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Iryna Grytsai –

*candidate of juridical sciences, associate professor,
head of the department of social and humanitarian disciplines
Dnipropetrovsk State University of Internal Affairs
(26 Haharina pr., Dnipro, 49000, Ukraine)*

Terminological Determination in the Field of Gender Policy as the Condition of Effective Implementation of the Gender Equality Principle

У статті здійснено теоретико-правовий аналіз термінологічної визначеності в сфері гендерної політики як умови ефективної реалізації принципу гендерної рівності. З'ясовано сучасне змістовне наповнення понять «гендерна політика» та «державна гендерна політика». Визначено суб'єктів реалізації гендерної політики та державної гендерної політики.

Ключові слова: *гендерна нерівність, гендерний баланс, гендерна політика, державна гендерна політика, егалітарна модель державної гендерної політики, рівність прав жінок і чоловіків.*

В статье осуществлен теоретико-правовой анализ терминологической определенности в сфере гендерной политики как условия эффективной реализации принципа гендерного равенства. Выяснено современное содержательное наполнение понятий «гендерная политика» и «государственная гендерная политика». Определены субъекты реализации гендерной политики и государственной гендерной политики.

Ключевые слова: *гендерное неравенство, гендерный баланс, гендерная политика, государственная гендерная политика, эгалитарная модель государственной гендерной политики, равенство прав женщин и мужчин.*

The article deals with the theoretical and legal analysis of terminological certainty in the field of gender policy as a condition for the effective implementation of the gender equality principle. In retrospect, different terminology appeared and was used in Ukrainian and foreign research and journalistic literature, international documents, legal acts of various countries in the aspect of guaranteeing gender balance by a state. At the initial stage, attention was focused on the rights of women. This was due to the violation and/or neglect of women's rights by various subjects of legal relations, their struggle for their rights, freedoms and legitimate interests. Despite significant changes in the form and content of the activities of the public, the state and international actors regarding the establishment of gender equality in recent decades, studies on the protection of the rights of women in various social spheres should be continued both in Ukraine and other countries of the world, especially in domestic sciences. Equally important is the intensification of the study and analysis of problematic issues concerning the guarantee of men's rights, which are currently being carried out in separate scientific work. The contemporary meaningfulness of the concepts of “gender policy” and “state gender policy” is revealed. The subjects of realization of the gender policy and the state gender policy are determined.

Keywords: *gender inequality, gender balance, gender policy, state gender policy, egalitarian model of state gender policy, equality of rights of women and men.*

The state plays an important role in ensuring the protection of the equality of rights of women and men. At the present stage in Ukraine and in other countries of the world, which promote the establishment of gender parity, both in the middle of their country and in the international arena, the problem of development and implementation of gender policy at the state level naturally arises. And this problem is an important measure of the social

structure of society. Ensuring the equal participation of both women and men in social activities is a complex and multi-vector issue.

Despite some positive developments, Ukraine continues to only formally refer to the egalitarian model of state gender policy. The importance of the topic of state gender policy is determined by world political processes, international commitments of Ukraine, the

contradiction of the domestic legal and regulatory framework in this direction, the lack of clear mechanisms for the implementation of a comprehensive gender approach, and so on. Therefore, taking into account the positive foreign experience of establishing a gender balance, the main issues, apart from modernizing the mechanisms of implementation of the state gender policy, are to find out the meaning of the term «state gender policy», which at the present stage has become widespread not only in the public and socio-political, but in the scientific sphere as well, but did not receive the necessary meaningful clarity. There is a need to formulate such a definition of a given term which in its entirety and generalization would reveal its essence, taking into account domestic realities and the best foreign trends in the field of ensuring gender equality.

The urgency of this topic is due to the need to develop and implement a state-of-the-art gender policy and has theoretical and practical significance.

Domestic and foreign scholars directly devoted their monographs and dissertations to the problems of gender policy from the point of view of: sociology – J. Chernov [1]; history – O. Makarov [2]; economy – G. Gerasymenko [3], O. Pizhuk [4]; jurisprudence, in particular: administrative law – K. Levchenko [5]; the philosophy of law – Yu. Ivchenko [6]. However, scholars have paid considerable attention to the chosen subjects within such sciences as politology: Ye. Vozniuk [7], I. Dobrzhanska [8], T. Krasnopolska [9], A. Samakova [10], V. Yakunin [11] and public administration: G. Daudov [12], N. Grytsiak [13], N. Kovalishyna [14], I. Lazar [15], M. Popov [16], S. Sulimova [17], O. Yarosh [18] et al. Taking into account the considerable scientific contribution of the mentioned authors to the solution of the studied issues at the present stage of development in Ukraine, the themes of the strategy of the state gender policy have not yet come to a complete state, due to its contrariety, versatility and dynamism. In order to refine and improve the theoretical and organizational and legal basis and further development of mechanisms for implementing gender equality is important to study this problem within the science of the theory of state and law, which has hardly been reflected in the studies so far.

