

основними категоріями – ідея, смисл, мета права, справедливість, свобода, рівність, визнання, права людини та ін.» [6, с. 23-24]. Також, незважаючи на те, що предмет філософії права перебуває не у статичності, а динамічно розвивається адекватно розвитку правової системи, не можна стверджувати, що він є «розмитим» та таким, що не піддається визначенню. Крім цього, предмет філософії права перебуває у прямій кореляційній залежності із завданнями, що стоять перед філософією права, належне вирішення яких є суттєвою вимогою сьогодення та умовою подальшого існування, розвитку філософії права у складному та суперечливому світі.

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WORLD PRACTICE OF GENDER PROCESSES (МИРОВАЯ ПРАКТИКА РЕГУЛИРОВАНИЯ ГЕНДЕРНЫХ ПРОЦЕССОВ)

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Annotation: In our earlier researches we already studied «Security» in some aspects. As the result published book «Legal Aspect of management system of Financial and Economic security of Enterprise» and some articles about labour law security. And now we want to pay attention scientific society on the special, unusual side of this theme – gender security. Question about gender safety is very urgent. We convinced that this aspect of security will open horizons and new ways to protection of human rights. For the reason that the time is come for this theme and its importance cannot be underestimate.

Key words: gender, security, law, human rights, OSCE, human equality.

Анотація: У статті розглядається світова практика щодо врегулювання питань, пов'язаних із глобальними процесами у гендерному контексті. Останнім часом вони набувають надзвичайної актуальності. В наших попередніх дослідженнях ми вже детально досліджували подібні проблеми: безпеки економічної, а також в трудовому законодавстві. Проте існує чимало явищ, які в цьому контексті потребують детального вивчення, зокрема безпека гендерна.

Ключові слова: гендер, безпека, право, права людини, ОБСС, рівні права.

Анотация: В статье рассматривается мировая практика касательно урегулирования определенных вопросов, связанных с глобальными процессами в гендерном контексте. Эти вопросы приобретают всю большую актуальность. В наших предыдущих исследованиях мы уже детально рассматривали вопросы экономической, трудовой безопасности. Но именно сейчас все больше становятся актуальными вопросы урегулирования гендерных взаимоотношений и их безопасность.

Ключевые слова: гендер, безопасность, право, права человека, ОБСЕ, равные права.

As traditional concept «security» did not understanding in context of «mail and female

relationships». States, governments, legislation as usual carry it to the personal area. A lot of aspects did not regulate by law, until crime or another offence will not be accomplished.

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Another side – is reference gender questions to the area of philosophy, theoretical field. But there is no whole understanding, that «gender» and «security» are nearly, close concepts.

Crimes on gender ground, offences to a sexual attribute, social changes – relate to safety and order. Therefore big responsibility assigned to law scientists, lawyers. They must pay attention of state and citizens on problems of security in sphere of gender.

Deeply studied this questions in parities of sex, they could prevent those tendencies, which are observed now in the world. According to our supervisions there is a modern line, and last researches of scientists from whole of the world more and more carefully investigate influence of gender aspects on formation of the legislation.

We said – «last time», but we mean «the last few decades». Because except modern lines, for reliability and objectivity of conclusions, it is necessary to study also historical background, past of this problem. Find answers in the past – as the expert in the field of history of the state and law, we would formulate it so. Therefore, we will analyze and give some examples.

As we can see there is range of questions that are studied in this field:

- Gender Analysis of the Impact of the 2014 Floods in Serbia;
- OSCE Study on National Action Plans on the Implementation of the United Nations Security Council Resolution 1325;
- Violence in the Family in the Republic of Moldova. Judicial practice and national and European normative acts;
- Handbook on Promoting Women's Participation in Political Parties;
- Integrating a Gender Perspective into Internal Oversight within Armed Forces;
- Integrating Gender into Internal Police Oversight;
- Integrating Gender into Oversight of the Security Sector by Ombuds Institutions & National Human Rights Institutions;
- Women in politics and about politics;
- Women as Agents of Change in Migrant, Minority and Roma and Sinti Communities in the OSCE Region – Proceedings from an Experts Roundtable [6].

This is just a little part of the problems, which researched during last time. But as we can see anyhow they are about gender and safety in various aspects.

If we look and analyze some document we can see even more:

Conference / meeting document:

- Women Building Democracy: Mediation Process and Mentoring Networks 23 October 2014;
- Gender Equality Review Conference, 10-11 July 2014: Annotated Agenda 3 June 2014;
- Session 1, Talking Points by Ambassador Miroslava Beham, OSCE Senior Adviser on Gender Issues 24 January 2014;
- Session 1, Statement by Ms. Saraswathi Menon, Director of Policy Division, UN Women 24 January 2014;

- Video Address by H.E. Ms. Phumzile Mlambo-Ngcuka, UN Under-Secretary General, Executive Director, UN Women 24 January 2014.

