

REALISING WOMEN'S POLITICAL RIGHTS IN UKRAINE

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ABSTRACT

Aim. The article attempts to study legal fundamentals of realising women's political rights in Ukraine. Equal rights for women and men in all spheres of social and political life is the important condition and guarantee for strengthening democracy in Ukraine.

Methods. The research was conducted by applying general scientific methods of learning (analysis, synthesis, modelling) and private-scientific methods of learning (historical, retrospective, comparative and legal, formally logical). The general methodological basis of the article is made by dialectics, ensuring comprehensive studying the problems of realising women's political rights in Ukraine.

Results. Having analysed particularities of realising women's political rights in Ukraine, it is worth noting that since 2010 gender quotas have not been set in the Ukraine's election legislation until 2015. However, 2015 was the year of the first introduction of gender quotas, but they were not of imperative character. According to the new Election Code of Ukraine of 19 December 2019, gender quotas have become a mandatory regulation at the nomination stage.

Conclusions. It is reasonable to make transformation of the stereotypes of the women's role in politics and to draw more attention to mass media, contributing to extension of women's political rights and destruction of the bias about women's position in politics. Gender quotas in the election legislation of Ukraine are of great significance for all members of society in the political sphere, whilst it needs improvement of the administrative and legal mechanisms to ensure gender quotas.

Keywords: women's right, gender quotas, election, political rights, Election Code

INTRODUCTION

Current political life in Ukraine is focused on formation, establishment and maintenance of the optimal performance of the Ukrainian state (under conditions of establishing a developed public society). The equality of women and men in all spheres of social and political life of the state is the important condition and guarantee of the strong democracy in Ukraine. Among different aspects of modern comprehension of women's position in the society and the state, particular attention is drawn to the aspect of "a woman and politics".

Referring to the data of the recent scope of researches on the world values (World Value Survey, 2017-2020) in Western Europe, on average

less than 20% of respondents agree on the suggestion that “Men are better political leaders than women” (e.g. 5% of respondents in Sweden, 9% in Denmark and Germany, 12% in Finland and France, 19% in Italy; only in Greece, the share of those who agree with the statement exceed 20% (26%) (Proekt frogee analitychna zapyska №3 Uroky z Ukrainy Berezen [FROGEE Survey Brief 3 Insights from Ukraine March], 2021).

Hence, gender quotas have a positive effect, but it is important and necessary to conduct further work to approve gender quotas in politics, because the very fact of quota’s existence does not ensure the appropriate changes of non-stereotype and non-discrimination attitude towards women either in the political sphere, or in the society generally.

WOMEN AND POLITICS IN THE MODERN POLITICAL AND LEGAL DISCOURSE

In the modern political and legal discourse (both at the level of international organisations and documents, as well as at the national level), the concepts of “women’s politics”, “politics towards women”, “politics in favour of women”, “gender politics” are used.

The right to take part in referendums and vote to the bodies of state power is acquired by citizens of Ukraine at the age of 18, whilst the right to be elected is acquired depending on the kind of elections, particularly a citizen may be elected as a Member of Parliament of Ukraine only at the age of 21, as a President of Ukraine – at the age of 35, having the right to vote and knowing the official language. It means all citizens irrespective of gender, have equal electoral rights.

One of the political rights is the right to freedom of association into political parties and public organisations.

Legislation of Ukraine does not declare any discrimination regularities about the women’s right to represent the Government of Ukraine and the state at the international level or to participate in the work of international organisations.

The Laws of Ukraine, regulating diplomatic employment or other occupation in the central apparatus of the Ministry in Foreign Affairs of Ukraine and foreign institutions, traditions of promotion are based on the principles of equal requirements irrespective of gender.

Nevertheless, the general trend of insignificant representation of women taking leading positions is still observed even in the international structures. Although many international legal acts stress the importance of women’s cooperation with international organisations, practical collaboration at the international level is irregular, and representation of women in the foreign policy sphere has recently reduced.

Nowadays, the world has sufficiently intensified the impact of public, non-governmental organisations, including those of women, on making

and implementing foreign-policy decisions. The role of non-governmental organisations of the international, regional and national levels as the subjects and effective factors of international relationship has been enhanced. Many documents of the United Nations Conference mark women's significant role in the national governmental and international structures. The UNO considers its most important task is to achieve gender parity in the process of decision-making. To successfully fulfil the task, it is necessary to promote international relationship of Ukraine's women's organisations. In the context of international relations, contacts of Ukrainian women both with the women's international organisations and organisations of some countries are getting broader and stronger.

LEGAL FRAMEWORK OF GENDER QUOTAS APPLICATION IN UKRAINE

A gender quota was first enshrined in the election legislation in 2015 by the Verkhovna Rada of Ukraine by adopting the Law of Ukraine "On Local Elections" (*Vyborchyi kodeks Ukrainy* [Election Code of Ukraine], 2019).

Thus, the Election Code of Ukraine legally approves so-called "gender quotas" for party organisations at the stage of registering electoral lists.

It is worth noting that the Law demands compliance with the quota only at the stage of nominating candidates and is not used for regulating the process after registration, for example, in case of candidate withdrawal.

It should be mentioned that women constitute a majority of the population of Ukraine and the experience of election campaigns confirms they organise and perform most of the work during election process in the status of observers, members of electoral commissions. Still, in the lists of candidates to local councils and candidates for the positions of the local government heads, women do not take leading positions. While analysing local elections in 2015 and 2020, the researchers marked tricks of circumventing gender quotas, particularly women were included in the list of party organisation to comply with the gender quotas during registration, might leave the race or their mandate after the elections' results were announced.

