

THE LEVEL OF SCOPE AND CONTENT OF TEACHING GENDER-RELATED ISSUES AT TRAINING LAWYERS IN UKRAINIAN HIGHER EDUCATION INSTITUTIONS

OLENA MOSKALENKO¹, DENYS NOVIKOV²

^{1,2}Department of civil law disciplines and labour law named after prof. O.I. Protsevskiy, H.S. Skovoroda Kharkiv National Pedagogical University, UKRAINE

o.moskalenko@hnpu.edu.ua, d.novikov@hnpu.edu.ua

Introduction

Article 419 of the Association Agreement between the EU and Ukraine requires enhanced dialogue and cooperation in terms of provision of gender equality and non-discrimination, while the provisions of Article 420 require such cooperation to provide gender equality and equal rights for men and women in their occupations, education and studies, economic and social activities, and in the decision-making process. Implementation of such requirements involves creating a human rights mechanism in the sphere of gender equality provision, which, respectively, requires enhanced staff capacities. Training of the staff aware of gender-related issues and of solving of gender-related disputes lies with law schools. Teaching programs of those higher education institutions that train lawyers have to include bachelor's and master's curricula that will help students develop the competencies of gender problems' understanding and skills of solving such problems in the legal field. It is worth noting that the Ukrainian national standard of bachelors of law training under the specialty 081 Law already implies the need for development of such general competence as "ability to recognize equal opportunities and gender problems." The need for such research stems from the fact that the topic reflects the global tendency of the increase in the number of courses with gender focus in the leading law schools (GEST, 2016; Griffin, 2002; Waaldijk, 2010). Thus, it seems viable to focus the research on the level of scope of the issue of gender and peculiarities of its teaching at training lawyers in Ukrainian higher education institutions.

Materials and methods

The research uses theoretical and empirical methods. The theoretical methods cover the content analysis of the content of Ukrainian higher education institutions' education programs, and the curriculum of gender-related issues courses. The empirical methods are related to processing the statistical data of the number of education programs of the specialty 081 Law and determining if those include the gender-related curricula, which serves both the objects of the statistical information analysis, and its graphical image.

The purpose of the article is to define the level of scope of gender-related issues and the peculiarities of teaching of gender-related curricula at training lawyers in Ukrainian higher education institutions.

The goals of the article are: 1) to outline the level of scope of gender-related issues in bachelor's and master's education programs under the specialty 081 Law; 2) to identify Ukrainian higher education institutions, the education programs of which include gender-related issues courses; 3) to characterize the content of gender-related courses in Ukrainian law schools, including the following components: qualification level, program cycle, number of ECTS credits, number of class hours, and the proportion of the practical part of the course.

Results

Higher education in Ukraine is rather developed: 172 higher education institutions provide training for bachelors of law, 118 higher education institutions – for masters of law. In order to determine the level of scope of gender-related issues at training of lawyers in higher education institutions, we have reviewed 160 education programs of higher education institutions with open access that comply with the education program for masters of 081 Law specialty. In order to assess the content of the gender-related issues courses, we have analyzed 8 curricula of the education courses that include the topic of the course.

The results of the research showed that only 4 out of 160 bachelor's education programs of Ukrainian higher education institutions include educational courses on gender-related issues, which makes it 3% of the total amount of education programs of the bachelor qualification level under the 081 Law specialty.

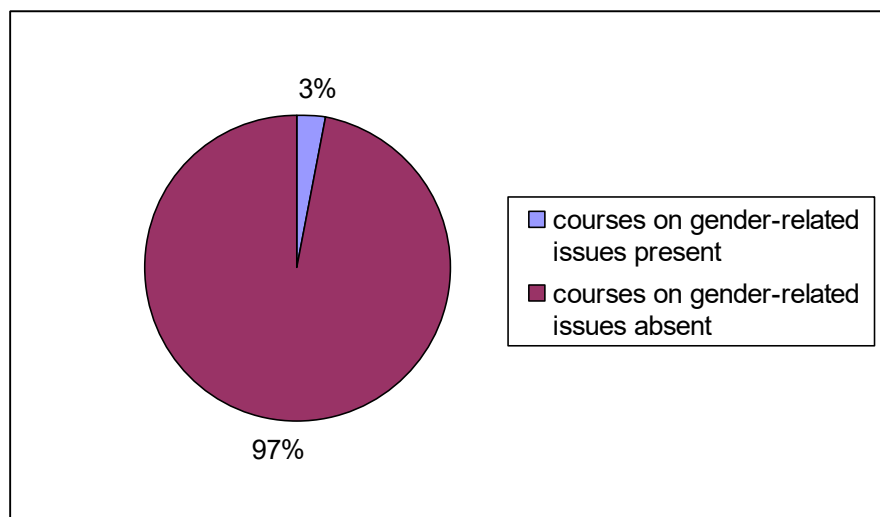


Figure 1. The courses', which are represented in bachelor education programs under 081 Law specialty, level of scope of the gender-related issues

The results of the research demonstrated that only 2 out of 108 master education programs of the higher education law institutions of Ukraine include courses on gender issues, which makes it 2% of the total amount of the master education programs under 081 Law specialty.

