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Concept and Interaction of Gender Democracy and Parity Democracy: Theoretical and Legal Aspects

У статті здійснено загальноправовий аналіз таких явищ, як «гендерна демократія» та «паритетна демократія». Акцентовано увагу на взаємозв'язку понять «гендерна демократія» та «паритетна демократія». Систематизовано авторські погляди відносно співвідношення гендерної демократії та паритетної демократії.

Ключові слова: паритет, гендер, гендерна демократія, паритетна демократія, гендерна сегрегація, гендерна збалансованість, рівність прав і свобод людини і громадянина.

В статье осуществлен общеправовой анализ таких явлений, как «гендерная демократия» и «паритетная демократия». Акцентировано внимание на взаимосвязи понятий «гендерная демократия» и «паритетная демократия». Систематизированы авторские взгляды относительно соотношения гендерной демократии и паритетной демократии.

Ключевые слова: паритет, гендер, гендерная демократия, паритетная демократия, гендерная сегрегація, гендерная сбалансированность, равенство прав и свобод человека и гражданина.

The article deals with the general legal analysis of such phenomena as «gender democracy» and «parity democracy». The emphasis is on the relationship between the concepts of «gender democracy» and «parity democracy». The development of parity democracy and gender democracy is an interdependent and complementary process.

It is emphasised that gender democracy is the basis for sustainable development of society, ensuring equal rights of women and men in all spheres of society. The development and implementation of a legal model of parity democracy is one of the most effective means of resolving private, social and public interests and conflicts.

In this article, it is highlighted that the general aim of gender democracy and parity democracy is to establish social justice. Parity democracy and gender democracy are obligatory elements of the formation of a democratic state, the basis of which is the provision of political, social, economic, cultural rights and freedoms of man and citizen. The model of parity democracy is the doctrinally motivated need of modern state and society due to the lack of equal representation of citizens in various spheres of the life of society, primarily in the political sphere.

We emphasise that the open and transparent interaction of public authorities and civil society institutions serves as the basis for realizing the principles of parity democracy and ensuring gender balance, eliminating the monopolization of power and further decentralization, and in general democratizes the whole process of public administration. In addition to a number of existing mechanisms, state and public control plays an important role for the development of parity democracy today. Public control is a particular manifestation of the democratic functioning of the state at the present stage and is carried out in various forms. The European vector of Ukraine's development requires systematic control over the activities of public authorities by civil society institutions in creating conditions for the realization of gender balance and equality of rights and freedoms of man and citizen as a whole.

Keywords: parity, gender, gender democracy, parity democracy, gender segregation, gender balance, equality of rights and freedoms of man and citizen.

Problem statement. The importance of studying the issue of developing gender democracy

and parity democracy in Ukraine and in the world, ensuring equality in various spheres, such as

education, labor employment, politics, state and social activities, etc., is caused by the necessity to create conditions for the equal exercise of human and civil rights and freedoms, regardless of differences in race, sex, nationality, religion and others. Nowadays, in Ukraine and in the overwhelming majority of democratic states or those who are moving in this direction, the significant gap between women and men in public and political activity is supported where the maintenance of a gender balance is the basis of its existence in other spheres of the life of society. Comprehensive support for the development of parity democracy will promote further democratization of society and the formation of a European rule of law in Ukraine.

In this context, it is important to consider such legal phenomena as «gender democracy» and «parity democracy», to investigate their interconnection with a view to the practical application of these concepts by state and political leaders, academics, the public, representatives of the media in the current conditions of state formation and law-making. The lack of a unified approach in terms of terminology is one of the obstacles to effective interaction between the state and the public.

The issue of gender democracy and parity democracy is an important theoretical and applied point.

Analysis of recent research and publications. The questions of gender democracy and parity democracy were studied by such domestic and foreign scholars as M. Bilynska, R. Bridotti, T. Bulavina, O. Venger, J. Wicks, M. Witting, I. Grabovska, N. Hrytsiak, B. Guoks, J. Elstein, O. Katan, M. Kimmel, L. Kobylanska, N. Kovalishyna, L. Kormych, T. Krasnopolskaia, O. Kulachek, I. Lazar, O. Lazor, K. Levchenko, T. Melnyk, J. Mitchell, K. Milet, L. Nalyvayko, S. Naumkina, N. Onischenko, O. Rudneva, O. Serdiuk, O. Sknar, L. Smoliar, I. Tsikul, N. Shvedova, E. Shovolter, O. Yarosh, etc. However, in connection with the permanent transformation of the meaning of the term «parity democracy», the constant expansion and improvement of the concept of «gender democracy», the unified approach to their categorical status has not been developed. Sometimes a question about the relationship between these categories is rather controversial and it still remains an open one. Therefore, there is a need for a scientific rethinking of the content of gender democracy and parity democracy.

