

# **Gender inequality in access to leadership positions in Ukraine's public sector: legal analysis and the impact of war**

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## **List of Acronyms**

BPfA	Beijing Platform for Action
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
EU	European Union
NAUCS	National Agency of Ukraine on Civil Service
UN	United Nations
UNDP	United Nations Development Programme
UNFPA	United Nations Population Fund

## **Abstract**

While notable strides have been made to pursue gender equality through legal avenues, public administration leadership in Ukraine is still overwhelmingly male-dominated. This research analyzes why attaining gender equality in leadership is not simply a formal requirement, but also a key consideration for Ukraine's development as a democratic and resilient state, especially in the war and post-war context. It outlines how social and historical factors contribute to entrenched gender inequalities in public service. It discusses how the full-scale war has continued to transmit masculine leadership values and deepen the barriers already in place. It brings to attention a new informal space of leadership, where women are beginning to be visible, albeit at the same time not institutionally supported. Attention will also be paid to the role of international legal standards and the degree to which those could be translated into Ukraine's legal system. The research brings together legal analysis, cultural critique, and policy evaluation to make the case that leadership models need a deeper reimagining that really takes into account gender equity as a foundational aspect to democratic governance and the postwar recovery process.

## **Introduction**

When I think about leadership in Ukraine's public sector, I am often reminded of the many women's faces I have personally met - capable, educated, and completely rooted in their communities - yet they are absent from the spaces where that decision-making is intended to occur. Their absence is not the result of a lack of ambition or qualification, but is rather a sign of systemic barriers, traditional gender norms, and institutional inertia. This silence at the top is a personal injustice, but also a democratic injustice.

"The test for whether or not you can hold a job should not be the arrangement of your chromosomes," stated Bella Abzug (1972, p. 80), widely considered one of the more famous 20th-century feminists. Within her words is a simple but deep understanding of the true meaning of equality; it should not be based on gender, but on abilities, experience, and an ability to contribute positively to the benefit of society. These words ring especially true in Ukraine, where women represent more than 70% of civil servants, but remain underrepresented when looked at from the lens of leadership specifically (NAUCS, 2025a). The facts are unequivocal - women are present, but their voices in decision-making are absent.

This is especially salient during wartime struggles. Women have truly been the backbone of society, holding families and communities together. Women are, in fact, performing leadership roles - albeit often informal and without a formal position or authority, but with real influence, nevertheless. And if we want to build a state that can withstand war and achieve victory, we need these women to also have a seat at the decision-making table (Lwamba et al., 2022).

In this research, I aim to examine why gender inequality in leadership positions in Ukraine's public service exists despite legal regulation, and why it is important that Ukraine's democracy achieves true gender balance. I will look at how leadership appointments have been administered under the existing legislation, the barriers that still exist that limit women from leadership positions, and how these barriers have changed as a result of war. Finally, I will analyze the role of international legal standards for gender equality in the context of Ukraine's public administration and how to systematically integrate these principles into national legal frameworks.

So why is all this important? Because the pursuit of gender equality is not just something to check off a list or an ideal to work towards. It is a basis for justice, resilience, and innovation

in governance. Gender equality reflects the extent to which a state will listen to all its citizens, not just some. A just and equitable society is possible only when every person, regardless of gender, has equal access to reach their potential, the voice of every citizen is represented, and every citizen has the opportunity to participate in the future of their state.

## **CHAPTER 1: BACKGROUND TO GENDER INEQUALITY IN THE UKRAINIAN CONTEXT**

### **1.1. Historical context of the formation of the legal and administrative system of Ukraine**

In Ukraine, postcolonial gender transformation has been shaped by the legacy of the Soviet Union, which on the one hand promoted formal equality, and on the other hand reinforced deeply rooted patriarchal structures (Yashneva, 2021). During the Soviet period, the female labor force participation rate was exceptionally high, supported by state policies that positioned gender equality as a state ideology (Filtzer, 2004).

The involvement of women in heavy industry did not contribute to the achievement of de facto equality. On the contrary, it led to their marginalization in the field of physical labor. Almost everywhere, women were displaced from highly skilled professions. In production, women worked mainly in low-paid positions, mostly performing “auxiliary”, that is, low-skilled, heavy routine, often manual work - as sorters, packers, loaders, storekeepers, etc. (Filtzer, 2004). Furthermore, this so-called equality was limited by rigid gender stereotypes. Women were expected to balance full-time work with domestic responsibilities and childcare (Parker, 2018).

However, women’s access to all types of activities and work and the state-declared equality did not extend to leadership positions, decision-making power was predominantly held by men. This image of the Soviet woman aligned with the needs of the state and kept women within predetermined ideological roles (Darbaidze & Niparishvili, 2023).

The Soviet model of gender relations can be seen as a form of imposed modernization. The Soviet regime presented its gender policies as progressive but intertwined them with its centralized control over all aspects of life, which effectively erased indigenous feminist movements and autonomous gender discourses (Spivak, 1988). Women's emancipation was thus instrumentalized to serve the needs of the planned economy rather than to ensure genuine equality. This phenomenon aligns with Spivak’s (1988) concept of the "subaltern",

wherein women's voices were subsumed within the dominant state narrative, limiting their agency outside of predefined roles.

After Ukraine gained independence in 1991, the weakening of Soviet ideological control led to the revival of conservative gender stereotypes, often reinforced by religious norms that sought to strengthen the position of women primarily as mothers who should take care of household duties (Hrycak, 2001). This regression mirrors feminist critiques of post-socialist transitions, where the removal of one form of state control over gender roles often leads to the resurgence of traditionalist discourses, filling the ideological vacuum left by the Soviet regime (Bingham, 2012).

In the emotional upsurge after the declaration of Ukraine's independence, the principle of equal participation of women and men in state administration was ignored. This became a strategic mistake that led to the underutilization of women's scientific, creative and managerial potential. As a result, a socio-cultural context was formed that limits their role in the development and adoption of managerial decisions and distances them from state-building processes (Chernyahivska, 2016).

In the legislation of Ukraine, the term “gender equality” first appeared 10 years after the declaration of independence in the resolution of the Cabinet of Ministers of Ukraine dated May 6, 2001 “On the National Action Plan to Improve the Status of Women and Promote the Implementation of Gender Equality in Society for 2001–2005”. However, the definition of this concept is absent in the document.

In the normative consolidation of the concept of gender equality, the key importance is played by the Law of Ukraine “On Ensuring Equal Rights and Opportunities for Women and Men”, adopted by the Verkhovna Rada of Ukraine on September 8, 2005. This document states that “gender equality is the equal legal status of women and men and equal opportunities for its implementation, which allows persons of both sexes to participate equally in all spheres of society” (Law of Ukraine No. 2866-IV, 2005, art. 1).

The explanation of this concept in the Order of the Administration of the State Service for Special Communications and Information Protection of Ukraine (SSSCIP) “On Approval of the Regulations on Responding to, Preventing and Counteracting Gender Discrimination and Sexual Harassment in the Workplace among Military Personnel of the State Service for Special Communications and Information Protection of Ukraine” is interesting, where gender equality is identified with “an equal number of men and women” (SSSCIP, 2021).