Referring to election legislation and the court practice of its exercising, particularly in terms of gender quotas, one can state that the Election Code of Ukraine does not ensure compliance with the quotas after compiling lists and for this reason, it is necessary to introduce some amendments to the Election Code on the guarantee of gender quotas after registering the list of candidates. It is also important to legitimise the norm which will ensure that in the case of a deputy's withdrawal from mandate, the seat will be substituted by a person of the same gender. The current legislation on electoral process in terms of gender equality does not ensure transformation of the legally mandatory 40% gender quota in the electoral lists of parties into the actual representation of women in the quantity of 40% in electoral districts (Levchenko, 2021).

In the context of the present research, the authors study advantages and drawbacks of applying gender quotas in details. Quoting is viewed as setting places for women during elections or implementation of positive actions (special temporary measures, used to eliminate actual inequality and can be liquidated after the gender parity).

Two kinds of quotas are distinguished, namely quotas, set by a political party, i.e. distribution of places between men and women in the party's list; and quotas, approved by the law in order to influence the election results, and are mandatory for all political parties, ensuring electing women of different political views to the Parliament.

At the international forums of all levels they actively discuss the issues of quotas and parity democracy as the most actual mechanisms to settle the equality of women and men in the political sphere. The parity democracy is a form of social relationship in the political and legal sphere, which guarantees for women the equal status as men on the basis of actual representation at all levels and in all power structures (Rudnieva, 1998).

The parity democracy supporters refer to the existing inequality of women and men in society. They propose a tested way, namely to apply the mechanism of specialised rights. It means different variants of quoting women representation in power structures.

But for quotas, there are other mechanisms of equal representation of men and women in the parliament structures. One of them is the mechanism of reserved seats. That method, similar to quotas, is focused on providing opportunities to be elected to the parliament by democratic elections, as well as be appointed to parliament positions (that can be done regardless of quotas).

The best known example of applying gender quotas for extended involvement of women to power structures is demonstrated by Scandinavian countries. When it comes to gender quotas in those countries, they have become a constituent of both party and state policy. Successful integration of Scandinavian women into political power authorities has been fuelled by financial and psychological independence of women in families. A high level of earnings of both partners in a couple, a developed system of social services, state support for maternity – all has created the material and moral foundation for women actively participating in the process of management.

While analysing different theories concerning the women and politics relationship, the concept of acquisition/awareness of power that was suggested in 80s of the 20th century is worth noting. According to the concept, men consider power is the opportunity to influence, whilst women take it as acquisition/awareness of power for positive actions. That theory again confirms that women identify power and use it differently from men. There are other features, differentiating a woman politician and a man politician, namely a high degree of responsibility, capability to find compromise during conflicts, utility, specificity of thinking.

The authors of the article support the idea that politics is almost the only sphere of social activities, which is characterised by women as the one in

which they are harassed and which is the most contradictory viewed by men and women. Here are some reasons why the number of women in the political sphere is not high, i.e. traditional stereotypes of male leadership in political structures; lack of support for women from influential stakeholders; women suffer from lack of the necessary personal initial capital; women's tendency to take care of their family, house and lack of time; men try to diminish women's access to power instruments because they do not entrust them to make important and global decisions, considering women's way of thinking is not capable of specific actions; women do not vote for women (Chyzhmar, 2007), etc.

Quotas have best helped women to be elected and to get access to decision making in the communities, where the situation with representation of women is the worst. Instead, in the local councils, where representation of women at local elections of 2020 in Ukraine was rather high, the situation has not been radically changed or sometimes even got worse, because the number of women reduced from 44.66% in 2015 to 36.84% in 2020.

Women experience difficulties of participating in elections because of limited resources. On one hand, women do not possess sufficient financial resources to provide collateral for running in elections that is rather high in big cities. On the other hand, activity of a local deputy is not paid that significantly effects women's involvement, because apart from the professional employment, women are often engaged in the unpaid work of taking care of the house and family members and thus, they cannot be active players in political activities.

Women politicians and activists suffer from political bullying and discrimination more often than men, and are more vulnerable to pressure and threats from opponents, objectification in media that definitely influences their engagement in politics at all levels.

An effective instrument for countering political violence and discrimination is to run national information campaigns. Thus, in 2018 Ukraine joined the campaign #NotTheCost (Women make 50% of Ukraine's success, 2021) – a global movement, initiated by Madeleine Korbelt Albright in order to raise awareness of fights against discrimination, to stop violence against women in politics, and draw attention to the real stories of violence against politically active women. Real life stories of women, who had experienced violence and discrimination in politics, were included in the report of the UN Special Rapporteur on violence against women at the UN General Assembly in October 2018 (Violence against women in politics, 2008).

CONCLUSIONS

Having analysed peculiarities of realising political rights of women in Ukraine, one should note that since 2010, gender quotas have not been set in the election legislation of Ukraine. However, in 2015, gender quotas were

first introduced, but they were not imperative. According to the Election Code of Ukraine of 19 December 2019, gender quotas have become mandatory at the stage of nominating. The society should change the stereotypes about the women's role in politics. More attention should be drawn to mass media in advancing women's political rights and transforming the prejudiced attitude towards the women's position in politics.

Hence, ensuring gender quotas in the election legislation of Ukraine is of crucial importance for all members of society in the political sphere, although it is necessary to improve the administrative and legal mechanisms of guaranteeing gender quotas. In particular, it is necessary to pay more attention to improving the qualifications of judges in election matters both during the election process and in the inter-election period. In addition, constant changes to the electoral legislation, which were made before and even during the election process, the complexity of the electoral system definitely reduced the effectiveness of judicial protection of women's political rights. In this context, it is necessary to emphasize the need to develop a general strategy for the protection of women's political rights.

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