

LEGAL MECHANISM FOR ENSURING GENDER EQUALITY

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Abstract. *The article is devoted to the issues of "gender equality" in the Russian Federation. The problems of gender equality and its legislative provision are currently among the most relevant subjects for the research of modern Russia. The author notes that the state mechanism for ensuring equality of the rights of the sexes is quite multidimensional in our country. On a par with the structural divisions of executive authorities that are responsible for the special aspects of gender equality, as well as the parliamentary commission on ensuring state policy for the family protection, motherhood protection and childhood protection, there are inside- and interdepartmental commissions whose activities are directly aimed at ensuring gender equality and facilitating its development in Russia.*

Keywords: *equal rights of men and women, gender equality, discrimination, gender legislation, the principle of equality.*

The establishment and actual application of the principle of equality between people is the most significant target of a modern democratic and law governed state. It's the most substantial element is full and genuine equality between men and women.

Nowadays the problems of gender equality and its legal support are among the most current areas of social sciences research [6, p. 33], as well as in the center of the problems of the development of public and legal practice of the Russian Federation.

The analysis of the legal literature allows us to observe that at this juncture there are diverse approaches to gender equality issues, sometimes even contradictory among themselves. Several scientists consider that the full equality of men and women is a legal fiction [19, p. 31], others – exorbitant feminism [1; 4; 8]. Agreeing with V.A. Lebedev, when studying the problem of gender equality, one should not forget that men and women will not be able to be completely equal, they cannot possess equal rights and obligations [9], which is due to the physiological characteristics of their body and the functions they implement in society.

It's worth noting, the content of gender equality supposes the existence of the same number of rights and duties, while flawlessly gender equality should not depend on various

objective factors (gender, pregnancy, age, presence of children, etc.), which is not feasible in practice.

The principle of gender equality does not eliminate the existence of special rights and advantages for women that provide them with decent living conditions (pregnancy, single mother with juvenile). It seems that the application of the facilities established by the legislation on the family protection, motherhood protection and childhood protection to all women without exception, regardless of objective factors, acquitting their belonging to the female sex, is unfair to men and a violation of the principle of equality.

An analysis of Russian legislation suggests that the lawmaker has a complex of guilt for the centuries-old infringement of women's rights since the moment of the formation of the ancient Russian state [7, p. 42]. This complex is expressed in the publication of legal acts protecting exclusively the rights and freedoms of women, granting them special privileges based on gender, as well as in making decisions aimed at improving the legal position of women only and in their interests [16].

In modern Russia, the principle of equality of human and civil rights and freedoms is fixed in Parts 2 and 3 of Article 19 of the Constitution of the Russian Federation. The

equality of the rights of men and women is stated several times in this article: "the state guarantees equality regardless of gender," the possession of equal rights and freedoms by men and women, "equal opportunities for their realization" is enshrined. From the context of some articles of the Russian Basic Law (Part 2 of Article 7; Part 3 of Article 37; Part 1 of Article 38; Part 2 of Article 38, etc.), it is possible to trace the consolidation of the realization of their rights and opportunities equally for men and women.

The Labor Code of the Russian Federation establishes equality of rights and opportunities of employees (paragraph 6 of Article 2), which entails equality without depending on any subjective or objective factors. A separate chapter 41 of the Labor Code of the Russian Federation is devoted to the specifics of regulating the work of women and persons with family responsibilities. The provisions of this chapter define the specifics of granting maternity leave and parental leave, guarantees to pregnant women and persons with family obligations when engaging in overtime work, as well as when terminating an employment contract or sending on business trips, etc. This trend in the framework of the form of legal regulation can be followed in normative legal acts and other branches of the Russian legal system.

Even though the term "gender equality" has become firmly entered modern usage, there is currently no accepted understanding of gender equality, gender discrimination, etc. Pay attention that back in 2003 was prepared a bill "On State guarantees of equal rights and freedoms and equal opportunities for men and women in the Russian Federation", in which "gender equality" was defined as equal legal status of women and men and equal opportunities for its implementation, allowing persons of both sexes to freely develop their potential abilities, skills and abilities for participation in political, economic, social and cultural processes and mastering their achievements [3]. This bill enshrines the definitions of "discrimination", "equal opportunities", "gender", "gender equality", the main directions of state policy to ensure equal rights and equal opportunities for men and women, guarantees of equal opportunities for persons

of both sexes in various spheres of life, a mechanism to ensure equal rights and equal opportunities men and women, etc. The draft law was sent for revision, discussion, and amendments for 15 years. As a result, the State Duma of the Russian Federation rejected this bill in the second reading in 2018. Eventually, there is still no federal law regulating the sphere of gender interaction on a parity basis in the country, which would help to equalize the situation in problem areas.