As of February 23, 2025, the Legislation of Ukraine database on the official website of the Verkhovna Rada contained 282,260 documents (Verkhovna Rada of Ukraine, 2025). Of these, the terms “gender”, “gender equality”, and their derivatives are used in about 1,500 documents. This indicates that ensuring gender equality is still not perceived by representatives of state authorities, the legal community and society as a whole as a key condition for the further successful development of our state. It is not considered a necessary component of an effective response to modern challenges, although only the joining of efforts of all members of society will allow solving both national and local problems.

If we trace the trends of the last 35 years, the situation with the representation of women in politics has changed for the better very slowly (in 1990 - 3% of women MPs, in 1994 - 5.7%, in 1998 - 8.06%, in 2002 - 5.15%, in 2006 - 8.7%, in 2007 - 8.44%). In the current Verkhovna Rada of Ukraine, only 21,20% of Ukrainian MPs are women (Central Election Commission of Ukraine, 2024). This is the best indicator since independence. The slow progress reflects structural barriers that are deeply embedded in Ukraine's political culture, including informal networks of male political elites, gendered expectations about leadership, and the persistence of patriarchal attitudes in political institutions.

The increase in the number of women can be partly explained by the country's European integration course, which requires the state to adhere to the principles of gender equality. The signing of the Association Agreement with the European Union in 2014 was an important step in reforming Ukraine's gender policy, which includes ensuring equal rights for women and men in all spheres of public life. One of the EU requirements is the integration of the principles of gender equality into national legislation and policies, which stimulates the growth of women's representation in the political, economic, and social life of the country (European Union & Ukraine, 2014).

Ukraine's European integration course stimulates not only the creation of equal opportunities for women but also provides institutional support, which is necessary to achieve real gender equality in the country.

## **1.2. Localizing the problem: current state of ensuring gender equality in the public service in Ukraine**

The situation in Ukraine illustrates serious structural imbalances in the civil service. The NAUCS reported statistical data on the number of civil servants for the 4th quarter of 2024. As of that quarter, according to NAUCS (2025a), the total number of civil servants who actually worked as of the end of 2024 was 156,276 people. Additionally, the number of women was a total of 118,285 persons (approximately 76%), and men only at 37,991 (24%). A structural imbalance of this significance demonstrates that women are the overwhelmingly predominant group of employees in the public administration sector.

However, an analysis of the statistical data on the distribution by category of position reveals interesting patterns:

- category A (higher civil service corps, top-level management positions): women 60 people (27.27%), men 160 people (72.73%);
- category B (middle-level management positions): 25,026 women (66.48%), 12,619 men (33.52%);
- category C (lower level of civil service, specialists, executors): 93,199 women (78.71%), 25,212 men (21.29%).

As can be seen from the statistical data, women significantly predominate in category C. Women represent the workforce of the civil service, ensuring the state apparatus's stability and efficiency of functioning. At the same time, this creates a kind of social phenomenon: women form the "face" of the civil service, but their influence on the processes of strategic decision-making remains limited.

Analysis points specifically to a clear and dramatically different picture at higher orders in the career hierarchy. In category A of positions (top level management), men are significantly overrepresented to women by 72.73% for men - 27.27% for women, meaning most key decisions in the management process are being made by men and although there are relatively more women, the number of women in the management processes pale in comparison to the men.

Category B looks somewhat more balanced, but women dominate two-thirds of the occupied positions (66.48%). In this case, it means at the middle level, opportunities are more abundant, but it is much more difficult for women to reach the higher levels of management.

Thus, gender analysis related to the civil service of Ukraine provides clear signals of a quantitatively significant advantage to women, but this advantage is clearly diminished in regard to managerial positions. Representatives of the political forces that are in power today clearly demonstrate insufficient understanding or rejection of the concept of gender equality and its benefits for society, including at the local level.

As of 07.02.2025, the representation of women and men in the positions of heads of regional councils, heads of regional state administrations (The Presidential Office of Ukraine, 2025) is as follows.

*Table 1: Representation of women and men in the positions of chairperson of heads of regional councils and heads of regional state administrations*

	Head of the regional council	Head of the regional state administration
<b>Oblast</b>		
Cherkasy	Man	Man
Chernihiv	<b>Woman</b>	Man
Chernivtsi	Man	Man
Dnipropetrovsk	Man	Man
Donetsk	The territory of the city council is temporarily occupied	Man
Ivano-Frankivsk	Man	<b>Woman</b>
Kharkiv	<b>Woman</b>	Man
Kherson	Man	Man
Khmelnyskyi	<b>Woman</b>	Man
Kyiv	Man	Man
Kirovohrad	Man	Man
Luhansk	The territory of the city council is temporarily occupied	Man
Lviv	Man	Man
Mykolaiv	Man	Man
Odessa	Man	Man
Poltava	Man	Man

Rivne	Man	Man
Sumy	Man	Man
Ternopil	Man	Man
Vinnytsia	Man	<b>Woman</b>
Volyn	Man	Man
Zakarpattia	Man	Man
Zaporizhzhia	<b>Woman</b>	Man
Zhytomyr	Man	Man
<b>Cities with special status</b>		
City of Kyiv	Man	Man
City of Sevastopol	temporarily occupied territory	temporarily occupied territory

The above statistics demonstrate a significant dominance of men in the positions of heads of regional councils and regional state administrations: 83% men and 17% women.

In addition, this imbalance becomes especially evident when conducting a gender analysis of the leadership composition of departments and services, for example, within the Volyn Regional State Administration (as of 01.05.2024).

*Table 2: Composition of male and female heads of departments and services of the Volyn Regional State Administration*

<b>Structural Unit</b>	<b>Gender of the Head</b>
Head of the Regional State Administration	Man
Secretariat	Man
Department of social and veteran policy	Woman
Department of urban planning and architecture	Man
Department of infrastructure	Man
Department of ecology and natural resources	Woman
Department of education and science	Woman
Department of civil protection	Man
Children's service	Woman
Department of health care	Man

Department of defense affairs and cooperation with law enforcement	Man
Department of culture, youth, and sports	Man
Department of economic development, foreign relations, and tourism	Woman
Department of housing and communal services	Man
Digital development, digital transformation, and digitalization department	Man
Department of finance	Man
Department of agrarian policy	Man
Department of information and internal policy	Woman
Department of internal audit	Woman
Department of local government development and territorial organization	Woman
State archive of the region	Man
Anti-corruption sector	Man

Accordingly, in leadership positions within the Volyn Regional State Administration, men make up 63.64%, while women represent only 36.36%. This statistic demonstrates a significant gender imbalance in favour of men, which is especially noticeable at the level of positions that determine the strategic directions of the region's development (Kuzava, 2024).

The representation of women in the positions of village and city mayors is also disappointing - 16.6% according to the results of the 2020 elections (Central Election Commission, 2020). Working in such conditions is the most difficult, as it requires direct contact with voters, solving specific life problems, usually with minimal resources available for this. According to the Ukrainian Women's Fund in partnership with the National Democratic Institute, which conducted gender monitoring of the 2020 election results (Ukrainian Women's Fund, 2020), urban communities are headed by 32 women, but none of them manages the regional center.

