

GENESIS OF DEVELOPMENT OF GENDER DISCRIMINATION IN UKRAINE AND GREAT BRITAIN

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England has a very rich history, having been influenced by the Romans, Anglo-Saxons, the Vikings and the Normans. The main influence was by the Romans, whose Code Napoleon (Civil Law) was used a foundation for the modern English law¹. Officially, Britain was formed in 1707 when the Act of Union joined the Scottish and English parliaments². This allows England to develop their law over the large amount of time so England should have more effective and just law. A large influence on the English culture is immigration as in 2011 it was calculated that the number of immigrants reached almost 8 million in 2011, making 12.7% of the total British population.³ The mass immigration has influenced the British cuisine, literature, music, film, tradition and law. The variety of cultures and ideologies influenced English government to enforce law that takes in account of every nationality's culture and ideology, including the law on gender discrimination.

Christianity is a big part of English culture, which was brought in by the Romans from when the Roman Empire was chris-

tened in the 4th century⁴. For a long time, the Church was even the main governing power in the country and it created all the laws. The Christian religion is still by far the largest in England as in 2011 a whole 59.4% of the population was calculated to be Christian⁵. This influenced the view on gender roles in society as Christianity proclaims the inferiority of women to men and that women belong to the 'domestic sphere' – cooking, looking after the children, etc. However, this view was challenged by the suffragettes. Another Roman influence on the law in modern England is that the English legal system is highly dependent on the common law, which means that the decisions in previous similar cases have a large influence on the decisions made regarding new cases⁶, a difference with the Ukrainian system. This has a large influence on how effective and fair the English legal system.

English women used to have very little power in the 19th century – they weren't allowed to vote or have any serious jobs, all of the estate and other family possessions belonged to the man, they had no freedom of

¹ Jenkins, S. *A Short History of England*. Great Britain: Profile Books, 2012. pp. 105

² *ibid*, pp. 210

³ The Migration Observatory at the University of Oxford. *Migration in Great Britain: Census Factsheet*, 2014. [report] Available at: <http://www.migrationobservatory.ox.ac.uk/resources/briefings/migration-great-britain-census-factsheet/>.

⁴ Jenkins, *op. cit.*, pp.12.

⁵ The Office for National Statistics. *Religion in England and Wales 2011*, 2012. [report] Available at: <https://www.ons.gov.uk/peoplepopulationandcommunity/culturalidentity/religion/articles/religioninenglandandwales2011/2012-12-11>.

⁶ Virgo, G. et al. *What about Law*. US: Hart Publishing, 2011, pp.8

speech⁷. However, the suffrage movement in England brought change to that, starting with giving women over 30 years the vote in 1918 and over 21 – the same terms as men – in 1928. Since then, the power of women in society has greatly increased as women are now given the freedom of speech, the freedom to choose their own jobs and are now more respected in society.

Ukraine has also been influenced by the Romans until the Slavic tribes came in, establishing Ukraine as a Slavic country from early on, which had a major impact on the country's ideology⁸.

Just like in England, Christianity is very important in Ukraine as the Christian tradition is dated from back in 988 when Knyaz Volodymyr established Christianity in the Slavic countries⁹. Also similarly to England, Christianity is the largest religion in Ukraine but contrary to England, Christianity is by far the dominating religion in Ukraine as 80% of the whole population is a type of Christian (Christian Orthodox, simply Christian, Greek-Catholic, Roman-Catholic, etc.)¹⁰ This shows that the Christian views described in the paragraph about England must be very common so perhaps this gender stereotyping must be part of the Ukrainian culture, explaining why Ukraine could have worse gender discrimination problems than England.

One of the differences between the English and the Ukrainian legal systems is that the Ukrainian system does not depend on case law, unlike the English system, and instead the court's decisions are highly dependent solely on the legislation.¹¹

⁷ Murray, J. *20th Century Britain: The Woman's Hour*. Available at: http://www.bbc.co.uk/history/british/modern/jmurray_01.shtml, 2011.

⁸ Magocsi, P.R. *A History of Ukraine: The Land and Its Peoples*. Toronto: University of Toronto Press, 2010, pp. 17-9

⁹ Magocsi, op.cit., pp. 370-80

¹⁰ United States Department of State. *Ukraine 2012 International Religious Freedom Report*, 2012 [online report]. The US: Bureau of Democracy, Human Rights and Labor. Available at: <https://www.state.gov/report/custom/3c400dacc8/#/>

¹¹ Kuznetsov, A. 'General Overview of the Ukrainian Judicial System', *Ukrainian law firms*, unknwn date. Available at: <http://sd.yurpractika.com.ua/practice/165>

England and Ukraine have a long history of the development of gender discrimination in multiple areas.