Presently, the Russian state is implementing the National Strategy of Action in the Interests of Women for 2017-2022 [17], which has defined the main directions of the state. It is aimed at implementing the principle of equal rights and freedoms of men and women and establishing equal opportunities for their realization by women in accordance with the provisions of the Constitution of the Russian Federation, generally recognized principles and norms of international law, international treaties of the Russian Federation.

The name of the document, the analysis of its content leads to the conclusion that it is aimed at analyzing the status of women but ignoring the underlying idea of the Strategy – equality of rights and freedoms of men and women. Agreeing with D.E. Zaikov, the assessment of the legal and actual status of women cannot be full and objective without analyzing the relevant provisions in relation to men [2].

An analysis of regional Action Plans for the implementation in 2020 – 2022 of the National Strategy of Action for Women for 2017-2022 allows us to state that they are all aimed at creating conditions and improving the status of women [14;18], almost ignoring gender equality.

State activity in the field of ensuring gender equality is frozen in Russia and it is difficult to give in to any constructive changes. The state mechanism for ensuring gender equality in the Russian Federation on the wave of origin of the idea of gender equality was presented much greater than now [10; 11; 12; 13]. It is worth noting that recently the work on constructing a mechanism for ensuring gender equality in Russia has practically stopped. The Coordinating Council under the Government of the Russian Federation was

established to implement this Strategy, its main tasks are realized "in the field of improving the status of women" and "in the interests of women" [15]. Apart from the Council we could also name the Committee of The State Duma that is dealing with family questions, women, and children's issues. In mass media is also known as the Maternity Committee.

In 2015 the Public Chamber of the Russian Federation put forward a proposal of necessity to create a women's ombudsman motivating this by the need to solve women's problems forgetting about the interests of men. Speaking about gender equality, it would be more logical to talk about the Commissioner for Equality, as a more gender-symmetrical version. At the same time the establishment of a Gender Equality Commissioner on a par with the Commissioner for Human Rights will cause to overlap their mutual competencies, since it is difficult to differentiate between complaints of human rights violations by gender. In this case, the institution of the Commissioner for Human Rights is an example of effective protection of the rights of citizens regardless of gender, capable of solving

exclusively specific problems through other authorized bodies.

To sum up, the problems of gender equality, as well as its legislative support, are currently one of the most relevant topics for research in the context of the problems of the development of social and legal practice in Russia. As for the specifics of the legal protection of gender equality in Russia, it is worth noting that the state mechanism for ensuring equality of the rights of the sexes in our country is quite multifaceted. Along with the structural divisions of executive authorities responsible for the profile aspects of gender equality, the parliamentary commission on ensuring state policy for the protection of the family, motherhood and childhood, there are intra- and interdepartmental commissions whose activities are directly aimed at ensuring gender equality and promoting its development in Russia. The state policy on equality was sometimes overly focused exclusively on women's rights, while bypassing the truly idea of gender equality since negative discrimination against women gradually began to develop into positive discrimination, but already in relation to men.

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ПРАВОВОЙ МЕХАНИЗМ ОБЕСПЕЧЕНИЯ ГЕНДЕРНОГО РАВЕНСТВА

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***Аннотация.** Статья посвящена вопросам «гендерного равенства» в Российской Федерации. Проблемы гендерного равенства и его законодательного обеспечения в настоящее время являются одной из наиболее актуальных тем для исследования современной России. Автор отмечает, что государственный механизм обеспечения равноправия полов в нашей стране достаточно многогранен. Наряду со структурными подразделениями органов исполнительной власти, отвечающими за особенности гендерного равенства, а также парламентской комиссией по обеспечению государственной политики в области защиты семьи, охраны материнства и детства существуют внутриведомственные и межведомственные комиссии, деятельность напрямую направлена на обеспечение гендерного равенства и содействие его развитию в России.*

***Ключевые слова:** равноправие мужчин и женщин, гендерное равенство, дискриминация, гендерное законодательство, принцип равноправия.*