This was facilitated, among other things, by a legislative gap that allowed bypassing the gender quota. A candidate was registered, entered in the top five of the electoral list, and then he “dropped out” and did not participate in the race. 63% of candidates in the elections

to city councils of the city of Kyiv and regional centers, whose names were marked “Withdrawn” on the ballot paper, were women (Central Election Commission, 2020).

Sexism against female candidates in local elections was also a problem. According to the National Democratic Institute, female candidates filed more than 50 complaints about sexism during the election campaign through a partner organization’s chatbot and hotlines (The National Democratic Institute, 2020). Approximately one-third of female candidates in the monitored regions experienced forms of violence such as verbal threats, harassment on social media, so-called “black PR” – personal or professional attacks in the media, and defamatory materials during the election campaign (Ukrainian Women’s Fund, 2024). The European Network of Election Monitoring Organizations (ENEMO, 2020) also reported on black PR and misogynistic messages directed at female candidates.

For example, the candidate for mayor of Irpin, Mykhailyna Skoryk, appealed because of harassment from opponents who used lookism (public discriminatory statements related to appearance). And against Maryna Dobrovolska, who was running for the Boryspil City Council, a campaign was launched on social networks with accusations that she would not be able to combine her deputy activities with motherhood. They appealed to the fact that the woman has two children and is currently in the last month of pregnancy. In contrast, the candidate for deputy of the Tetivka City Council and the Kyiv Regional Council, Iryna Nyzhnyk, wrote in comments on her Facebook page that if she is still unmarried and has no children, she will not be able to become an effective politician (Zelinska, 2020).

The research shows that access to leadership positions in local governments in Ukraine is a serious problem, stemming from gender inequality as evidenced by the reality of the low presence of women among city, town, and village mayors, and restricted access for women to electoral processes due to legislative loopholes. Even though gender quotas are formally in existence, real implementation is constantly threatened by formal compliance systems in a way that denies women equal opportunities. Another complicating factor is the existence of systematic sexism in political campaigns that creates issues for women candidates by discrediting them with gender stereotypes, personal attacks, and the application of black PR. These challenges do not only affect a woman’s ability to access positions, but are not in accordance with the ideals of democracy and equal representation.

### **1.3. The role of gender equality in leadership for democracy and sustainability**

We will look at why gender equality matters at different levels of public service: from general parity of personnel to management positions and the specifics of military service.

To begin with, gender equality is important while maintaining parity in all positions of civil service and local government. Firstly, balanced representation contributes to making decisions that reflect the interests of the entire society. Secondly, equal representation helps to reduce the biased approach to personnel decisions and eliminate stereotypes about "traditionally male" or "female" areas of management (EU, 2024). According to Oksana Kyseleva, the project manager of the European Union for Gender Equality: Reform Assistance Service, "a balanced participation in the representation of women in accordance with the percentage working in state institutions and local self-government bodies. An equal share also implies that employees can freely express their opinions, defend their position, and not be afraid that they will be punished for it in one way or another" (NAUCS, 2023).

A second important aspect is the importance of gender equality in leadership positions in the civil service and local self-government. The low representation and insignificant participation of women in the decision-making process is a serious challenge to democracy, as their interests are not taken into account when making state decisions. Without the proper presence of women in leadership positions, state policy can be one-sided and insufficiently effective in solving social issues. When leadership positions are dominated by men, important issues such as the fight against domestic violence, healthcare, education, social protection, and family support are often ignored or insufficiently taken into account (Hessami & Lopes da Fonseca, 2020). Studies show that gender-balanced teams work more effectively, since the combination of different points of view contributes to the adoption of more balanced and innovative decisions. Women leaders often demonstrate a high level of responsibility, openness to dialogue, and a desire for social equality, which has a positive impact on public administration (Ok & Eniola, 2024). The historical experience of many countries shows that women can be successful leaders, make strategic decisions, and implement reforms (Gell et al., 2009).

Another key point is the importance of gender equality in the public service system under martial law. The war in Ukraine further complicates the situation, as women often remain victims of violence and economic instability during the conflict. They also bear a huge burden, fulfilling the role of head of the family, caring for children, the elderly, and other

family members, while their husbands defend the state (Zaritska et al., 2024). An important role is played by the issue of supporting women who have become widows, mothers of fallen servicemen, or victims of violence. In addition, women who are on the front lines, as military personnel, volunteers, or doctors, also need special support policies that are adapted to their specific characteristics.

Therefore, to ensure fair and effective decisions at all levels of public service, it is necessary to ensure equal representation of women.

## **CHAPTER 2: CONCEPTUAL AND LEGAL DIMENSIONS OF GENDER-INEQUAL LEADERSHIP IN UKRAINE'S PUBLIC ADMINISTRATION**

### **2.1. Disconnection between Ukraine's legal framework and cultural perceptions in creating patterns of inequality**

Ukraine has a comprehensive system of legislation in the field of gender equality. The Constitution of Ukraine (1996, art. 24) guarantees equal rights and freedoms for men and women and prohibits discrimination based on sex. Additionally, The Law of Ukraine "On the Principles of Preventing and Counteracting Discrimination in Ukraine" (2013), which applies to the sphere of civil service and service in local self-government bodies (art. 4), defines the organizational and legal principles of preventing and countering discrimination in order to ensure equal opportunities for the exercise of human and citizen rights and freedoms.

The Law of Ukraine "On Ensuring Equal Rights and Opportunities of Women and Men" pays special attention to ensuring equal rights and opportunities for women and men in the sphere of civil service and service in local self-government bodies. In particular, according to this Law, "appointment to the civil service and service in local self-government bodies shall be carried out with due regard to the representation of candidates of each gender. Discrimination on the basis of gender when accepting to the civil service and service in local self-government bodies and during its passage is prohibited. Heads of state authorities and local self-government bodies are obliged to ensure equal access of citizens to the civil service and service in local self-government bodies in accordance with qualifications and professional training, regardless of the gender of the applicant. The formation of a personnel reserve for filling civil servant positions and positions in local self-government bodies, their promotion in the service shall be carried out with the provision of equal rights and opportunities for women

and men. The use of positive actions is permitted in order to achieve a balanced representation of women and men in the civil service and service in local self-government bodies, taking into account the categories of civil servant positions” (Law of Ukraine No. 2866-IV, 2005, art. 16).

Moreover, Ukraine has adopted the National Action Plan for the implementation of UN Security Council Resolution 1325 “Women, Peace, Security” for the Period Until 2025 (2020), which includes objectives to increase women's participation in leadership and public service.

According to the Resolution of the Cabinet of Ministers of Ukraine “Some Issues of Ensuring the Achievement of Sustainable Development Goals in Ukraine” (2024) to achieve Goal No. 5 - Gender Equality, the task is to ensure equal opportunities for the representation of women and men at the highest levels of decision-making in political and public life, the indicators of which are: the ratio of women and men in the Verkhovna Rada (Parliament) of Ukraine, the Verkhovna Rada of the Autonomous Republic of Crimea, regional, district, city, district in cities, village, settlement councils, the Cabinet of Ministers of Ukraine; the ratio of women and men in civil service positions of category “A”, etc.