Women were treated a lot more unequally in England previously and the situation has majorly improved but there still are gender discrimination issues in England. One of major problems in the modern day is maternity leave and it's effect of women's careers. The 2005 Equal Opportunities Commission survey showed that almost half of the pregnant women and women with new-born children are discriminated at work, almost a quarter returning to work after maternity leave come across financial decline and 30,000 women lost their jobs each year because of maternal leave¹². And the issue is still present – new research showed that 14% of women on maternity leave are unable to return to work due to discrimination by employers, who are refusing to adjust working hours or who decide to demote the women to more junior positions¹³. The first government minister to take maternity leave while in office, Yvette Cooper, struggled to keep her work status from before the maternal leave, saying that 'senior civil servants treated my maternal leave with hostility... trying to change my job and working arrangements'¹⁴.

Discrimination of women in politics is also an issue as even though women gained the right to vote, most of their candidates are men. In 2015 only 29% of all the elected MPs were women and only 26% of the House of Lords¹⁵. Although the number of women in politics has increased by 48 MPs in the House of Commons from the 2010 elections but the numbers are still not equal to the number of men in politics. Before Mrs Theresa May, Britain has only had one female Prime Minister Margaret Thatcher and she had to go

¹² Peck, S. 'Maternity discrimination 'is a growing problem' in UK'. *Telegraph*, March 2013.

¹³ Joseph, G. 'Maternity leave discrimination: A working mother's story of losing her job – and how she got over it'. *Telegraph*, August 2013.

¹⁴ *ibid*

¹⁵ Women in Parliament and Government, Briefing Paper number SN01250 by House of Commons Library, July 2016

through a lot of gender discrimination by her fellow male politicians and sacrifice her relationship with her family. This proves that maternity is a big problem that is the reason why women are discriminated at work.

There is also discrimination at work as the women are paid less than the men. This can be clearly seen in the statistics - the pay gap between a man's pay and a women's pay currently stands at 24%¹⁶ - for example, a female apprentice earns 2000 pounds less than a male apprentice¹⁷. If looking at the education sphere, it seems like the number of women is quite equal to the men as 45% of academics are women but not many of them reach high positions - only 22% of professors are women. Also, when they graduate, female graduates earn 21-24 thousand pounds per year, while male graduates earn 24-27 thousand pounds per year after doing the same subject at the same standard at a similar university. Another form of discrimination against women in the workplace is the employer being more or less likely to employ a woman because of her sex. Anecdotal evidence point to the fact that some employers believe in the stereotype that women are less effective workers, especially in the 'manly' jobs, or some employ women only due to their sexual appeal. The Fawcett Society claims that the pay gap is paid by many women after having children: "the impact of having children means that as men's careers take off, women's often stagnate or decline" and "their salaries never fully recover," says the Fawcett Society's chief executive Sam Smethers¹⁸. This is true as women believe that having children will kill or at least damage their career and make sure to have children later on in their career so that they have already earned at least some

money – the average age for women to have their first child in the United Kingdom is 30 – rather old¹⁹. Research shows that women starting their careers are just as likely to become successful as men but by the age of 30 there is a gap between the numbers of men and women at the top of most professions, hinting that this problem arises due to maternity as 30 is the average age for an English woman to have a child²⁰. A recent survey by the law firm Slater & Gordon showed that a third of British mothers said that it was 'impossible' for them to climb to climb the career ladder after returning from career leave²¹. This shows that the discrimination of women in the workplace and the discrimination of women due to maternity are closely linked so fighting the later would majorly help solve the first one.

Lastly, violence and rape against women is very common as well – on average, two women a week are killed each year by a current or former partner²². In England and Wales, approximately 85,000 women are raped and '1 in 5 women aged 16-59 has experience some sort of sexual violence since the age of 16'²³. Very often, when rape cases are brought to court, some of the key evidence that is usually brought up is the woman's 'provocative' appearance or her 'flirtatious' attitude towards the rapist. This is clearly gender discrimination as this is never used as evidence against male victims of rape and it makes women less confident about pressing charges when raped, which defines the purpose of law as it cannot defend women anymore.

Gender issues in Ukraine are similar to the issues in the United Kingdom. The number of women in politics in Ukraine is very low – it ranked 155th in the Women in National Parliaments, Inter-Parliamentary

¹⁶ Robins, J. An unhappy anniversary for the equal pay act | Jon Robins. *The Guardian*, 2010. Available at: <https://www.theguardian.com/law/2010/jun/07/anniversary-equal-pay-act>.

¹⁷ Fawcett Society. *'Equality. It's about time. 150 years Fawcett', 1866-2016 timeline*, 2016. Available at: <https://www.fawcettsociety.org.uk/Handlers/Download.ashx?IDMF=45a5a7f5-f1bd-4078-b0b7-4bfccab159d>.

¹⁸ Allen, K. 'Gender pay gap: Women earn £300, 000 less than men over working life', *The Guardian*, 7 March 2016.

