the act-plan itself can be defined as a written document adopted and approved by the authorized administrative body, which determines the sequence of measures by the executors, indicating the purpose, objectives, scope, methods, means and terms of their implementation (Prymachenko, 2013). The expediency of their use within the mechanism of gender equality in the National Police is due to the fact that the acts-plans allow to combine law enforcement and regulations,

providing standardization of the process of law enforcement, which creates conditions for the adoption of public administration of standard solutions in similar situations. This is especially true when making such decisions by public administration bodies, which occupy a lower link in the hierarchy of actors involved in the implementation of gender equality.

An example of acts-plans is the Action Plan for the implementation of the Strategy for the development of the system of the Ministry of Internal Affairs of Ukraine until 2020 (Cabinet of Ministers of Ukraine, 2019), which provides:

1. Development of capacities of the bodies of the Ministry of Internal Affairs system for effective implementation of gender policy, namely:
 - a) ensuring the functioning of the institute of gender advisers in the central governing bodies of the Ministry of Internal Affairs by appointing such advisers by orders of the Ministry of Internal Affairs, developing a program of training activities for gender advisers, and covering 100 percent of certain categories of police officers.
 - b) creation (determination) in the central governing bodies of the bodies of the Ministry of Internal Affairs of separate structural subdivisions for ensuring gender policy within the approved staff, 80% of which are staffed;
2. Creation of mechanisms to ensure equal conditions of access of women and men to service / work, promotion, or career advancement in the bodies of the system of the Ministry of Internal Affairs, namely:
 - a) analysis of the state of implementation of the principle of gender equality in the personnel policy of the Ministry of Internal Affairs, primarily during selection, recruitment / employment, promotion or career growth.
 - b) development of a methodology for assessing the gender impact of sectoral reforms.
 - c) ensuring equal conditions for women and men to have access to service / work, promotion or career advancement in the bodies of the Ministry of Internal Affairs (it is planned to reduce the gender imbalance during employment / work by 50% compared to 2017).
 - d) improvement of statistical reporting on staffing issues in terms of gender mainstreaming in accordance with the positions held.

3. Unification of requirements for physical fitness for candidates for service (employment) in the bodies of the Ministry of Internal Affairs in order to ensure gender equality, namely:
 - a) analysis of international experience on the level of physical fitness for law enforcement agencies.
 - b) normative regulation of the establishment of uniform requirements for the level of physical fitness for candidates for service in the system of the Ministry of Internal Affairs.
4. Establish mechanisms to ensure equal access for women and men to participate in working and advisory bodies, peacekeeping operations, civil-military cooperation, as well as combating gender-based offenses in the service, namely:
 - a) analysis of the state of ensuring equal conditions for women and men to participate in working and advisory bodies, peacekeeping operations, peace-building processes, etc.
 - b) ensuring equal conditions for access of women and men from among the staff of the Ministry of Internal Affairs to participate in working groups and commissions on reforming these authorities, as well as working groups, formed at the level of the Cabinet of Ministers of Ukraine, the Verkhovna Rada of Ukraine or interdepartmental levels, reducing the gender imbalance by 50 percent compared to 2017 and ensuring the inclusion of women in proportional representation in accordance with the recommendations of the Council of Europe;
 - c) ensuring equal access for women and men to participate in peacekeeping operations, peacebuilding, mediation, civil-military cooperation and conflict prevention;
 - d) development of a separate mechanism for dealing with complaints related to sexual harassment and gender-based offenses by colleagues.

The feasibility of introducing gender quotas has recently been discussed in legal doctrine in the context of guarantees for the implementation of the principle of gender equality in public administration. It was proposed to introduce quota procedures for the number of women and men during the formation of the commissions that will perform these functions (Maksimenko, 2009). The discussion was led about the allocation of a certain, scientifically sound number of jobs in the police, which can be provided only to females, and the establishment of quotas for the selection of women in the prosecutor's office at 30/70 or 40/60 was proposed (Leskina, 2013).