Despite these legal provisions, as previously analyzed, women remain significantly underrepresented in senior positions within public administration. The Decree of the President of Ukraine “On the Decision of the National Security and Defense Council of Ukraine “On the Human Development Strategy” recognizes that “According to the trends of many post-Soviet and Eastern European countries, women are almost equally represented with men in the labor market and in the public employment sector. At the same time, they are least represented in areas and positions with the maximum concentration of financial or power resources. However, Ukraine maintains the lowest level of gender balance among European countries in political representation and management of state and economic processes. ... stereotypes regarding the social and professional roles of women and men, which have an impact on the psycho-emotional well-being and physical health of representatives of both sexes, remain unresolved today” (Decree of the President of Ukraine 225/2021).

While Ukraine has made formal commitments to gender equality through various legal frameworks, structural and cultural barriers continue to obstruct meaningful progress. This dissonance is particularly evident in the context of public administration, where hegemonic masculinity remains entrenched in leadership norms and practices.

Hegemonic masculinity, a concept coined by sociologist Raewyn Connell (1995), refers to the dominant form of masculinity that is culturally idealized, often connected to power, control, and dominance. Hegemonic masculinity has traditionally dominated the Ukrainian public sector, where leadership positions are mostly held by men. Leadership is associated with rigid management models, and the ideal leader is often perceived as embodying masculinity based on control, rationality, and decisiveness.

According to Connell (1995), hegemonic masculinity is not merely about the traits or behaviors of individual men but also represents the structural and cultural systems that elevate male-dominated norms. In this regard, leadership in Ukraine's public administration has often mirrored these norms, which prioritize male-associated characteristics.

The persistent dominance of hegemonic masculinity creates a situation where legal norms alone are insufficient to ensure equality. As argued by legal scholars, the law may formally promote equality (Chiongson et al., 2011) while leaving intact the structures that reproduce gender hierarchies. In Ukraine's case, the disconnect between legal frameworks and administrative culture illustrates this tension. The ideal of the strong male leader remains deeply embedded in bureaucratic structures, shaping recruitment, promotion, and everyday organizational life.

Given this, the pursuit of gender equality in the public administration of Ukraine requires more than simply legislative change. It calls for a critical engagement with cultural assumptions about leadership and authority. The recognition and addressing of hegemonic masculinity in institutional contexts is vital for bringing the formal commitment to equality into the realm of lived experience.

## **2.2. Wartime leadership and the reinforcement of masculine norms**

During the war, the tendencies analyzed above have intensified even more. Male leadership in wartime has become not just the norm, but a necessity, as key areas of management (defense, security, diplomacy) are increasingly shaped through the prism of military logic (Geddes, 2009). This shift can be understood through hegemonic masculinity as described by Connell (1995), where certain behaviors, such as physical toughness, decisiveness, and strategic thinking under threat, are not only expected but are often seen as the essential qualities of an "effective leader." Men's dominance in wartime leadership roles

thus continues to be reinforced as their perceived alignment with military logic and power becomes the standard by which leadership effectiveness is measured.

In the Resolution of the Cabinet of Ministers of Ukraine “On approval of the State Strategy for Ensuring Equal Rights and Opportunities of Women and Men for the Period up to 2030 and approval of the Operational Plan for its Implementation for 2022-2024” (2022) emphasizes that “women are significantly less involved than men in the settlement and resolution of the international armed conflict in Ukraine as part of security and defense structures, official negotiation missions. Thus, in 2020, only two women from Ukraine were included in the trilateral contact group for the peaceful settlement of the situation in certain territories of eastern Ukraine, whose official duties include humanitarian and socio-economic issues. In the context of a full-scale war and the processes of de-occupation, post-war recovery and transitional (restorative) justice, it is very important to take into account the needs and potential of different groups of women and men who have suffered as a result of the war, and to ensure a balanced participation of women and men in making relevant decisions”.

At the same time, female leadership during wartime takes on new forms that are not always recognized as equivalent to male ones. Women are actively involved in volunteer work, humanitarian aid, and media coverage of war, but these areas are often not considered “real” leadership. As Joan Acker (1990) argues in her work on gender and organizational theory, women’s roles in leadership often remain invisible or are relegated to “support” positions, which are not seen as “real” leadership in the dominant, male-centered framework.

In addition, women in the military and those in leadership positions during wartime are often forced to adapt to dominant masculine norms, demonstrating traits that correspond to the traditional image of a “strong leader.” It can be partially explained by the concept of the “double bind” (Debebe, 2017), where women are forced to navigate contradictory expectations - on one hand, they must adopt traditionally masculine traits to be recognized as legitimate leaders, but on the other hand, they must retain their femininity to avoid being perceived as too aggressive or out of place. This creates a double challenge: on the one hand, for women who seek to maintain their subjectivity in decision-making, and on the other, for the very concept of leadership, which needs to be rethought in wartime.

In conclusion, the war in Ukraine has promoted conventional understandings of leadership, that follows militaristic logic, where men are seen as the natural leaders. While

women are active in all areas of public life, their leadership is not always recognized as equally important as men's. This reiterates the need for a broader recognition of leadership, particularly in wartime, and that the roles women are taking on should receive value and more visibility in decision-making.

## **CHAPTER 3: APPLICATION OF INTERNATIONAL LEGAL STANDARDS TO PROMOTE GENDER EQUALITY IN LEADERSHIP IN UKRAINE'S PUBLIC SERVICE**

### **3.1. The role of international standards in the Ukrainian context**

Ukraine's adherence to international commitments on gender equality is not just a legal obligation, but largely reflects the country's larger commitments to democracy and its desire to align itself with the European and international community. Participation in global and regional frameworks serves as both an external pressure and an internal guide for legal and institutional reform.

Ukraine's ratification of CEDAW in 1981 established a binding international obligation to eliminate discrimination against women in all spheres, including political and public life (CEDAW, 1979). As a result, Ukraine is required to submit regular reports to the CEDAW Committee, which may issue passing concluding observations. These recommendations often highlight deficiencies in national implementation and propose specific reforms. While the recommendations are not directly enforceable, they can provide a basis for legal reforms. Their weight lies in Ukraine's international reputation and in its accountability to the global community (CEDAW Committee, 2017).

Ukraine remains committed to the BPfA, which broadens the understanding of gender equality in decision-making beyond legislative bodies. Under Strategic Objective G.1, it includes "measures to ensure women's equal access to and full participation in power structures and decision-making", and recommends that governments should take the following actions: "a) Commit themselves to establishing the goal of gender balance in governmental bodies and committees, as well as in public administrative entities, and in the judiciary, including, inter alia, setting specific targets and implementing measures to substantially increase the number of women with a view to achieving equal representation of women and men, if necessary, through positive action, in all governmental and public administration positions" (UN, 1995, art. 190a).

Moreover, the BPfA identifies a comprehensive set of institutional tools aimed at advancing women's status within public structures. While the overarching goal is gender balance, the document also refers to achieving a "critical mass" of women in leadership roles. This concept typically denotes a threshold of 30-33% female representation and is considered essential for creating meaningful influence within decision-making bodies. In this context, the BPfA calls for "positive action to build a critical mass of women leaders, executives and managers in strategic decision-making positions" (UN, 1995, art. 192a).