In retrospect, different terminology appeared and was used in Ukrainian and foreign research and journalistic literature, international documents, legal

acts of various countries in the aspect of guaranteeing gender balance by a state. At the initial stage, attention was focused on the rights of women. This was due to the violation and/or neglect of women's rights by various subjects of legal relations, their struggle for their rights, freedoms and legitimate interests. Accordingly, in various sources there were such concepts as «politics in the interests of women», «(state) policy on women», «women's policy», etc. Subsequently, when it became clear that not only the rights of one sex were limited and that it was necessary to ensure equal rights for both women and men, researchers, public figures, journalists and others began to use more meaningful definitions: «politics for the sake of equality», «(state) policy of achieving equal rights and opportunities», «gender policy», «state policy for ensuring equality of women and men», «state gender policy on ensuring equality of women and men», «state gender policy», etc. These terms are not identical, but they are interrelated and interdependent.

Under the concept of «politics for women» the authors suggest understanding legal, political, economic, social measures and actions aimed at women as a socio-demographic group in society [20, p. 82]; a comprehensive targeted state activity in relation to every female personality, women and issues of cooperation with the women's movement in general, which aims at eliminating all forms of discrimination against women in society, the formation of mechanisms that form the basis of observance of women's human rights for the improvement of the situation of women and society as a whole thanks to the disclosure of the women's potential [5, p. 88]. The content of these definitions corresponds to the current understanding of the role and significance of women in a democratic society.

Today in the scientific literature, there are discussions about the correlation between the terms «women's politics», «politics for women» and other definitions close to the meaning. In particular, K. Levchenko emphasised that the definition of «women's politics», whichever positive content they would have tried to put into this concept in connection with the existing stereotype, is more associated with the everyday sphere of life, such as protection of motherhood, granting of holidays and privileges, etc. [5, p. 88]. N. Grytsiak believes that in the case of the use of this term it remains unclear from whose positions – the state, men, women – the problems, needs and interests of women are

formulated? [13, p. 212]. Such research findings are realistic and consistent with the content of this phenomenon.

There are other thoughts about the use of the concept «women's politics». Thus, according to O. Kulachek, «women's policy» is the broadest concept that often includes «women's protection policy», «politics for women», «politics for the benefit of women», «policy for achieving equal rights and opportunities for women and men» and politics the active subjects of which are women [20, p. 82]. This conclusion is controversial. Whereas, if the concepts of the protection of women's rights in different spheres can in individual cases be regarded as equivalent or with certain differences, then the term «policy of achieving equal rights and opportunities of women and men» cannot be absorbed by the concept of «women's politics» because the first phenomenon, different from the latter, is aimed not only at protecting the rights of women, but men as well. At the same time, it is important to emphasise the unconditional relationship between these concepts: the emergence of the terms «women's politics», «politics for women» and others led to the emergence and further development of a policy of equal rights and opportunities for women and men.

«Politics in the interests of women» was one of the first concepts that historically appeared in the 70s and 80s of the 20th century. It reflected the actions of governments of a certain part of the European states aimed at overcoming discrimination against women in the field of politics and in the labor market. The basis of this policy was the principle of «positive discrimination» [19, p. 103]. That the term «policy in the interests of women» was used in documents of various international organizations, mainly European ones. However, in the domestic official and informal spheres, the term «state policy towards women» or «politics for women» was used predominantly. That is, starting from this stage we can state the importance of the historicity principle and the territoriality principle in learning terminology in the field of study.

In the late 80s and early 90s of the 20th century various international organizations and a part of foreign states finally asserted in the position that it is necessary to pursue a policy aimed at protecting the rights of both women and men. This was due to a set of causes, including household problems, such as shorter men's life expectancy, more cases of

alcoholism and suicides among men than women and others, which led to the need for change and more specifically for the expansion of state-public priorities, due to which there is such a phenomenon as «politics for equality», since the policy on women did not take into account the male factor, even in those cases where the issue of establishing equality between women and men was raised.