Let's define the essence of gender quotas. Thus, one of the means of implementing the principles of gender democracy is positive action. Positive action in its extreme form is positive discrimination, when increasing the representation of women (or other discriminated categories of citizens) is achieved by providing certain benefits or introducing quotas. This trend in the EU has intensified due to the signing of the Maastricht Treaty, the core of which is the establishment of the principle of social justice in the domestic policies of EU member states. Gender quotas are a political and legal way of smoothing the effects of gender discrimination in all spheres of society by providing a legitimate political platform for the articulation, representation, and realization of relevant social interests. In modern conditions, gender quotas are a kind of positive discrimination, i.e., a system of benefits, incentives, prohibitions, and compensations aimed at raising the social status of women (Haake, 2018).

Proponents of gender quotas argue that this mechanism should be seen as a temporary, transitional tool for training public opinion on the need for greater representation of women. There is a pattern that "gender quotas" in the political sphere are in fact "quotas for women." This is not a contradiction, as for most countries the problem of ensuring greater representation of women in government remains acute. Gender quotas were first applied in the political sphere. There is even such a well-established term as the "critical mass" of representation in parliament, i.e. the level recognized by international practice, which is at least 30% of each sex. It provides an opportunity to overcome gender asymmetry, to influence the formation and decision-making, because exactly 30% of supporters of a certain idea can change the situation in any team in their favor.

The Nordic countries, Sweden and Canada remain the world's leaders in addressing gender equality. For example, in Norway, more than 40% of all authorities and law enforcement agencies are women, and this is a consequence of the adoption of a law on a 40% gender quota in all public administration entities in the country. It is thanks to this law that 8 ministerial posts are held by women. The state has a social "equality program," and the government has a law enforcement officer in the context of implementing the program. In Norway, the so-called "soft quota" has become widespread, which requires mandatory participation in the competition for one seat of the representatives of the two sexes (Connolly *et al.*, 2020). Despite the method of so-called "quota" of women's representation in government, which exists recently in many countries (Argentina, India, Brazil, Dominican Republic, Scandinavian countries, Peru, Indonesia, etc.) (Ordóñez, 2020), this has only a fragmentary impact on the gender component of law enforcement officers and rather illustrates the direction of public policy in terms of improving the situation of women and the ability to protect their rights at the legislative level.

Conclusions

Despite significant changes in the form and content of the public, state, and international actors to establish the principle of gender equality, research on the protection of the rights of both women and men in various social spheres in Ukraine and other countries around the world should be held in the future. It requires ensuring the rights and freedoms of both women and men, because this approach is part of understanding certain processes of social development at the national and international levels.

Considering a woman in society alongside a man, through the prism of gender stereotypes, we note that not only in Ukraine but also in other developed countries there is an unresolved and significant problem of gender stratification. Although equality is enshrined in law, at the same time, society cannot deviate from the guidelines that are manifested in the superiority of men over women, which is clearly seen in women's choice of profession, including service in the National Police of Ukraine.

It is safe to say that ensuring gender equality in the National Police of Ukraine is a complex process characterized by its multifaceted nature. However, overcoming gender stereotypes in this area is extremely important because the main criteria in this case should be professionalism and competence.

The analysis of normative documents allows us to conclude that the introduction of gender equality in the National Police of Ukraine is an important area of activity. Nevertheless, the current state of gender equality needs to be improved to bring it in line with international standards.

One of the promising aspects of research in this area should be the development and implementation of effective mechanisms to ensure equal career opportunities for women and men in the National Police of Ukraine, considering the specifics of professional activity.

To ensure gender equality in the National Police, it is necessary to enshrine at the legislative level provisions for the mandatory establishment of special supervisory associations for the equal rights and opportunities of women and men in organizations, enterprises, institutions, including the National Police of Ukraine. Given that the problem of gender stratification is clearly visible in law enforcement, in order to implement the provisions of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, it is necessary to apply disciplinary responsibility to heads of National Police units restricting women's rights.