In the context of Ukraine's aspirations for EU membership, international standards take on added significance. The EU *acquis communautaire*, which Ukraine is progressively harmonizing with, includes legal and policy obligations related to gender equality. The EU Gender Equality Strategy 2020-2025 emphasizes the need for gender balance in leadership and institutional mechanisms to support equality (European Commission, 2020). Ukraine's alignment with these goals has led to legislative reforms such as the Resolution of the Cabinet of Ministers of Ukraine "On approval of the State Strategy for Ensuring Equal Rights and Opportunities of Women and Men for the Period up to 2030 and approval of the Operational Plan for its Implementation for 2022-2024", which establishes as an operational goal "the provision of equal rights and opportunities for women and men in the process of making managerial decisions, namely, achieving balanced representation of women and men in making managerial decisions in executive bodies, local self-government bodies, enterprises, and organizations, in particular by introducing positive actions. To this end, the following measures are required: 1) introduction of mentoring programs and other positive actions, including involving representatives of international organizations and states with the best models of public administration; 2) carrying out information activities to highlight the advantages of gender balance in decision-making and the dissemination of best national and international practices in introducing positive actions" (Resolution No. 752-p, 2022). The first direction is aimed at creating a culture of gender equality, raising awareness among public servants and the public on equal opportunities issues. The second direction is aimed at creating mechanisms for supporting and developing women in public service through mentoring and professional support.

These reforms are part of a broader effort to meet EU conditionality requirements, which are not optional if Ukraine wants to progress in accession talks. These international standards are not just legal tools, as they are also strategic resources for domestic reformers.

Civil society organizations, gender advocates, and even reform-minded public officials use these frameworks to legitimize their demands and push for accountability. For example, when domestic law does not take into account the systemic barriers for women's leadership, international standards provide a normative yardstick and a persuasive argument for change (Bulavina & Davydova, 2018).

Nevertheless, formal compliance often does not translate into substantive equality. Ukraine has incorporated international norms into its domestic legal framework, but enforcement mechanisms remain weak, and social norms continue to hinder women's access to leadership (UN Women, 2021). Since the beginning of the full-scale Russian invasion of Ukraine in 2022, the situation has changed again with the government shifting its priority to military and humanitarian capacity. However, even under these circumstances, international legal standards remain relevant as they guide recovery and resilience strategies. For instance, post-war reconstruction plans supported by international donors are increasingly tied to gender-responsive governance frameworks, making adherence to international norms strategically beneficial (UN Women, 2023).

In summary, Ukraine's connection with international legal standards is multi-layered, enabling it to: develop legal accountability; provide advocacy and support to institutional reform; and advance its European integration agenda. These standards are important for reasons beyond a legal obligation - they are important because they define who holds power, how institutions get organized, and what values will shape the future of the Ukrainian state.

### **3.2. Potential for integration of international best practices into Ukraine's legal and institutional framework**

Building on the importance of international legal standards discussed in the previous section, this part of the chapter looks at how Ukraine can put those standards into practice. While international commitments set a strong direction, real change happens when these ideas are turned into clear rules, policies, and actions at the national level.

This section explores how global experience can help improve gender equality in Ukraine's public leadership. It considers what changes could be useful, what obstacles might appear, and how international ideas can be adapted to fit Ukraine's legal and social systems. The goal is to find realistic and meaningful ways to support equal opportunities for women and men in public service.

### **3.2.1. Assessment of the necessity of implementing gender quotas in public administration**

The adoption of gender quotas has emerged globally as a strategic mechanism for addressing systemic gender imbalances in political and administrative leadership. International instruments, such as CEDAW, BPfA, and the EU Gender Equality Strategy 2020-2025, actively promote the use of such tools to foster inclusive governance (CEDAW, 1979; UN, 1995; European Commission, 2020). However, the effectiveness of gender quotas is contingent not only on their adoption but also on the context into which they are introduced, including legal enforceability, institutional culture, and broader societal values.

Quotas for public bodies are an internationally very rare type of gender quota (Holli, 2022). Gender quotas are widely used as a tool to promote women's representation in legislative bodies. But they may not always be an appropriate measure for public administrations. When it comes to changing the gender composition of a whole group, gender quotas seem to be effective. But when it comes to the hiring of individuals, this measure may be problematic (Dahlerup, 2020).

Internationally, the most well-known cases of the use of gender quotas for public bodies encompass Belgium and Nordic countries, such as Finland and Norway (Holli, 2022). For example, in Finland an obligatory gender quota for public bodies was adopted by the Gender Equality Act of 1995 stating: “The minimum percentage of both women and men in state committees, public boards and other corresponding bodies and in municipal organs, excluding the municipal councils, shall be 40, unless there are special reasons to the contrary” (Law 206/1995, art. 4). So this quota is not symbolic - it is legally binding, and failure to meet it must be justified and reported. Such requirements have ensured a consistent level of gender representation and have normalized the presence of women in leadership roles (Hertner & Wolfs, 2024).

Importantly, Finland’s success is not based on quotas alone but on a broader ecosystem of gender-sensitive policies, including comprehensive parental leave systems, public childcare, and widespread gender mainstreaming across public institutions (Gíslason & Eydal, 2011). These structural supports have created conditions that allow women not only to enter leadership but to remain and thrive in it.

In Colombia, the adoption of affirmative action aimed at enhancing gender equality in public administration culminated in the enactment of Law 581 of 2000, commonly known as the Quota Law. This legislation mandates that women must occupy at least 30% of senior decision-making roles across all branches of government, including the executive, legislative, and judicial sectors. The law was the result of a decade-long advocacy campaign by women's rights organizations, which began in the early 1990s (UNDP, 2012). But while the national executive branch, in general, complies with the quota requirement, significant disparities persist across individual ministries and institutions. Some public entities continue to fall short of the 30% threshold, and in extreme cases, women remain entirely absent from top-level management positions (UNDP, 2012). A more troubling issue is the recurring failure of several departments and agencies to meet the law's requirements without facing any legal consequences or sanctions. This pattern of non-compliance is also evident at the subnational level, where many local governments and capital cities not only fail to meet the quota but also neglect to report their data, highlighting the absence of effective enforcement mechanisms (UNDP, 2012).

These challenges emphasize the potential failure of quota legislation in case of absent strong monitoring and accountability mechanisms. While the legislation recognizes the intent to provide women with a seat at the decision-making table, the implications of the law are limited by the lack of institutional follow-up and consequences for non-compliance.

It is worth noting that in Iceland, the policy of introducing gender quotas did not extend to the civil service and local governments. This practice was applied exclusively to the private sector. In 2013, Iceland fully implemented legislation on gender quotas for board members for companies with 50 or more employees (Act No. 13/2010), which affected the distribution of lower-level management positions. Shortly after the introduction of quotas, the number of women on boards of directors increased, especially in companies covered by the law (Einarsdóttir, Rafnsdóttir, & Valdimarsdóttir, 2020). The aim was to promote a more equal representation of women and men in senior management positions in Icelandic companies, aiming to achieve at least a 40/60 gender ratio in executive management positions by 2027. This initiative is consistent with the targets outlined in the Sustainable Development Goals, which specifically aim to strengthen gender equality in leadership positions to empower women in all sectors by 2030. At the time, this was considered an ambitious, if unrealistic, goal (Ministry for Foreign Affairs, 2021).