¹⁹ World Economic Forum. *The Global Gender Gap Report. The Global Gender Gap Index 2014: Measuring the Global Gender Gap*, 2014. Part 1.

²⁰ Bingham, J. 'Clampdown on workplace discrimination pregnant women'. *The Telegraph*, November 2013

²¹ *ibid*

²² Rape crisis: England and Wales. *Rape statistics*, 2016. Available at: <http://rapecrisis.org.uk/statistics.php>

²³ *ibid*

Union table²⁴ with only 11.6% of women in the Verkhovna Rada, which is a lot less than the United Kingdom which reached the 39th place on the same table with the leading country being Rwanda – 61.3% of women in government. The women in the parties also mostly take the minor roles.²⁵ Eight out of the 21 parties in Ukraine do not have any female members at all. This is a major problem as mentioned in the nation review of Ukraine by the Implementation of the Beijing Declaration and Platform for Action 1995, an example of how best practices shape the Ukrainian law. Arguably, an important reason for gender discrimination in Ukraine is the lack of political will to stop it: the Parliament has not managed to agree on any policy regarding the issue²⁶. This is perhaps because a very big part of the Parliament is male and that should change.

Another major issue similar to England is women's labour. There are big pay gaps between men and women – a woman's average hourly wage only makes up 72,5% of a man's²⁷. Usually, women work 4-6 hours more than men and that's excluding all their housework – which men stereotypically don't do. Women, which have children and get paid maternity leave become uncompetitive in the labour market. This discrimination could be the reason for women making up the vast majority of labour migrants from Ukraine. There is also a problem of gender

stereotyping in professions as the law bans women from choosing certain jobs because they may present a danger to them. This is discriminatory against women as it implies that the law doesn't recognise women for being able to consider the risks and make responsible decisions, while men, who would face the same danger if they choose the same job, are implied to make these decisions.

The difference in Ukrainian ideology to the ideology of England is key to the difference in the two countries' gender issues and the effectiveness of the law to prevent it. Some of the very important problems in Ukraine are the stereotypes about the roles of men and women in society and family. Surveys show that almost 80% of Ukrainian men believe that men should be the head of the family and only 50% agrees that women could be the head of the family as well²⁸. The same survey shows that almost 80% agree that the cooking is performed mainly by women, women agreeing almost as much as men, showing that perhaps this is what both genders are brought up to believe. This accentuates a reason for the difference in the law on fighting gender discrimination in England and Ukraine as stereotypes are less of a problem in England now. Mostly, these stereotypes are passed on through generations and cannot be stopped by the government but what can be stopped is the channelling of these stereotypes through education. From an early age, girls are taught that they belong to the 'domestic' sphere – for example, in most schools in grade 5 and 6 female students have to take the housework class while get to do DT. This shows the roles assigned to Ukrainian boys and girls from an early age. These roles in turn develop into the stereotypes of 'male' and 'female' professions, limiting men and women in their career pursuits. There more than 500 types of works that are prohibited for women in Ukraine due to 'harmful and handfull conditions', which

²⁴ Women in National Parliaments. *Women in parliaments: World classification*, 2016. Available at: <http://www.ipu.org/wmn-e/classif.htm>.

²⁵ MCPD. *Women in Ukrainian politics: Challenges and prospects for change* [online report], 2015. Available at: http://www.icps.com.ua/assets/uploads/files/gender_block_editfinal.pdf.

²⁶ UNECE. *Ukraine. National Review. Implementation of the Beijing Declaration and Platform for Action (1995) and the outcomes of the twenty-third special session of the General Assembly (2000) in the context of the twentieth anniversary of the Fourth World Conference on Women and the adoption of the Beijing Declaration and Platform for Action (2015)* [report], April 2014. pp. 8-12.

²⁷ Danylova, T. V. *Social philosophy and philosophy of history: Towards Gender Equality: Ukraine in the 21st century*. Kyiv: National University of Life and Environmental Sciences of Ukraine, 2013, pp. 41-2

²⁸ Sociological group 'Rating'. *Gender roles and stereotypes in Ukraine – researches*, 2015. Available at: http://ratingpro.org/en/research/gendernye_rol_i_stereotipy_v_ukraine.html.

they are not believed to be able to handle²⁹. This contradicts Ukrainian women's rights as humans that have human rights to be able to choose their own job. In this case, the law fails to protect its citizens.

