

UDC 342.72/73  
DOI: 10.33270/04202002.8

# Women's Rights in the Context of Human Rights: Implementation of Fundamental Studies

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## Abstract

The relevance of the study is determined by the subject of the research and provides for: further scientific development of the doctrine of women's rights in modern society and the state; improvement of theoretical material on the essence of fundamental research and the procedure for its implementation; analysis of the effectiveness of the Verkhovna Rada of Ukraine in recent years of its work (based on the indicators of introduced and adopted bills and draft resolutions); justification of the expediency and possibility of influencing the law-making activities of public authorities of the feminist movement. The purpose of the study is to examine the methodology for improving the rights and interests of women and to introduce the results of fundamental research on this issue into the practice of state processes. The goals of the study are: to determine the importance of women's rights for modern society and the state; analyse the essence of studies; clarifying the specific features of introducing studies into the legislation of Ukraine. The research methodology consists of epistemological and ontological approaches to the subject of analysis. The long-term practice of interaction of academic personnel with public authorities shows that the final stage of developing new scientific ideas should be the introduction of regulations for consideration by state authorities. Undoubtedly, researchers should be involved in improving the current legislative acts. They resort to the implementation of studies only when their practical importance in a particular area is identified. The consistent involvement of higher educational institutions and other scientific communities in this process is still at the level of theoretical justification. The issue of women's rights is marked by a number of pressing problems that the feminist movement can solve. The key characteristics of conducting fundamental research, features of their implementation in the practice of law-making are highlighted. The activities of the Verkhovna Rada of Ukraine of the ninth convocation are analysed, in particular, quantitative and qualitative indicators of legislative work are determined. The importance of the feminist movement for optimising the rights and interests of women is argued. The forms of manifestation of feminism are investigated

## Keywords:

women's rights; feminism; law-making; state bodies; Parliament; public power

## Article's History

Received: xx.xx.2021  
Revised: xx.xx.xxxx  
Accepted: xx.xx.xxxx

## Suggest Citation:

Slovka, I., & Tsarenko, O. (2021). Women's rights in the context of human rights: implementation of fundamental studies. *Law Journal of the National Academy of Internal Affairs*, 20(2), 90-96  
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## Introduction

The legal regulation of women's rights in Ukraine is relatively appropriate and is not inferior to international standards. Therewith, the rapid development of social life at the present stage is marked by the emergence of numerous new material and spiritual goods offered to women of all strata of the population. The inaccessibility of some of them or an insufficient measure of satisfaction with them from time to time become relevant, and sometimes with political overtones. Thus, strikes and demonstrations to protect women's rights are rarely organised, let alone revolutionary events. No political force, directing the struggle for women's rights in a conscious area, pursues a course to maintain protest moods and achieve the desired result.

The historical development of Ukraine and the civilised world, in general, has encouraged women to conduct studies on the problems of their legal status.

The practical implementation of the consequences of these fundamental studies is designed to accelerate scientific and technological progress because it allows focusing on protecting such a "valuable resource" as a woman. The use of their work should be based on the implementation of the achieved scientific results in legal regulation and law application.

Fundamental studies are characterised by certain ways of scientific investigation, determined by the logic of the development of science. Due to this, all its areas are able to quickly achieve the desired result, embodied in such a chain: theoretical research – regulatory findings – practical implementation. Among certain scientific areas, new ideas are concentrated during certain periods, given that, the possibility of practical implementation is problematic. Thus, a pragmatic assessment of the consequences of studies is not always justified, since a certain array of new scientific information has cognitive importance.

Therewith, in various areas of constitutional and legal research, there is a situation in which researchers and specialists are confident that they have objective conditions for the effective transfer of scientific achievements to the field of state-building. Such scientific areas are the closest to the field of law-making activity.

Studies and draft laws themselves do not cause changes in the constitutional order. This requires objective conditions, in particular, the readiness of public authorities, civil society institutions, and the population to master new scientific knowledge [1]. However, theoretical scientific intelligence should be considered a prerequisite for the establishment of comprehensive plans to change the legal status of women in Ukraine.

*The purpose of the study* is to examine the methodology for improving the rights and interests of women and to introduce the results of fundamental studies on this issue into the practice of state processes. Achieving the goal involves the implementation of the following tasks: determining the importance of women's rights for modern society and the state; analysing the essence of scientific investigation; clarifying the specific features of introducing studies into the legislation of Ukraine.