The purpose of the article is a general legal analysis of gender democracy and parity democracy, the disclosure of their interrelations.

Presenting main material. In the scientific literature, the term «gender democracy», as a rule, proposes to understand the system of the expression of the will of women and men in civil society as equal with each other in the rights and opportunities enshrined and actually secured in political and legal principles, actions, the creation of public and state structures taking into account gender interests and needs [1; 2; 3, p. 121; 4, p. 370]. A similar definition of the concept of «gender democracy» is contained in the Decree of the Kyiv Regional State Administration «On the Draft Regional Program for Ensuring Equal Rights and Opportunities for Women and Men of the Kyiv Oblast for 2007-2010» [5] et al. This interpretation is more in line with contemporary world and national trends in the field of gender, but needs some clarification due to the constant development of society.

Consideration of the concept of «parity democracy» obliges to refer to the clarification of the essence of the term «parity».

Parity (from Latin *paritas* – equality) means equal representation of the parties in the settlement of treaties, conflicts, division of property, consideration of issues concerning two or more parties [6, p. 397].

The concept of «parity» has a socio-economic origin and was originally used in such phrases as «currency parity», «monetary parity», eventually its scope expanded: «parity of purchasing power», «nuclear parity», «parity of electoral», «Parliamentary parity», «parity democracy», etc.

In domestic and foreign studies, normative sources, the use of the concept of «parity democracy» is quite widespread. Currently, there are several approaches to understanding this category.

Thus, T. Melnyk, L. Kobylanska interpret the concept of «parity democracy» as a political and legal form of organization of socio-sexual relations in a society in which women and men have equal legal and political status and as equally represented perform in gender-balanced authorities and management structures [7, p. 49]. The same definition of the term is also provided by O. Venger [3, p. 121]. The authors propose a constricted content of the investigated phenomenon, focusing only on gender balance in politics and public authorities. As retrospective analysis shows, such an understanding

of the category of «parity democracy» took place at the beginning of its historical appearance.

I. Yunyk provides a close meaning to the wording of the phenomenon under study: parity democracy is a form of social relations in the political and legal sphere, in which men and women are guaranteed equal status in all spheres of public life, in particular in public authorities [8, p. 166]. In the definition, although the focus is on gender equality in public authorities, however, besides this, emphasis is placed on ensuring parity in all spheres of public life.

The urgency of implementing parity approaches to the activities of public authorities is due to the processes of democratization of society. The implementation of parity democracy in the public authorities of foreign countries is based on observance of the principles of parity of the rights of women and men in all spheres of public life or the balance of their participation in decision-making, a combination of professional and family responsibilities, equal pay in labor, equal attitude in labor relations, protection of motherhood, parenthood and childhood, etc. [8, p. 166].

Equality, tolerance, consistency of interests turn into independent principles of modern democracy, giving it a form of parity democracy [9, p. 17-18]. Effective implementation of the ideas of parity democracy requires the development of strategic benchmarks for a long-term perspective in order to prevent the emergence and elimination of existing conditions for the domination of some entities by limiting the rights and freedoms of others. The consolidation of international, regional and state-owned organizations will make it possible to achieve the standards of parity democracy at all levels faster. Integrative approach is fundamental to further progressive transformations of different societies.

I. Tsikul emphasises that the concept of «gender» is the fundamental category of the analysis of parity democracy. The main indicators of measuring parity democracy are gender equality, gender asymmetry, gender balance, gender sensitivity, gender gap and gender index of human development. Parity democracy affirms the imperatives of civil, political and social rights without discrimination of the sexes and acts as an essential component of the establishment of democracy [10, p. 4-5, 20, 35, 39]. The characteristics determined by the author are peculiar

and reveal the content and essence of the primary of gender democracy.

L. Kormich has made an important contribution to the study of the problems of parity democracy. Under the mentioned term, the author proposes to understand the model of the system of checks and balances, which ensures the implementation of equal rights and opportunities for all participants in the democratic process, creating a certain balance of interests. Such a model is based on the political and legal systems that define the rules, norms and mechanisms of interaction of various components. It has an objective basis, due to socio-economic realities, and also takes into account the perspective needs of the development of society. According to the scholar, parity defines relations in various spheres of vital activity of society, such as national relations, gender policy, interconfessional relations, etc. Among a number of other important aspects of parity democracy L. Kormich defines gender equality in all spheres of life [9, p. 12-13]. Thus, in the aspect of the model of parity author, the scholar emphasised, firstly, the need to guarantee the rights and freedoms of all participants in the democratic process. Secondly, the sphere of realization of equality of human rights and freedoms is not limited. Thirdly, gender balance in all areas of state and society functioning is seen as an important but not the only aspect of parity democracy, which makes it impossible to substantially equal the categories of «parity democracy» and «gender democracy».