Violence against women is a problem in Ukraine. Out of all of the reported cases of violence in Ukraine, at least 90% of them are cases of violence against women and that's not even all of the victims as only 1 in every 4 women that have been assaulted addresses the government for help, which proves that the government has not been doing a good job of appearing as a protector to the abused women³⁰. The chairman of the Board of Women's Information Consultative Center O. Suslova believes that the reason for the large amount of violence against women in Ukraine is because Ukrainian girls are brought up to be 'submissive and obedient to men'³¹. Also, the current legislation does not offer women any compensation for domestic violence – this does not cover the woman's expenses of filing a lawsuit against the offender, perhaps putting all female victims of violence off turning to law for help³². The lack of proper support in the area means that the Ukrainian government is not fulfilling the obligations of being a member of the UN and the Council of Europe, as its policies do not match the international standard of human rights.

Maternity is also an issue in Ukraine, because the law that is meant to provide for maternity leave in Ukraine works to discourage employers from employing women. There is a lot of legislation that is discriminatory against women because of becoming pregnant such as women having to pay a

'pregnancy tax'. In this case, the law is the cause of gender discrimination. Other than legislation-induced discrimination against women, women in Ukraine also get a much smaller maternity leave, comparing to other countries. Ukrainian women are entitled to 140 maximum days of paid maternity leave (about 5 months, which is extremely little compared to Bulgaria's 410 days or the United Kingdom's 12 months).³³

Conclusions. Analysis of the main problems and legislation in the field of gender equality in Ukraine and Great Britain and analysis of the historical and ideological background of the countries allows us to draw the following conclusions: 1) history and ideology of countries has a great influence on gender inequality in Ukraine and Great Britain; 2) the main factors that contributed to the development of gender discrimination in England were: immigration, religion, legal system of the country, while in Ukraine it is religion and socio-cultural prejudices about gender rights and roles; 3) The main problems in the field of gender equality are: In England, the four main areas - maternity, women in politics, women in the workplace and violence against women, and five areas in Ukraine - women in politics, women's labour, the channelling of gender stereotypes through education, violence against women and maternity.

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²⁹ O, Uvarova. *Women's rights and gender equality in Ukraine*. Ukrainian Helsinki Human Rights Union, 2016.

³⁰ Ukraine: Domestic violence. *Joint Stakeholder Report for the United Nations Universal Periodic Review*, 2017. Available at: <https://uprdoc.ohchr.org/uprweb/downloadfile.aspx?filename=4355&file=EnglishTranslation>

³¹ Danylova, T. V. *Social philosophy and philosophy of history: Towards Gender Equality: Ukraine in the 21st century*. Kyiv: National University of Life and Environmental Sciences of Ukraine, 2013, pp. 18-21

³² *ibid*, pp. 60-6

³³ Roudik, P. *Ukraine: New 'Pregnancy Tax' introduced for women and their employers*, 2013. Available at: <http://www.loc.gov/law/foreign-news/article/ukraine-new-pregnancy-tax-introduced-for-women-and-their-employers/>.

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ГЕНЕЗИС РОЗВИТКУ ГЕНДЕРНОЇ НЕРІВНОСТІ В УКРАЇНІ ТА ВЕЛИКОЇ БРИТАНІЇ

У всьому світі гендерна дискримінація залишається актуальною проблемою, оскільки для більшості коментаторів ця проблема пов'язана з історичною несправедливістю по відношенню до жінок, привілеями чоловіків та закріпленими соціокультурними упередженнями щодо гендерних прав і ролей. В Україні та Великобританії ці проблеми не менш актуальні.

Метою статті є виявлення основних проблем та законодавства в галузі гендерної дискримінації в Україні та Великої Британії, а також дослідження ідеології та історії України та Великої Британії, що впливають на формування гендерної дискримінації країн.

Доводиться, що ідеологія та історія країни мають дуже великий вплив на законодавство країни, тому важливо розумі-

ти цю ідеологію, традицію та історію, щоб зрозуміти, чому приймаються певні закони та чому вони ефективні чи не ефективні.

В статті автор розглядає основні проблеми гендерної дискримінації в Україні та Великої Британії. У світі в цілому ООН вважає, що проблеми гендерної дискримінації – це: жінки в політиці, насильство над жінками, материнство та незалежність від чоловіків. У статті розглянуті проблеми гендерної дискримінації в Англії та Україні.

Автор доходить висновку, що основними історичними та ідеологічними факторами, що сприяли розвитку гендерної дискримінації в Англії були: імміграція, релігія, юридична система країни, тоді як в Україні це релігія та соціокультурні упередження щодо гендерних прав і ролей. Основними проблемами в галузі гендерної рівності є: В Англії чотири основні сфери, це – материнство, жінки в політиці, жінки на робочому місці та насильство над жінками та п'ять сфер в Україні – жінки в політиці, жіноча праця, поширення гендерних стереотипів через освіту, насильство щодо жінок та материнство.

Ключові слова: гендерна рівність, основні проблеми гендерної нерівності в Україні та Великої Британії, гендерна дискримінація, роль історії та ідеології в формуванні гендерної нерівності, вплив стереотипів на формування гендерної нерівності.