## Results and Discussion

Currently, the legal mechanism that regulates the implementation of the studies' achievements requires detailing and defining a number of conceptual provisions. The existing regulations lack an interpretation of the concept of "implementation of results of fundamental studies". This is probably due to the fact that the implementation process covers the activities of academic and educational institutions, state and local government bodies, and individual officials – all the main subjects of implementing scientific achievements. The presence of this definition, legalised in regulatory documents, will optimise the organisation and planning in the field of scientific research, and get rid of a number of negative factors that hinder the implementation process.

In today's conditions, even in relation to applied studies, a generally accepted interpretation, allowing unambiguously recording the content and the fact of implementing a completed study has not been developed. It is more difficult for legal experts to formulate a definition of the results of fundamental studies. According to experts, establishing the fact of implementing the results is insufficient. It should be considered that the new scientific result was tested in the conditions of experimental implementation. This criterion has become widespread in the analysis of the implementation work of individual academic institutions.

Scientific activity in higher education institutions is an integral part of the educational process and aims to integrate scientific, educational, and industrial activities in the higher education system. This intellectual creative activity is aimed at obtaining and using new knowledge and covers the following stages of obtaining scientific products:

- formulating (emergence) of the problem;
- building new hypotheses and applying existing ones;
- creating and implementing of new research methods aimed at proving hypotheses;
- generalising the results of scientific activity.

The main product that meets the goals and problems to be solved, science acquires only after the completion of the cycle in the form of laws and theories. At the intermediate stages, science receives

a by-product, part of which is used in this cycle, and the other part provides replenishment of knowledge and the establishment of new cycles. There are various types of scientific activities: investigational, scientific-organisational, scientific-pedagogical, scientific-informational, scientific-auxiliary, etc. [2].

The main objectives of scientific activity in institutions of higher education are: organic unity of the content of education and programmes of scientific activity; creation of standards of higher education, textbooks, and teaching aids considering the achievements of science and technology; introduction of the results of studies into practice; direct involvement of subjects of the educational process in the implementation of the studies conducted at the university; organisation of scientific, scientific-practical, scientific-methodological seminars, conferences, olympiads, competitions of studies, courseworks, theses, and other works of participants in the educational process.

Evidently, the prerequisite for the effectiveness of scientific activity is knowledge of its methodology, theory, technology, methods, and organisation. These aspects should be mastered by students, postgraduates, doctoral students, and employees of scientific departments of faculties, that is, all participants in educational and scientific processes [2]. Despite the general characteristics, any study, starting from the creative idea and problem statement and ending with the conclusions and the report, takes place through the prism of individual (often unique) features of the researcher [3]. Therefore, an objective result implies a combination of dogmatic and individual approaches in the study of a social phenomenon. The involvement of scientific and educational institutions in the implementation of the results of completed fundamental research can be considered confirmed if this activity provided for the materialisation of scientific knowledge in the objects of state-building practice, economic, political, socio-cultural reality. Moreover, there is no single sample of the implementation procedure. In projects for improving legislation, current regulations, and authors' reports there are various implementation options for law-making activities. A substantial amount of results are transferred to authorised entities based on clear regulatory procedures. Therewith, there are cases when civil society institutions introduce draft regulations outside of conventional organisation-legal forms.

In the science of constitutional law, the question of the content of the concept of the legislative process is debatable (notably, this type of establishment of the legislative framework is the most normatively governed and theoretically investigated). It is true that the beginning of the legislative process is associated with the introduction of a legislative initiative to the Parliament, that is, its

entire procedure is clearly defined in the legislation [4-8]. Therewith, today it is relevant to develop a unique regulation of the process of practical implementation of fundamental scientific ideas. It should consider the variety of forms of conducting such studies, economic and legal relations with the subsequent stages of the complex "science – legislation – constitutional order", reflect the specific features of relations that arise in this area, determine the procedure for financing works and their material and technical support, the responsibility of subjects who create and implement new legislation based on the achievements of fundamental sciences. This, according to the authors of these proposals, will ensure the effectiveness of studies, orient them to the needs of the state and society, create a proper basis for the preparation of a regulation that will determine the conditions for material incentives for law-making subjects to implement their results in the state and social system [8].