The term «(state) policy of achieving equal rights and opportunities» can be viewed in two aspects: as a synonym for the concept «politics for the sake of equality» and as an integral part of it. Unlike the concept «politics in the interests of equality», attention is focused on the legal and political, not the socio-cultural component. An important principle of state policy of achieving equal rights and opportunities (maybe synonymous with «gender policy») is the recognition of the admissibility of introducing positive discrimination to overcome gender asymmetries [5, p. 81-82].

«The state policy of ensuring gender equality» is based on the conceptual framework of the gender mainstreaming, which is formed in the Council of Europe documents in combination with the traditional principles of supporting women, since the latter has not lost its relevance in view of the real situation of women who have lower status in different spheres of life of Ukrainian society than men. In fact, this is a specification of the term «policy of achieving equal rights and opportunities» [5, p. 81-82; 13, p. 214]. Consequently, despite significant changes in the form and content of the activities of the public, the state and international actors regarding the establishment of gender equality in recent decades, studies on the protection of the rights of women in various social spheres should be continued both in Ukraine and other countries of the world, especially in domestic sciences. Equally important is the intensification of the study and analysis of problematic issues concerning the guarantee of men's rights, which are currently being carried out in separate scientific work. The indicated trends in the study of the rights and freedoms of women and men do not reject each other, but rather represent part of the understanding of individual processes of social development at the national (local, regional and national levels) and international levels on the path to gender balance.

At the present stage, in the context of research, such concepts as «gender policy» and «state gender policy» are most commonly used in the

domestic spaces are. Other terms, which were discussed above, have become a kind of foundation for the former. These concepts are sometimes used as identical, however, not all researchers agree with it. Moreover, in the scientific sphere there is not a single approach to the interpretation of these concepts and their relationship with each other.

O. Khasbulatova offers a comprehensive measurement of gender policy. The author points to the specific historical nature of gender policy, the content and effectiveness of which are formed by the following factors: ideological – reflects a high level of understanding the essence of gender issues and a system of views on the role of men and women in society; socio-economic – as a degree of socio-economic development of society; institutional – characterizes the political regime and the level of development of democracy; situational – demonstrates the position and initiative of policy makers – government bodies, political parties, public movements, and the population. As a defining element of gender policy, the researcher identifies the type of social policy, the nature of the relationship between the state and the family, which demonstrates social partnership, protectionism or non-interference, and the position of civil society institutions (political parties, social movements and women's organizations) [22, p. 3-5]. This author's approach to the phenomenon of gender policy is systematic and content-rich.

According to T. Krasnopolska, the category of «gender policy» is the most voluminous in the corresponding semantic series and all other concepts, «state gender policy» in particular, are its constituent parts. Explaining her own position, the researcher turns to the ways of forming a gender policy, singled out by M. Malysheva. The first way is that gender policy is formed by the highest officials, the second way is the differentiated conditions of hiring and use of labor in the labor market, the third way is the family [21, p. 75]. Taking this into consideration, the scientist explains that state policy is manifested in the first and partly in the second case, everything else remains within the competence of civil society; the concept of «gender policy» covers the activities of both state institutions and institutes of civil society [3, p. 23, 26-27].

In the definitions of gender policy, the starting point is the situation regarding the subjects of its formation and implementation. Thus, N. Vavilova emphasised that gender policy is a state and

social activity aimed at establishing equality between men and women in all spheres of life [23, p. 140]. T. Krasnopolska believes that gender policy is a deliberate activity of state institutions and public associations whose purpose is to ensure equality between men and women, as well as a set of necessary measures aimed at the realization of the personal potential of a person, regardless of gender, for balanced development of the society [9, p. 162]. Therefore, authors include state institutions and public associations to the subjects of gender policy.

In the broad and narrow sense the concept of gender policy is considered by E. Vozniuk. In the first case, gender policy is defined by the scientist as a comprehensive, purposeful activity of the state, international and non-governmental organizations to integrate a gender approach to the elimination of all forms of discrimination on the basis of gender in society. In the second case, it is the state's activity aimed at taking into account and balancing the interests and needs of different gender groups [7, p. 20, 53]. Accordingly, in the first case the author understands gender policy as a wider phenomenon than the state gender policy. In the second these concepts are considered as identical.

A wider approach in the subjective sense is used by other scholars. T. Melnik stresses that gender policy is the recognition of the main gender priorities and fundamental values, principles and directions of activity, appropriate methods and ways of their implementation, aimed at establishing equal rights, freedoms, creating conditions, opportunities and chances, guarantees of equal social and political status of men and women, development of gender democracy and the formation of a gender culture in society by international bodies and states, political parties [24, p. 218]. Thus, the investigator also includes international bodies to the subjects of gender policy, but the approach to civil society institutions is somewhat limited – only political parties are considered.