It is expedient to introduce gender quotas in the National Police of Ukraine as a component of the mechanism of compliance with the principle of gender equality in several areas: during recruitment to the National Police, appointment to management positions, inclusion of women police

officers in competition and certification commissions. At the same time, it should be noted that miscalculations in personnel policy due to excessive involvement in gender issues in the process of working with the staff of this law enforcement body may reduce the quality of the National Police of Ukraine and negatively affect the quality of their professional duties. That is why the issue of introducing a quota for the selection of women in law enforcement agencies should be treated quite carefully and reasonably.

Bibliographic References

- CABINET OF MINISTERS of Ukraine. 2006. On conducting gender and legal examination: Resolution of the Cabinet of Ministers of Ukraine of April 12, 2006. Available online. In: <https://zakon.rada.gov.ua/laws/show/997-2018-%D0%BF>. Consultation date: 03/03/2021.
- CABINET OF MINISTERS of Ukraine. 2016. National Action Plan for the Implementation of UN Security Council Resolution 1325 “Women. Peace. Security” for the period up to 2020, approved by the Order of the Cabinet of Ministers of Ukraine of February 24, 2016. Available online. In: <https://zakon.rada.gov.ua/laws/show/113-2016-%D1%80>. Consultation date: 03/03/2021.
- CABINET OF MINISTERS of Ukraine. 2017. The concept of the state social program to ensure equal rights and opportunities for women and men for the period up to 2021, approved by the Order of the Cabinet of Ministers of Ukraine dated April 5, 2017. Available online. In: <https://zakon.rada.gov.ua/laws/show/273-2018-%D0%BF>. Consultation date: 03/03/2021.
- CABINET OF MINISTERS OF UKRAINE. 2018. State social program to ensure equal rights and opportunities for women and men for the period up to 2021, approved by the Resolution of the Cabinet of Ministers of April 11, 2018. Available online. In: <https://zakon.rada.gov.ua/laws/show/273-2018-%D0%BF#Text>. Consultation date: 03/03/2021.
- CABINET OF MINISTERS of Ukraine. 2019. Action plan for the implementation of the Strategy for the development of the system of the Ministry of Internal Affairs of Ukraine until 2020, approved by the Order of the Cabinet of Ministers of Ukraine dated August 21, 2019, No. 693-r. Available online. In: <https://zakon.rada.gov.ua/laws/show/693-2019-%D1%80>. Consultation date: 03/03/2021.
- CONNOLLY, Filip; GOOSSEN, Mikael; HJERM, Mikael. 2020. “Does Gender Equality Cause Gender Differences in Values?” In: Reassessing the Gender-Equality-Personality Paradox. Vol. 83, No. 1-2, pp. 101-113.