When analysing the content of the implementation process, it is necessary to establish the cycle of scientific results. According to some experts, the beginning of this cycle should be considered the stage of fundamental research, and the end – the transfer of a new regulation to the implementation and the subsequent termination of its legal force. With this approach, the cycle covers fundamental and applied studies.

The evolution and boundaries of the life cycle depend on the specific content of the final product. If the study is aimed at improving the current regulation, then its life cycle begins with applied research (they investigate how successful the implementation practice is). In the case of creating a new act, the cycle begins with the stage of fundamental research [9].

Calculations show that out of all the results of studies conducted by researchers of higher educational institutions and research institutions, experts of legal and scientific-expert departments, the percentage of submitted and adopted draft laws is substantial. In this context, the Verkhovna Rada of Ukraine (hereinafter referred to as the Verkhovna Rada) of the ninth convocation is quite "productive". By July 17, 2020 (the end of the third session), 2,105 draft laws were introduced, of which 253 were voted on. In addition, the Verkhovna Rada received 1,076 resolutions, of which 509 were voted on.

Analysing the results of the work of people's deputies by factions and groups, the largest number of bills was submitted by the largest faction – "Servant of the People". In total, 1,029 legislative initiatives were registered with the involvement of parliamentarians from the mono-majority, of which the Rada adopted 149.

Opposition Platform – For Life (hereinafter referred to as the OPZZh) and Batkivshchyna parties

have prepared almost the same number of draft laws: the former submitted 341 initiatives, the latter – 340. Moreover, the parliamentarians supported 28 bills from OPZZh and 31 from Batkivshchyna.

The deputy group “For the Future” submitted 263 bills, of which 22 were supported, “European Solidarity” – 233, of which 29 were voted on. The deputy group “Dovira” developed 223 draft laws, of which the Verkhovna Rada supported 18. The “Holos” faction prepared the least number of draft laws – 215 initiatives. Therewith, the Rada adopted 36 draft laws, which is more than in other opposition factions.

Most of the resolutions were also submitted by people's deputies from the “Servant of the People” – 776 (367 were adopted). The European Solidarity party submitted 104 resolutions, 52 of which were supported by the Parliament. The situation is similar with OPZZh – 46 out of 102 resolutions were adopted. Batkivshchyna submitted 94 resolutions, of which 39 were adopted. The Holos party submitted 73 resolutions, of which the Verkhovna Rada voted for 45. The deputy group For the Future – 66 resolutions, of which 18 were adopted, Dovira – 32 resolutions, of which 18 were adopted [10]. Despite the fact that the law aimed at establishing equality for women and men in all areas of society (“On ensuring equal rights and opportunities for women and men”) in Ukraine was adopted 15 years ago [11], to this day parity has not been achieved: only 20% of women in the Parliament, not a single woman among regional mayors, and the gender gap in the level of monthly wages is 21%. In addition, according to international organisations, one in two women has experienced at least one form of sexual harassment.

The Law of Ukraine “On ensuring equal rights and opportunities for women and men” aims to achieve the parity status of women and men in all areas of society by legally ensuring equal rights and opportunities for women and men, eliminating discrimination based on gender and applying special temporary measures designed to eliminate the imbalance between the opportunities of women and men for equal rights implementation.

The law provides, among other things, the following provisions: promoting gender equality; preventing and countering all forms of violence against women; ensuring equal involvement of women and men in making socially important decisions; ensuring equal opportunities for women and men to combine professional and family responsibilities; support for the family, the establishment of responsible motherhood and fatherhood; education and promotion of a culture of gender equality among the population of Ukraine etc. [12]. Evidently, the state and society should work hard

to put these regulations into practice. Most contemporaries believe that feminism is inappropriate in modern conditions, but this belief is erroneous. For centuries, women have fought for and achieved, for example, the right to vote and equal access to education, but they are still disproportionately exposed to all forms of violence and discrimination. Feminism should be seen as a movement to end sexism, sexist exploitation and oppression, and achieve full gender equality in law and practice.

If earlier the feminist movement meant mass demonstrations, newspaper publications, organised debates and the creation of international women's organisations, then in modern realities it involves the use of mass media and pop culture to promote their ideas and conduct activities (blogs, electronic magazines, and other ways of using the Internet, media technologies led to the emergence of the phenomenon of cyberfeminism – the so-called network feminism) [13].