K. Levchenko used an advanced approach in the context of public participation in interpreting gender policy, which she proposes to understand as the complex, purposeful activity of the state, international and non-governmental organizations, which is carried by them directly or indirectly at national and regional levels and aims to integrate the gender approach in all areas of politics as a means of eliminating all forms of gender-based discrimination and achieving an equitable distribution of economic,

social and political resources between women and men [5, p. 103-104]. Also, the author focuses on the specific historical nature of gender policy, as well as other social phenomena.

A. Klimashevska and O. Krutov define «gender policy» and «national gender policy» as identical terms and offer the following definition of «national gender policy» – consistent system of measures aimed at the creation, development, support and protection of equality of men and women, called to be expressed in concrete results [25, p. 29]. However, such an interpretation needs to be specified in relation to the subject component.

Generally, it was T. Melnyk who for the first time in domestic science used the term «national gender policy», by which the author understands the activity (or inactivity in the case of intentional non-performing this policy) of public institutions, aims at implementing (directly or indirectly) and guaranteeing equal rights, freedoms and opportunities for women and men, establishing gender democracy and forming a gender culture in society [24, p. 229; 26, p. 48].

N. Grytsiak considers that it is more appropriate to use the term «state gender policy» as a priority of democratic transformations in Ukraine, and he defines it as the actions of public authorities to solve problems of ensuring gender equality in society, namely ensuring the same social status for women and men, conditions for the realization of human rights, opportunities to use social and economic resources, to contribute to national, political, social, economic and cultural development, as well as equal rights for women and men to have the same benefit from the results of their activities [13, p. 220]. M. Popov defines state gender policy as a state activity aimed at taking into account the differentiated and common interests of the sex groups, satisfying these interests by providing guarantees of equal participation in all spheres of public life, and the creation of a balanced system of social protection for women and men [16, p. 40]. S. Sulimova emphasises that these are the actions of public authorities to solve social problems, which most effectively contribute to the realization of the interests of women and men [17, p. 37]. L. Voronko interprets the state gender policy in the civil service system as a strategic activity of the state, which is carried out through joint actions of all interested parties in order to provide equal opportunities for women and men in the use of guaranteed rights and

freedoms, creation of conditions for self-realization of the individual and an integrative component of all directions of the state personnel policy [27]. Consequently, these can be defined as ones of the main approaches in the scientific literature, each of which has advantages and gaps. Their research importance is the systematic approach to the interpretation of the term «state gender policy».

Thus, the semantic loading of the terms «gender policy» and «state gender policy» is now varied and uncoordinated. There are different views of scientists regarding the correlation of these concepts.

Conclusions. Summing up, it is necessary to note the following.

1. Today, in the scientific sphere there are certain methodological contradictions concerning the understanding and correlation of different concepts aimed at reflecting the role, activities and tasks of the state, the public and international actors in the direction of eliminating gender asymmetry. This is due to the many-sidedness, sometimes the contradictory nature of these phenomena, the peculiarities of their appearance in the historical and territorial aspects.

2. Ensuring equality of women and men is one of the main issues in the aspect of democratization of the Ukrainian state. The emergence of the term «state gender policy» is due to the historical transformation of various concepts («politics in the interests of women», «(state) policy towards women», «women's policy», «state policy for ensuring equality of women and men», «state gender policy to ensure equality of women and men», «state gender policy») that arose at this or that historical stage in a certain territory. The introduction and implementation of the principle of gender equality, both in the interests of women and in the interests of men through effective gender policies, will ensure gender balance in various spheres of state and social activity, which is an important condition for the formation of a modern democratic state gender policy in Ukraine. Achievement of such a balance is possible only with the active participation and support of the state by the public, and at the external level – cooperation and interaction with international organizations.

3. Gender policy is the activities and interaction of public authorities, civil society institutions and international organizations with a view to developing mechanisms to ensure the

principle of gender equality and the elimination of all forms of gender-based discrimination at the national and international levels. It is expedient to interpret the state gender policy as functioning and interaction of state authorities with the purpose of comprehensive development of programs and mechanisms, the systematic implementation of the gender equality principle and the elimination of all forms of gender-based discrimination in all spheres of public and state activity. One of the main criteria

for distinguishing between these phenomena is the subject structure of gender policy and state gender policy. The subjects of gender policy are: public authorities (state authorities and local self-government bodies); institutes of civil society; international organizations. The subjects of state gender policy are state authorities, their officials.

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