

## **INSTITUTIONAL AND LEGAL ASPECTS OF THE STATE GENDER POLICY IN THE CONDITIONS OF DECENTRALIZATION IN UKRAINE**

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In recent years, Ukraine has made significant progress in the study and integration of the gender component into the structure of state policy. This is facilitated by the commitment of the Government of Ukraine to the European Community to achieve equal rights and opportunities for women and men. Accordingly, modern state gender policy focuses on creating equal opportunities for women and men. At the same time, its institutional and legal components are formed taking into account the international documents signed by Ukraine.

The main regulatory legal act of Ukraine aimed at women and men exercising their rights and opportunities is the Constitution. It established the equality of rights of women and men at the national level. Article 24 of the Constitution of Ukraine guarantees that "Citizens have equal constitutional rights and freedoms and are equal before the law" [1]. For the purpose of practical implementation of these constitutional provisions, on September 8, 2005, a specific legislative act on gender issues was adopted – the Law of Ukraine "On Ensuring Equal Rights and Opportunities of Women and Men" [2].

According to this Law (Article 7) [2], "state policy on preventing and countering discrimination is aimed at preventing discrimination; application of positive actions; creation of conditions for timely detection of facts of discrimination and provision of effective protection of persons and/or groups of persons affected by discrimination; education and promotion among the population of Ukraine of respect for persons, regardless of their specific characteristics; spread of educational activities in this area".

The law (Article 6) also prohibits discrimination on the part of state authorities, local self-government bodies, officials, legal entities under public and private law, as well as individuals [2].

The direction of gender-oriented budgeting became an important aspect in the process of implementing the state gender policy in conditions of decentralization. This initiative was implemented for the first time in 2017. It was included in the State Finance Management Strategy for 2017–2021 and the Action Plan for its implementation. As of 2022, according to the results of the assessment of the state of public finance management in accordance with the

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internationally recognized Public Expenditure and Financial Accountability (PEFA) methodology, conducted by World Bank experts, "...gradual progress of Ukraine in implementing a gender-oriented approach in the budget process" [3] was noted.

During 2014–2020, the Ministry of Finance, in cooperation with the Swedish International Development Agency, implemented the world's largest project on the implementation of a gender-oriented approach in the budget process at the state and local level. The purpose of this project was to increase the economic efficiency and effectiveness of state budget expenditures, taking into account the gender aspect [3]. In the new Strategy for Reforming the State Finance Management System for 2022–2025, it is proposed to pay considerable attention to the further practical application of a gender-oriented approach in the budget process at the state and local level. To ensure gender integration in the process of decentralization, strengthen the accountability of the main managers of budget funds and increase the transparency of budgets in these areas [3].

An important institutional and legal component of state gender policy in conditions of decentralization is defined in Article 4 of the Law of Ukraine "On ensuring equal rights and opportunities for women and men" [2]. It envisages conducting a gender-legal examination of current legislation and draft legal acts. This examination is conducted in accordance with the resolution of the Cabinet of Ministers of Ukraine dated November 28, 2018 No. 997 "Issues of conducting a gender-legal examination" [4]. Methodological recommendations for gender-legal examination of legislative acts and draft regulatory acts were approved by the order of the Ministry of Justice of Ukraine dated November 27, 2018 No. 3719/5 [5]. In accordance with the specified normative legal acts, legislation and draft normative legal acts are subject to gender legal expertise in all areas of legislation. The plan for the gender-legal examination of the legislation for the relevant year is drawn up on the basis of proposals from state bodies, authorities of the Autonomous Republic of Crimea, local self-government bodies, enterprises, institutions, organizations regardless of the form of ownership and citizens. The Ministry of Justice conducts the examination. The purpose of gender legal examination is:

- 1) carrying out a comprehensive study of legislation and projects of normative legal acts in terms of their compliance with international treaties of Ukraine, consent to the binding nature of which has been granted by the Verkhovna Rada of Ukraine and resolutions of international conferences, international organizations, their human rights bodies regarding compliance with the principle of ensuring equal rights and opportunities for women and men;

2) preventing the adoption and availability of normative legal acts, the provisions of which do not correspond to the principle of ensuring equal rights and opportunities for women and men [5].

It should be noted that both the gender-legal examination of draft regulations and the gender-legal examination of legislative acts play an important role in understanding the gender content of the provisions of legislative acts.

Hrytsai I. O. [6] proposes to divide the subjects that are part of the institutional component of the mechanism for ensuring the principle of gender equality into nine groups:

1) Institute of the Head of State (Commissioner of the President of Ukraine on Children's Rights);

2) Institute of Legislative Power (Verkhovna Rada of Ukraine, Commissioner for Human Rights);

3) Institute of Executive Power (Cabinet of Ministers of Ukraine, central and local bodies of executive power, Government Commissioner for Gender Policy);

4) Institute of Judiciary (Constitutional Court of Ukraine and the system of courts of general jurisdiction);

5) Institute of Law Enforcement and Human Rights Protection Bodies (Prosecutor's Office; Bar);

6) Institute of Local Self-Government (aldermen, territorial communities, city, district and regional councils and their executive bodies, bodies of self-organization of the population);

7) Institutes of civil society (public organizations, political parties, charitable and religious organizations, employers' organizations, non-business associations and institutions, mass media and others);

8) enterprises, institutions and organizations of various forms of ownership, etc. [6].

Therefore, it is worth concluding that Ukraine has achieved positive changes in the field of establishing gender equality on the way to European integration. However, under the conditions of the administrative reform of decentralization, there was a certain weakening of the effectiveness of the mechanism for ensuring equal rights and opportunities for women and men.

The powers of the executive authorities regarding the formation and implementation of the state gender policy remain unclear, which makes it difficult to understand the role of each of them in this process. It is especially important to implement a gender policy within the system of each central and local executive body, which means ensuring equal rights and opportunities for all employees. Therefore, among the main areas of solving these problems, it is worth establishing a list of tasks: improvement of gender legislation; carrying

out a large-scale information campaign for the population on the issue of gender equality; formation of gender sensitivity in the population.

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