The slow progress towards gender equality in corporate governance has led to increasing pressure on governments to adopt more radical approaches in both Europe and the United States. Two strands of government intervention dominate the issue of increasing the representation of women in corporate governance. The first is the “soft measures” approach, based on the “comply or explain” concept. The aim is to encourage equal opportunities and if this is not achieved, companies must explain why this is the case. Examples of countries that have introduced soft measures to increase the representation of women on company boards include Canada, the United Kingdom, and Australia (Óladóttir et al., 2024). The second is the “hard measures” approach, which involves introducing quotas through legislation aimed at achieving gender equality and setting penalties for non-compliance, sometimes referred to as “hard quotas” (Chambers, 2023).

Thus, gender quotas are a tool that is actively used in international practice to ensure equal representation of women and men. In Ukraine, the need for gender quotas in management bodies and in managerial positions is stated in the Resolution of the Cabinet of Ministers of Ukraine “On approval of the National Strategy for Overcoming the Gender Pay Gap for the Period Until 2030 and Approval of the Operational Plan of Measures for Its Implementation for 2023-2025” (2023). However, this document provides for this as one of the measures to increase the number of employers implementing the principle of gender equality in the workplace, and does not specify the importance of this process for state authorities and local governments.

The appropriateness of introducing quotas is a contentious issue as it relates to equal-opportunity rights and public administration efficacy. On the one hand, as previously mentioned, in Ukraine, there continues to be a significant under-representation of women in leadership positions. While women represent more than 50% of the population of Ukraine, they share a significantly lower percentage among heads of state authorities and local self-government agencies. Moreover, Ukrainian women continue to face barriers to political and administrative leadership due to the impacts of gender stereotypes, biases in personnel selection processes, and promotion (Martsenyuk, 2016). Therefore, gender quotas would be significantly supportive of women's access to potential leadership positions in the public sector.

On the other hand, there are several challenges and concerns to work through with regard to gender quotas. First, critics often cite a potential tension with the principle of

meritocracy. Opponents often argue about the fairness of appointing less deserving candidates when quotas are in place. However, women who are promoted with the help of quotas demonstrate rates of competence and performance similar to their male counterparts (Allen et al., 2014), equally undermining this aspect of critique.

Second, the temporary effects of quotas are regularly cited. Quotas might not remove ingrained inequalities, but they can act as catalysts for structural change. There is evidence to support that quotas can fundamentally change social norms and redistribute political and administrative opportunities over time (Krook, 2009). In other words, the value of quotas is located not only in immediate numerical outcomes but also in their long-term normative impact.

Third, there is a risk of superficial or purely formalistic implementation. In some countries, like Somalia, legal adherence to quota requirements did not ensure meaningful decision-making roles for women (Badibanga et al., 2022). This highlights the importance of a comprehensive strategy that includes reforms in legal, institutional, and socio-cultural domains to ensure that quotas lead to substantive change rather than symbolic gestures.

Thus, the gender quotas can be one mechanism to build equality of access to power, but the potential for quotas is contingent on other reforms. There is a possibility that Ukraine, like other countries guided by European standards, could entertain using quotas as a temporary measure that will ultimately contribute to long-term transformation with respect to gender equality. However, this will hinge on political will, a position of institutional capacity, and if the society is ready for a change.

### **3.2.2. Selecting an effective parental leave model**

Facilitating equal access to parental leave for women and men is crucial for achieving gender equity in public service leadership. Children have less of an impact on men's careers than they do on women's. Caregiving is often seen as a responsibility of women alone, and as a result, their careers are often interrupted or delayed, restricting their ability to rise or stay in leadership positions (O'Connor & Wright, 2013).

A more equitable parental leave process could not only help women remain in the workforce, but also promote men's involvement in caregiving, both of which are necessary for better changing workplace cultures in the public sector. That is why the next major issue

for the purpose of adapting foreign experience is determining the best model of leave for parents in accordance with the Ukrainian context.

The possibility of taking leave to care for the child not only by the mother, but also by the father of the child, became possible in accordance with the Law of Ukraine "On Amendments to Certain Legislative Acts of Ukraine Regarding Ensuring Equal Opportunities for Mothers and Fathers in Caring for the Child". This law defines leave to care for the child until the child reaches the age of three as an equal right of each of the child's parents (mother and father) (Law of Ukraine No. 1401-IX, 2021). In particular, it is stipulated now that "at the request of the mother or father of the child, one of them is granted leave to care for the child until the child reaches the age of three with payment for these periods of assistance in accordance with the legislation" (Labour Code of Ukraine, 1971, art. 179). In this regard, the man is granted equal rights and benefits as the woman would gain in this case, including continuity of experience and the retention of his job. Furthermore, we want to clarify that the possibility of taking such leave is presently afforded only for one of the parents, significantly restricting both parents' participation in raising the child. In principle, the decision contributes to the equal allocation of parental responsibilities and expansion of parental rights. While, on the face of it, such a right is formally consolidated, the real-life context evidences that there is a low level of consideration in its usage. In practice, parental leave continues to be primarily a female responsibility, as a result of social stereotypes and economic reasons (UNFPA Ukraine, 2019).

The experience of Nordic countries demonstrates a different approach to addressing this issue. According to Icelandic legislation, both parents are entitled to six months of paid parental leave, of which six weeks are non-transferable and reserved for each parent. This model encourages a balanced distribution of childcare responsibilities by making each parent's leave an individual right, rather than an optional benefit. If the father does not use his portion, it cannot be transferred to the mother and is lost. This "use-it-or-lose-it" approach has proven effective in increasing paternal involvement in early childcare (Eydal & Arnalds, 2024).

Other Nordic countries have also implemented similar models. For instance, Norway allocates a non-transferable portion of paid parental leave (the "father's quota") to encourage fathers to take time off (Haas & Rostgaard, 2011). Sweden's policy provides each parent with 240 days of paid leave, of which 90 days are reserved for each parent and cannot be

transferred (Duvander & Haas, 2018). These models not only promote gender equality but also positively impact women's return to work and career continuity.

In the Ukrainian public sector, the introduction of a non-transferable, paid parental leave portion for both parents, similar to Nordic countries, could provide a potent mechanism for addressing the gender gap in leadership positions. If public servants, especially men, are actively encouraged (or required) to take leave, this could address entrenched stereotypes and redistribute the caregiving burden.

However, economically, Ukraine has obstacles such as low wages across many sectors that encourage men to be the main earners and discourage them from taking paternity leave. So it's important to ensure that paid leave does not financially disadvantage families. For example, in Italy, for some categories of employees, including public sector employees, leave is paid at 100 percent of earnings (Addabbo et al., 2019).

Apart from fully paid leave, there are also other approaches to addressing this issue. Germany's "Parental Allowance Plus" and "Partnership Bonus" schemes, for instance, offer additional paid leave when both parents agree to work part-time simultaneously during the early childcare period (Reinschmidt, 2018). Such models highlight how leave systems can be integrated with flexible work arrangements to support dual roles and ensure career continuity. In the Netherlands' public sector, paid parental leave has been available since 1989 and allows employees to reduce their working hours by up to half over a six-month period, while still drawing 75% of their pay (Zwerver, 2002). For the Ukrainian public sector, adopting a similar incentive-based approach to flexible leave-sharing could promote more active male participation in childcare without requiring full withdrawal from professional duties.