More carefully, the problem of the correlation of the concepts of «gender democracy» and «parity democracy» was considered by O. Venger, T. Krasnopolskaia and others.

O. Venger expresses the view that the concept of «parity democracy» is a narrower notion than «gender democracy». Parity democracy is based on a proportional (ideally parity, i.e. 50/50) representation of women and men in all branches of both legislative and executive power. The gender aspect of the value of historical creation and the functioning of democracy in Ukraine is that it is an indispensable prerequisite for the creation of a civil society and a democratic state, an important factor in the formation of social relations on the basis of parity [3, p. 82]. We believe that such a conclusion is not methodologically correct, since there is a substitution of concepts. The proportional representation of women and men in all branches of

government, as the author emphasises, is in fact a basic element of parity democracy, but in the particular case it is a question of the equal representation of both sexes in the authorities, which can be called «parliamentary parity», «government parity», and so on, which is not equivalent to the term «parity democracy».

T. Krasnopolskaia expresses the opposite view: the concept of «parity democracy» is much broader and at the present stage includes such components as gender equality, ethnic parity, national tolerance and social partnership of the state and civil society [4, p. 370]. Proceeding from the content of the concept of «parity democracy», the author proposes to highlight several of its parameters relating to gender, namely equal rights and equal opportunities for participation in public life and politics of all citizens, regardless of gender, equal representation of women and men in electoral and appointed positions, parity of women's participation in the legislative process (gender balance in parliament) [11, p. 224]. For practical realization of the above, compulsory consolidation of society is required. The gender balance is a prerequisite for the general balance of interests of the public and the state.

Thus, the development of parity democracy and gender democracy are interdependent and complementary processes. The basis of further social progress is the equality of all its members. For a democratic state it is unacceptable to exclude the population, in whole or in part, from the adoption of important state and public decisions. Gender democracy implies the provision of the abovementioned on the basis of the absence of sex discrimination and the creation of conditions for the development of gender balance in all spheres of society. Parity democracy includes a number of other parameters, such as the absence of gender discrimination, political, religious beliefs, racial affiliation and many other indicators, which is a more content-rich category. The goal of parity democracy and gender democracy is to establish social justice. Avoiding discrimination/double discrimination causes each component of parity democracy to be permeated by the underlying principles of gender democracy, since any social group that may be subject to restrictions on the part of society or authorities is usually divided into men and women and must also observe gender balance in their environment.

Conclusions. Summing up, it is necessary to note the following.

1. The conducted analysis of scientific literature provides an opportunity to distinguish the following main approaches to the relation between the categories of «gender democracy» and «parity democracy»: 1) «gender democracy» and «parity democracy» – the phenomena are identical; 2) «gender democracy» is a broader concept than «parity democracy»; 3) «parity democracy» includes in its content the phenomenon of «gender democracy»; 4) «gender democracy» and «parity democracy» are independent but interdependent phenomena. Taking into account the substantiated and analysed theoretical and methodological approaches to the definition of the terms «gender democracy» and «parity democracy», it is appropriate to consider them as interconnected and mutually determined phenomena.

2. The concept of «gender democracy» should be understood as a system of normatively ordered and foreseen political and legal principles of the rights, freedoms and responsibilities of women and men, ensuring the possibility of their equal implementation and observance in all spheres of state and public activities taking into account gender interests and needs through an appropriate legal mechanism for implementation. Gender democracy is the basis for the sustainable development of society, ensuring equal rights of women and men in the political, social, economic, spiritual and cultural spheres.

3. Parity democracy is a system of normatively ordered and foreseen political and legal principles of the rights, freedoms and responsibilities of a person and a citizen, ensuring the possibility of their equal exercise and observance in all spheres of public-public activity through the appropriate mechanism of implementation. The formulated author's definition of «parity democracy» in the general theory of law places an emphasis on the comprehensiveness and multilevel content of this legal phenomenon which has practical value aimed at revealing and studying the specifics of the components of parity democracy. The development and implementation of the legal model of parity democracy at the present stage is one of the most effective means of resolving private, social and public interests and conflicts.

4. The open and transparent interaction of public authorities and civil society institutions serves

as a foundation for implementing the principles of parity democracy, in particular, ensuring gender balance, eliminating the monopolization of power and further decentralization, and, in general, democratizes the whole process of public administration. Various mechanisms for ensuring parity democracy need their constant improvement to achieve a balance of interests and needs. In addition to a number of existing mechanisms, state and public control plays an important role for the development of parity democracy today. The latter is a special manifestation of the democratic functioning

of the state at the present stage and is carried out in various forms, such as public examination, public monitoring, public hearings, public protests, etc. The European vector of Ukraine's development requires systematic control over the activities of public authorities by civil society institutions in creating conditions for the realization of gender balance and equality of rights and freedoms of man and citizen as a whole.

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