

O. Dashkovskaya
Doctor of Law Sciences, Professor,
Professor at the Department of Theory of State and Law,
Yaroslav Mudryi National Law University

GENDER-BASED LEGAL ANALYSIS OF THE LEGISLATION AS A TOOL FOR GENDER EQUALITY

This article is devoted to general theoretical and methodological analysis of gender and legal expertise of the legislation. It covers the main requirements of these instruments to ensure gender equality.

Gender-based expertise of legislation revealed certain difficulties, including:

a) lack of clear government policy that would include functional and structural programs of implementation of gender strategies: restructuring, development, improvement, assessment of policy, special mechanisms, specific sets of measures, criteria of progress, gender construct modules in various fields of social and economic life;

b) the absence of such elaborated policy does not allow fully determining the place and role of legislation, when there is such, and identifying its value for optimal balance of the political, public and social life in terms of gender equality;

c) the problem of strengthening gender equality in many political and legal

acts is considered mainly due to the specific needs of women and is addressed to them; male factor is rarely considered; legal policy contains no new gender approaches and gender policies in the legislation to implement the principle of gender equality;

d) legal reality, its gender dimension corresponds to a time when awareness of equality of men and women in the country, partnerships between them, gender division of roles occur mainly spontaneously at the stage of formation, albeit too slow, of new approaches to determining the legal basis of gender equality;

e) underdeveloped sociology of law that did not allow clearly defining the parameters of gender awareness, gender culture in the legal field and led to the formalized conclusions;

f) lack of awareness of international experience in conducting gender expertise of legislation inhibits these processes in Ukraine.