- COUNCIL OF EUROPE. 1950. Convention for the Protection of Human Rights and Fundamental Freedoms. Available online. In: https://www.echr.coe.int/documents/convention_eng.pdf. Consultation date: 03/03/2021.
- COUNCIL OF EUROPE. 2018. Gender Equality Strategy for 2018–2023. Available online. In: <https://rm.coe.int/prems-093618-gbr-gender-equality-strategy-2023-web-a5/16808b47e1>. Consultation date: 03/03/2021.
- DAUDOVA, Galyna. 2008. Formation and implementation of state gender policy in Ukraine. PhD Thesis. Kharkiv, Ukraine.
- GALITSINA, Natalia. 2016. Theory and practice of realization of the concept of the social state in Ukraine: administrative and legal research. FOP Panov. Kharkiv, Ukraine.
- GARKUSHA, Alina. 2019. “Gender parity: women in the National police of Ukraine”. In: Theory and practice of public administration and local self-government. Vol. 1. Available online. In: http://el-zbirn-du.at.ua/2019_1/4.pdf. Consultation date: 03/03/2021.
- GERASIMENKO, Ganna. 2004. “Gender aspects of socio-economic policy in Ukraine”. PhD Thesis. Kyiv, Ukraine.
- GRITSENKO, Iryna. 2015. General administrative law. Yurinkom Inter. Kyiv, Ukraine.
- HAAKE, Ulrika. 2018. “Conditions for gender equality in police leadership - making way for senior police women” In: Police practice and research. Vol. 19, No. 3, pp. 241-252.
- HRYTSAI, Iryna. 2017. “Practice of the European Court of Human Rights in the field of gender equality and its application in Ukraine: theoretical and legal aspect” In: Comparative and analytical law. Vol. 6, pp. 14-17.
- HRYTSAI, Iryna. 2018. “General theoretical characteristics of gender policy in Ukraine: ways to increase efficiency” In: Scientific Bulletin of Uzhhorod National University. Series: Law. Vol. 1, pp. 13-17.
- HRYTSIAK, Natalia. 2005. Theoretical and methodological principles of formation and implementation of state gender policy in Ukraine. Doctoral Thesis. Kyiv, Ukraine.
- KORMYCH, Liudmyla. 2013. “Gender relations: essence and significance in socio-political development” In: Current policy issues. Vol. 49, pp. 16-22.

- KOVALCHYUK, Liudmyla; KOZUB, Larysa; LEVCHENKO, Kateryna; LEGENKA, Maria; SUSLOVA, Olena. 2017. Women. Peace. Security: Information and training manual on gender aspects of conflicts for security professionals. OSCE. Kyiv, Ukraine.
- LAZAR, Iryna. 2007. Improving the mechanisms of formation and implementation of gender policy in Ukraine. PhD Thesis. Lviv, Ukraine.
- LESHANYCH, Serhiy. 2012. "Modern gender theory of development of gender relations in Ukraine" In: Actual problems of economic development of the region. Vol. 8, No. 1, pp. 274-278.
- LESKINA, Iryna. 2013. Administrative and legal support of gender equality in the organization of the prosecutor's office. PhD Thesis. Zaporozhye, Ukraine.
- LEVCHENKO, Kateryna. 2002a. "To the definition of "women's" and "gender" policy" In: Law and Security. Vol. 4, pp. 102-105.
- LEVCHENKO, Kateryna. 2002b. "Constitutional principles of women's policy implementation in Ukraine" In: Law and Security. Vol. 3, pp. 60-63.
- LEVCHENKO, Kateryna. 2003. Management of the processes of forming gender policy in Ukraine (organizational and legal aspects). Doctoral Thesis. Kharkiv, Ukraine.
- MAKSIMENKO, Natalia. 2010. Administrative and legal regulation of women's service activities in the police. PhD Thesis. Kyiv, Ukraine.
- MELNYK, Roman; BEVZENKO, Volodymyr. 2014. General administrative law. Kyiv, Ukraine.
- MELNYK, Tetyana. 2010. Creating a society of gender equality: international experience. In: Laws of foreign countries on gender equality. Stilos. Kyiv, Ukraine.
- MINISTRY OF JUSTICE of Ukraine. 2006. Instructions for conducting a gender legal examination dated May 12, 2006. Available online. In: https://zakon.rada.gov.ua/laws/show/v42_5323-06. Consultation date: 03/03/2021.
- ORDONEZ, Laura Alexandra. 2020. "Women, Gender and Political Participation in Latin America". In: Cuestiones Politicas. Vol. 37, No. 65, pp. 21-36.
- PIREN, Myhailo; HRYTSIAK, Natalia; VASYLEVSKA, Tetyana; IVANYTSKA, Olga. 2002. Gender aspects of public service. Osnovy. Kyiv, Ukraine.