Given that public institutions carry symbolic weight, there could be a strong signal to demonstrate the state's commitment to gender equality if a public sector civil service can implement such a policy. Over time, this could ultimately change expectations about parenting, aiding women to make advances into leadership positions, and supporting the creation of a better workplace.

### **3.2.3. Exploring the feasibility of reduced working hours in the public sector**

In Ukraine, the prevailing practices in labor legislation and the organization of public service do not always align with modern standards aimed at improving the balance between career and personal life (Zelenko, Khandii, & Novikova, 2024). Thus, examining the

possibilities for flexible working time, including a four-day workweek, becomes increasingly relevant in the context of administrative reform.

For example, Iceland is well known for its active policy on promoting work-life balance, particularly in the public sector. Importantly, the government supports such policies; this support has not only benefited the well-being and work/life balance of public sector workers, but has also helped public organisations and their employees work more efficiently and be more satisfied with their work (Haraldsson & Kellam, 2021).

Recent large-scale studies in Iceland over the past decade have reported positive results for reducing work hours (from a regular 40-hour week to a 35-36 hour week with no reduction in pay). For example, between 2014 and 2019, a pilot in Reykjavík City, which included workplaces with high stress such as the East Services Centre and the Child Protection Service, found that working less helped workers to thrive, while the work remained productive. The pilots were also expanded later for a total of over 2500 workers (Haraldsson & Kellam, 2021).

Additionally, from 2017 to 2021, Icelandic government agencies such as the Inland Revenue Board and the Immigration Authority also participated in trials. Across both pilots, which included over 1% of the workforce, results also indicated improved work-life balance and mental health outcomes without losses in organizational productivity and no increase in costs (Haraldsson & Kellam, 2021).

The Icelandic case is not unprecedented. Spain began a trial in 2021 where companies participating were provided wage subsidies from the government to implement work hour reduction without a reduction of wages. Even preliminary outcomes suggested employees were more satisfied and burned out less without any drops in productivity engaged (Latona, 2023). Japan has also begun trying out the four-day work week in companies like Microsoft Japan. A trial report from 2019 reported a 40% increase in productivity (Gatlin-Keener & Lunsford, 2020).

These international examples provide useful comparative perspectives. While Iceland and Japan represent different cultural and economic environments, the common result across trials is the maintenance (or even enhancement) of productivity alongside improvements in employee well-being.

Translating such insights to the Ukrainian context, especially within the civil service, is not straightforward. The level of stress and expectation placed on public servants is incredibly high, underpinned by the ongoing war and martial law (Lushchak et al., 2023). So any

consideration of reduced hours needs to be preceded by empirical studies and pilot programs that assess the impacts on efficiency, employee wellbeing, and functionality of institutions.

Notably, the models of analyzing countries itself has not led to legislative change, despite positive outcomes. This suggests that the institutionalization of such practices may depend on broader administrative culture and resource availability. Added to this context, the war in Ukraine presents its own limitations, including mobilization of administrative capacity and limited scope for socially-responsible financial decision-making, which would create obstacles to implementing reform.

Nonetheless, pilot programs in select public institutions may still be viable and academically valuable. Such research could help assess whether similar improvements in well-being and retention can be achieved under wartime pressures. Additionally, results from these pilots may inform broader discussions on gender equality and work-life balance, which are often deprioritized during national crises but remain critical in long-term policy planning.

In conclusion, taking everything into consideration, while public sector work in Ukraine is unlike any other, there is ample local and global evidence to suggest that well-researched, evidence-based reductions in working hours can provide some degree of positive impact. The challenge we face is developing and executing a robust study that is adapted to Ukraine's socio-political realities.

#### **3.2.4. Enhancing complaint mechanisms**

The establishment of gender equality in Ukraine's public administration is necessary and must coincide with essential anti-discrimination mechanisms, reliable and open complaint processes. While Ukraine's legislation, such as the Law "On Ensuring Equal Rights and Opportunities of Women and Men", provides a legal basis for equality, it has limited effectiveness in practice. The limited effectiveness is mostly caused by limited institutional capability, as well as fragmentation in the application of legal principles in practice and limited awareness of anti-discrimination protections among public servants.

Studies on the capacity of post-socialist states moving to democratic systems indicate that, while it may be noted or systematized into law, legislation such as EU equality directives doesn't automatically produce institutional capacity or acceptance of anti-discrimination norms (Sedelmeier, 2009).

Ukraine's public sector has not developed an institutional framework for dealing with discrimination that is comparable to that of established democracies. For example, in Canada, independent entities like the Office of the Public Sector Integrity Commissioner help to ensure impartiality and whistleblower protection in discrimination and harassment complaints (Nesrallah, 2013). Similarly, Sweden's Equality Ombudsman is tasked with investigating complaints for compliance with the equal opportunity legislation and provides an additional accountability mechanism (Stenshed, 2011).

The central institution tasked with civil service reform in Ukraine, the NAUCS, subscribes to principles of equality, but lacks the authority and resources to investigate complaints or impose sanctions in a systematic manner. More recently, training initiatives designed for civil servants, including those funded by international organizations, concentrated on educating public employees about their rights and the mechanisms for protecting themselves from discrimination. Notably, in 2024, an impressive count of 36,000 civil servants had received gender equality training (NAUCS, 2025b). However, research from the field of organizational sociology indicates that training courses are rarely sufficient in the absence of the structural mechanisms for managing complaints and independent oversight of the complaint resolution process (Dobbin & Kalev, 2016).

Another issue that emerges is related to the procedural transparency of the complaint mechanisms. Research from transitioning democracies leading forward to democratic governance reveals that complaint systems with little transparency from managed control into a realm prone to distrust from employees, which limits and underreports discrimination (Rubin & Edwards, 2018). In Ukraine, the internal complaints procedures are generally implemented within hierarchical structures, which may raise questions about impartiality and the risk of retaliation. The absence of developed procedures and no centralized data on submitted complaints makes it difficult to empirically assess or evaluate the discrimination policy.

There are also weak monitoring and evaluation mechanisms. While various initiatives in cooperation projects with the EU and UNDP have been geared towards performance indicators related to gender equality, there is still a key deficiency in an independent evaluation of complaint procedures in the civil service. Comparative research indicates that independent audits and civil society engagement are key to monitoring equality commitments in the public sector (Dassen & Lavin, 2019).

In conclusion, Ukraine's anti-discrimination framework in public administration resembles a hybrid arrangement: forward-looking legal norms are compromised by weak enforcement practices and weak institutional capacity. That gap between formal entitlement provision and only the limited means to implement them reflects and is located within the larger dynamic seen elsewhere in transitional democracies, where anti-discrimination systems are hindered by political, administrative, and cultural constraints in establishing boundaries of development. Hence, rather than appraising just the formal existence of complaint mechanisms, we need to see the broader supportive and normative conditions when evaluating the use and legitimacy of the complaint mechanisms.

### **3.2.5. Assessing the effectiveness of accountability for violations of gender equality norms**

Guaranteeing gender equality in Ukraine is still a relevant task of state policy, however, the accountability mechanisms for violations of legislation in this area seem to raise significant question marks.