Legal documents:

- Law on Gender Equality in Albania 27 March 2009;
- National Strategy on Gender and Against Domestic Violence 15 July 2008;
- Law on Measures against Violence in Family Relations 22 January 2008;
- Petition for protection order 17 December 2007.

Decision / declaration:

- Permanent Council Decision No. 1006 29 July 2011;
- Ljubljana Ministerial Decision No. 15 on preventing and combating violence against women 6 December 2005;
- Ministerial Council Decision No. 14/04 – 2004 OSCE Action Plan for the Promotion of Gender Equality 7 December 2004;
- Permanent Council Decision No. 638 – 2004 OSCE Action Plan for the Promotion of Gender Equality 2 December 2004;
- OSCE Commitments Relating to Gender Equality and Non-Discrimination 13 May 2003.

Report:

- Gender Balance Report, June 2014;
- Etc.

Very important, that it is materials (publications, annual reports, books, brochures, factsheets, guides, manuals, handbooks, periodicals, journals, magazines, official documents, decisions, declarations, interviews, legal documents, recommendation, reports, statements, speeches, agreements etc.) of Organization for Security and Co-operation in Europe (OSCE). And «The Parliamentary Assembly of the OSCE is the parliamentary dimension of the Organization for Security and Co-operation in Europe, whose 57 participating States» [1]. In our opinion it shows the importance of these issues and global trend.

Besides «respect for human rights and fundamental freedoms, democracy, and the rule of law is at the core of the OSCE's comprehensive concept of security. The Charter for European Security adopted at the OSCE Istanbul Summit declares that: «The full and equal exercise by women of their human rights is essential to achieve a more peaceful, prosperous and democratic OSCE area. We are committed to making equality between men and women an integral part of our policies, both at the level of our States and within the Organization» [2]».

But for the understanding of gender issues it is necessary to know the terminology. «Gender refers to the particular roles and relationships, personality traits, attitudes, behaviors and values that society ascribes to men and women. 'Gender' therefore refers to learned differences between men and women, while 'sex' refers to the biological differences between males and females. Gender roles vary widely within and across cultures, and can change over time. Gender refers not simply to women or men but to the relationship between them. Gender mainstreaming is the process of assessing the implications for women and men of any planned action,

including legislation, policies or programmes, in all areas and at all levels» [7].

The peace and welfare of the world require maximum participation of women on equal terms with men in all fields [8]. But it is very significant to promote gender safety and equality in to judicial systems of the States. Because to protect their rights people petition it into the court!

Gender is important for justice reform to:

- Ensure that States meet their responsibilities under international law.
- Respond to the particular justice needs of all parts of the community.
- Build trust in the justice sector.
- Ensure a representative and legitimate justice sector.
- Reform discriminatory laws and advance protection of human rights.
- End impunity for gender-based violence (GBV).
- Ensure equal access to justice.
- Strengthen oversight and monitoring of the justice sector [3].

So, why it is important to promote gender safety in judicial system, legislation. Because: «Law is the most formal expression of government policy. Without legal protections, women have no recourse when they face discrimination that affects all aspects of their lives, including security, bodily integrity, family life, community status, and political, economic and social prospects. Legal reform is needed to realize gender justice» [4].

Of course it is very important to study, investigate problem, but even more importantly – it is to make decisions.

One of the examples of making conclusions in this area is a working group on Women and the Constitution [5], composed of several civil society organisations, was formed and, in consultation with the Gender Affairs Unit, organized consultations with women's groups all over the country on basic issues affecting women in East Timor. At the end of this process a Women's Charter of Rights in East Timor was agreed upon, with eight thousand signatures collected, mostly from women, supporting the Charter. The Charter was then presented to the Members of the Constituent Assembly. This raising of public consciousness around the issues of gender equality and non-discrimination resulted in The Constitution of East Timor. The Constitution includes the following provisions:

- One of the fundamental objectives of the state is to promote and guarantee the effective equality of opportunities between women and men and non-discrimination on grounds of gender.

- Women and men shall have the same rights and duties in all areas of family life and political, economic, social, and cultural areas.

- Marriage shall be based upon free consent by the parties and on terms of full equality of rights between spouses.

- Women are entitled to maternity leave without loss of remuneration or any other benefits [5].

In analyze of problem «Gender and security» we can see that this question is interested on the high world level. Especially on the level of global security. So it is very important to create, develop and elaborate the area of general security, but do not miss any part of it, even the gender security. Because still a lot of problems are exist and unsolved. For example: «Many societies tend to blame the victim of GBV, especially sexual violence. As a result of the fear of stigma, most victims never report the incident. This is more so for males (who may be ashamed)» [3].

In our article we focused on activity and practice OSCE and other international organizations, Courts, because it shows the importance of gender security for global society. It demonstrates influence of it on legislation, judicial system, whole state and everyday human life.

Our task was to pay attention scholars on this aspect of security.

Because this field include a lot of questions, that require timely and quick solution.

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