- PLUTAGAR, Tetyana. 2018. "Ensuring gender equality in the activities of the National Police of Ukraine" In: Scientific Bulletin of Public and Private Law. Vol. 3, No. 2, pp. 42-47.
- PRYMACHENKO, Dmytro. 2013. "Legal nature of planning acts: modern analysis" In: Public law. Vol. 1, No. 9, pp. 52-58.
- SLATVYTSKA, Alina. 2010. International protection of women's economic rights. PhD Thesis. Kyiv, Ukraine.
- UNITED NATIONS. 1945. Charter of the United Nations. Available online. In: <https://www.un.org/en/about-us/un-charter>. Consultation date: 03/03/2021.
- UNITED NATIONS. 1948. Universal Declaration of Human Rights. Available online. In: <https://www.un.org/en/about-us/universal-declaration-of-human-rights>. Consultation date: 03/03/2021.
- UNITED NATIONS. 1949. Convention on Action against Trafficking in Human Beings and with the exploitation of prostitution by third parties since 1949. Available online. In: <https://www.ohchr.org/en/professionalinterest/pages/traffickingpersons.aspx>. Consultation date: 03/03/2021.
- UNITED NATIONS. 1953. Convention on the Political Rights of Women. Available online. In: https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XVI-1&chapter=16. Consultation date: 03/03/2021.
- UNITED NATIONS. 1966. International Covenant on Civil and Political Rights. Available online. In: <https://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>. Consultation date: 03/03/2021.
- UNITED NATIONS. 1966. International Covenant on Economic, Social and Cultural Rights. Available online. In: <https://www.ohchr.org/en/professionalinterest/pages/cescr.aspx>. Consultation date: 03/03/2021.
- UNITED NATIONS. 1967. Declaration on the Elimination of Discrimination against Women. Available online. In: https://www.eods.eu/library/UNGA_Declaration%20Women_1967_en.pdf. Consultation date: 03/03/2021.
- UNITED NATIONS. 1979. Convention on the Elimination of All Forms of Discrimination against Women. Available online. In: <https://www.ohchr.org/en/professionalinterest/pages/cedaw.aspx>. Consultation date: 03/03/2021.

- UNITED NATIONS. 2000. UN Security Council Resolution No. 1325 (2000) “Women. Peace. Security”. Available online. In: https://www.un.org/womenwatch/osagi/cdrom/documents/Background_Paper_Africa.pdf. Consultation date: 03/03/2021.
- VERKHOVNA RADA of Ukraine. 2005. On ensuring equal rights and opportunities for women and men: Law of Ukraine of September 8, 2005, No. 2866 – IV. In: Bulletin of the Verkhovna Rada of Ukraine. No 52, art. 561.
- VERKHOVNA RADA of Ukraine. 2012. On the Principles of Preventing and Combating Discrimination: Law of Ukraine of September 6, 2012, No. 5207 – VI. Available online. In: <https://zakon.rada.gov.ua/laws/show/5207-17>. Consultation date: 03/03/2021.
- VERKHOVNA RADA of Ukraine. 2015. On the National Police of Ukraine: Law of Ukraine of July 2, 2015, No. 580 – VIII. Available online. In: <https://zakon.rada.gov.ua/laws/show/580-19>. Consultation date: 03/03/2021.
- VERKHOVNA RADA of Ukraine. 2017. On Prevention and Counteraction to Domestic Violence: Law of Ukraine of December 7, 2017, No. 2229 – VIII. Available online. In: <https://zakon.rada.gov.ua/laws/show/2229-19>. Consultation date: 03/03/2021.
- WENGER, Olga. 2009. Formation and features of the functioning of gender democracy in modern Ukrainian society. PhD Thesis. Kyiv, Ukraine.



UNIVERSIDAD
DEL ZULIA

CUESTIONES POLÍTICAS

Vol.39 N° Especial

*Esta revista fue editada en formato digital y publicada en octubre de 2021, por el **Fondo Editorial Serbiluz**, Universidad del Zulia. Maracaibo-Venezuela*

www.luz.edu.ve
www.serbi.luz.edu.ve
www.produccioncientificaluz.org