In accordance with Article 24 of the Law of Ukraine “On Ensuring Equal Rights and Opportunities of Women and Men” (2005) and Article 16 of the Law of Ukraine “On the Principles of Preventing and Combating Discrimination in Ukraine” (2013), persons guilty of violating the requirements of the legislation on ensuring equal rights and opportunities of women and men shall bear civil, administrative and criminal liability in accordance with the law.

It is worth noting that the Code of Ukraine on Administrative Offenses still does not have an article that would provide administrative liability for discrimination in Ukraine, despite the explicit requirement in both laws. Accordingly, Ukraine still does not even have an effective mechanism for administrative liability for violating the principle of equality. For example, the Code of Ukraine on Administrative Offenses does not have relevant norms that propose liability for this behavior, nor does it have sanctions that could provide liability for violating the principle of equality. Furthermore, the legislative level has not regulated the procedure for bringing administrative liability in these cases, and the agencies that would have the power to decide the cases, as well as formalize the offenses, have also not been defined. The absence of these mechanisms complicates effective enforcement of the principle of equality through administrative liability (Uvarova, 2021).

Conversely, in Portugal, besides fines, administrative sanctions include in particular the following measures, which are available for all types of discrimination: publication of the decision; confiscation of property; prohibition of the exercise of a profession or activity which involves a public capacity or which depends on authorisation or official approval by the public authorities; removal of the right to participate in public markets; prohibition of access to establishments; suspension of licences and other authorisations; removal of the right to the benefits granted by public bodies or services (Tobler, 2005).

Of particular concern is the approach to combating discrimination in the Ukrainian labor sphere. According to Article 60-2 of the Labor Code (1971), “an employee may request from the employer a temporary transfer to remote work for a period of up to two months if actions containing signs of discrimination were committed against him at the workplace. At the same time, the employer may refuse the employee such a transfer if remote work is not possible, taking into account the employee’s job function, as well as if the employee has not provided facts confirming that discrimination, sexual harassment, or other forms of violence have taken place”. This norm is extremely problematic, as it shifts the burden of proving the fact of discrimination to the victim himself and, in fact, does not provide for any mechanism for punishment for the violator. Thus, the existing legislative regulation not only does not guarantee the protection of persons who have been discriminated against, but also creates additional obstacles to the exercise of their rights (Vyshnovetska, 2021).

In contrast, Sweden has implemented a reversed burden of proof in discrimination cases since the 1990s, thereby strengthening the legal position of victims and facilitating access to justice. “Once a presumption of discrimination has arisen, the burden of proof shifts to the defendant (the employer), who must rebut the presumption of discrimination by proving that no violation of the principle of equal treatment has occurred. In cases of direct discrimination, a successful rebuttal requires showing that the unequal treatment does not constitute discrimination. In cases of indirect discrimination, a successful rebuttal must demonstrate that the employer objected that the policies are necessary from a business standpoint” (Schömer, 2016, p. 846).

As a result, Ukrainian legislation continues to have gaps in enforcement that compromise its effectiveness. One of the institutional weaknesses of Ukraine's anti-discrimination regime is the lack of an adequately diversified system of sanctions. The introduction of a more differentiated system of sanctions, such as reputational penalties or

varying fines based on the nature and frequency of the violation, or the status of the violator (individual or legal entity), is a necessary condition for ensuring that anti-discrimination norms are not merely symbolic.

Equally critical is the reliance on formalistic procedural standards that place the entire burden of proof on the claimant. This approach ignores the often covert nature of discriminatory practices and contradicts established European norms, which increasingly recognize the need for burden-shifting mechanisms. In line with the relevant EU directives, Ukraine should adopt a model in which the initial presentation of facts suggesting discrimination triggers a shift in the burden of proof to the employer (EU, 1997). Such a mechanism reflects the recognition that direct evidence of discriminatory intent is rarely available to claimants, and that employers are generally in a better position to provide objective justification for their actions.

In sum, the normative ambitions that characterize gender equality law in Ukraine stand high, however, it is procedurally and materially inadequate. Without the introduction of nuanced, deterrent sanctions and a more equitable distribution of evidentiary burdens, the implementation of equality principles will remain inconsistent and ineffective. A comparative legal analysis indicates these changes are reasonable and necessary to lay the legislative basis for congruence between Ukrainian law and its international obligations, and to facilitate the effective and practical consideration of gender equality in the public sector.

## **Conclusion**

Imagine that a state is trying to rebuild itself from the ashes of a war - not just cities, but also institutions, values, and a future. At this critical moment of rebuilding, questions arise not only about any one person's role in rebuilding, but also questions about the vision that will inform the future of Ukraine. If all of that visioning is left exclusively to males in the context of leadership, there is a danger of recreating historically entrenched hierarchies that weakened democracy in the past.

As this research demonstrates, gender equality in leadership is not a symbolic consideration; it is fundamentally important for the democratic development of the state. Inclusive leadership produces governance that is more resilient, service provision that is higher quality, and social trust that is strengthened. In a country like Ukraine, where women make up the vast majority of public servants yet are virtually erased from the responsibility

for making decisions and implementing public policy, democracy is somewhat incomplete and arguably unbalanced.

Ukraine has undoubtedly taken some important steps through legislation such as the adoption of the Law “On Ensuring Equal Rights and Opportunities of Women and Men”, but legal progress has not translated into systemic change. As discussed in Chapters 1 and 2, unfortunately, for many women, the advances in the law have not had any impact on real systemic change. The continuance of patriarchal cultural norms, informal means of gatekeeping, and male domination in contexts of authority has certainly vexed implementation. Leadership is still perceived through a gendered lens: competence is often conflated with authority, and authority with masculinity.

As a force of paradox, war has changed gender dynamics. It has made visible women’s essential roles as leaders in the community and informal leadership roles in decision-making, but it has also normalized militarized, hierarchy-bound styles of leadership that privilege masculinity (e.g., control, endurance, aggression). Thus, women’s road to formal leadership is no easier despite the obvious contributions women have made in leadership practice.

International legal standards offer both pressure and possibility. Instruments, such as CEDAW, BPfA, and the EU Gender Equality Strategy 2020-2025, provide a normative basis for reform. As analyzed in Chapter 3, these can be translated into practice through actionable measures: implementing gender quotas, restructuring parental leave, enforcing accountability for discrimination, and rethinking institutional norms to support work-life balance and inclusive culture. However, these tools rely on political will and institutional transformation - not just adoption, but recontextualization of law and policy in terms of Ukraine’s legal and social realities.

One insight stands out, which is that while legal equality is a necessary condition for transformative change, it is not sufficient on its own. Legislation will sit as empty promises on the page unless we challenge gendered assumptions of leadership and redistribute power. We need to shift our perspective from understanding gender equality as an isolated issue to understanding it as a prerequisite to justice, stability, and democratic renewal. At the moment, as Ukraine prepares for recovery and reconstruction, women’s inclusion in leadership is about more than ensuring fairness; it is a requirement of strategy. The future of Ukraine must not only be written by the same people in power who have always been in power, but rather by the people who have the vision, skill and courage to lead.

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