Vivid examples of the influence of feminism on the adoption of regulations aimed at protecting women's rights are: the introduction of chemical castration for persons who have committed sexual crimes (for example, Poland, Pakistan) [14]; the regulation of prayer rights of men and women in Israel – allowing women to pray at the Western Wall in Jerusalem [15]; the right for abortion, divorce, contraception and, especially, joining the development of Tunisia after gaining independence [16].

In Ukraine, there are also substantial problems in the field of protecting women's rights. In this context, law enforcement officers should listen to the numerous suggestions of researchers expressed in the scientific literature [17; 18; 19; 20; 21].

The scientific originality is determined by the subject of the study and provides for: further scientific development of the doctrine of women's rights in modern society and the state; improvement of theoretical material on the essence of fundamental research and the procedure for its implementation; analysis of the effectiveness of the Verkhovna Rada of Ukraine in recent years of its work (based on the indicators of introduced and adopted draft laws and resolutions); justification of the expediency and possibility of influencing the law-making activities of public authorities of the feminist movement.

## Conclusions

The long-term practice of interaction of academic personnel with public authorities shows that the final stage of developing new scientific ideas should be the introduction of regulations for consideration by state authorities. Undoubtedly, researchers should be involved in improving the current legislative acts. They resort to the implementation of studies only when their practical importance in a partic-

ular area is identified. In this case, the time frame for implementing fundamentally new behaviours is substantially reduced. An effective form of optimisation of the implementation process is the creation of a scientific and practical complex following the example of interaction between academic research institutions, higher education institutions, and state bodies. However, now this model is presented only in the Parliament, whose structural divisions are the Institute of legislation, scientific-expert, and legal management. The consistent involvement of

higher educational institutions and other scientific communities in this process is still at the level of theoretical justification.

The issue of women's rights is marked by a number of pressing problems, which, among other things, can be solved by the feminist movement. Its achievements are reflected in the legislation and further practical implementation. Scientific ideas and theoretical findings are able to generalise the beliefs and aspirations of ordinary citizens and convey them in the appropriate legal form to the lawmaker.

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# Права жінок у контексті прав людини: упровадження результатів фундаментальних досліджень

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## Анотація

Висвітлено ключові характеристики проведення фундаментальних досліджень, особливості їх запровадження в практику правотворення. Проаналізовано діяльність Верховної Ради України дев'ятого скликання, зокрема визначено кількісні та якісні показники законодавчої роботи. Аргументовано значущість феміністичного руху для оптимізації прав та інтересів жінок. Досліджено форми вияву фемінізму. Мета дослідження – вивчення методології вдосконалення прав та інтересів жінок, а також запровадження результатів фундаментальних досліджень із цієї проблематики в практику державотворчих процесів. Завданнями статті є: визначення значущості прав жінки для сучасного суспільства й держави; аналіз суті наукових досліджень; з'ясування особливостей запровадження наукових досліджень у законодавство України. Методологію дослідження становлять гносеологічний та онтологічний підходи до предмета аналізу. Наукова новизна публікації зумовлена предметом дослідження та передбачає: подальший науковий розвиток доктрини прав жінок у сучасному суспільстві й державі; удосконалення теоретичного матеріалу щодо суті фундаментальних досліджень і процедури його запровадження; здійснення аналізу ефективності діяльності Верховної Ради України за останні роки її роботи (на підставі показників внесених і прийнятих законопроектів і проектів постанов); обґрунтування доцільності й можливості впливу на правотворчу діяльність органів публічної влади феміністичного руху. Висновки. Багаторічна практика взаємодії академічних кадрів з органами публічної влади засвідчує, що завершальною стадією розроблення нових наукових ідей має бути внесення правових актів на розгляд органів державної влади. Безперечно, науковці мають долучатися до вдосконалення чинних актів законодавства. До запровадження робіт вони вдаються лише тоді, коли виявлено практичну значущість досліджень у певній сфері. Долучення на постійній основі закладів вищої освіти й іншого наукового загалу до зазначеного процесу донині знаходиться на рівні теоретичного обґрунтування. Питання прав жінок означене низкою нагальних проблем, розв'язати які здатен феміністичний рух

## Ключові слова:

права жінок; фемінізм; правотворення; органи держави; парламент; публічна влада