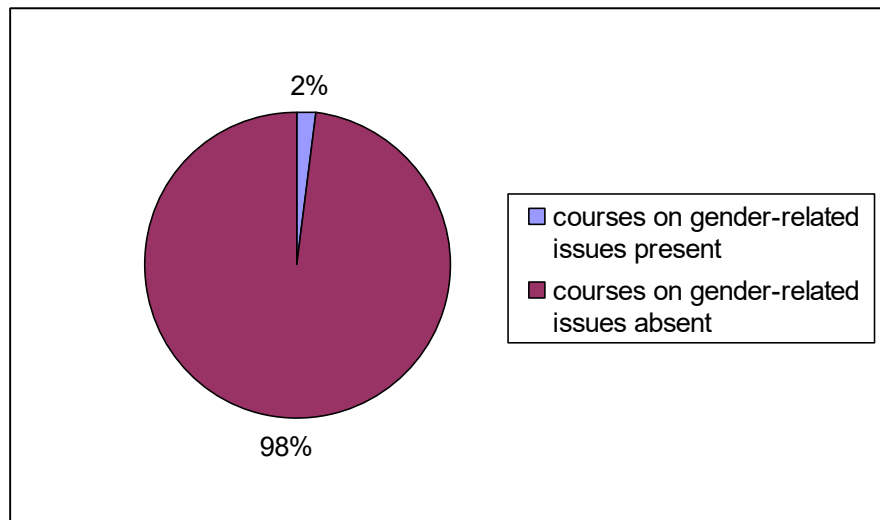


Figure 2. The courses', which are represented in master education programs under 081 Law specialty, level of scope of the gender-related issues

The results of the research showed that only 5 higher education law institutions in Ukraine have gender issues courses present in their education programs. These higher education institutions are: Dnipropetrovsk State University of Internal Affairs, Ivan Franko National University of Lviv, National University "Kyiv-Mohyla Academy," National University "Yaroslav the Wise Law Academy of Ukraine," and H.S. Skovoroda Kharkiv National Pedagogical University. These higher education institutions have a different number of educational courses that cover legal aspects of the gender-related issues.

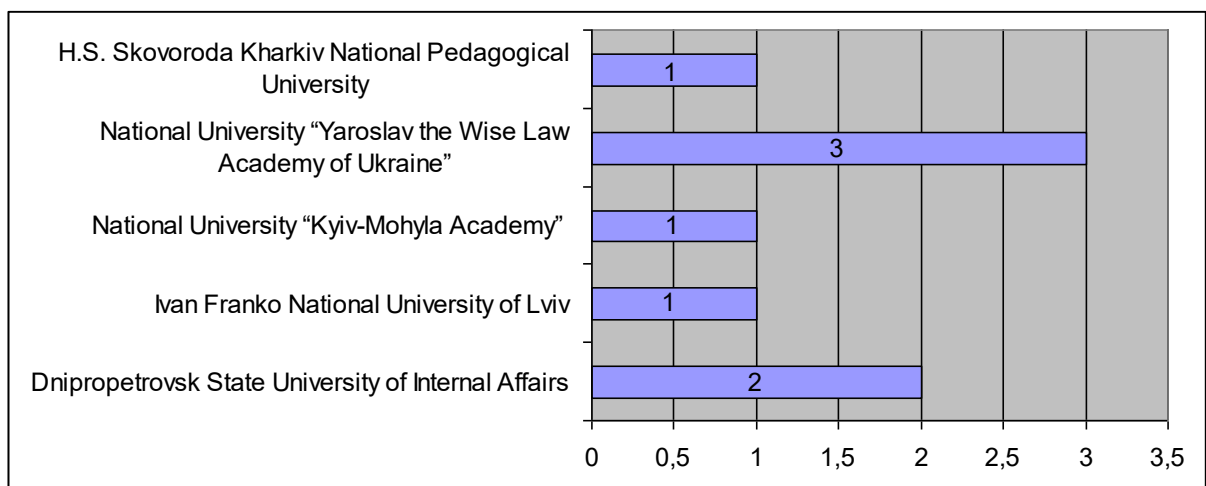


Figure 3. Higher education law institutions of Ukraine, the education programs of which include gender-related educational courses

Two gender-related educational courses are present in the education program for bachelors under 081 Law specialty in Dnipropetrovsk State University of Internal Affairs.

The first course “Basics of the theory of gender” is mandatory for students. The aim of this educational course is to introduce students to the general patterns of the gender theory’s emergence and development; to the basic concepts and approaches of the modern theory of gender, and to the main areas of feminists’ criticism of the science; to teach the future lawyers how to put into practice the principles of the theory of gender, to teach them to work within the society by the principles of gender parity, to develop critical thinking of the future legal professionals. The course program is synthesized and combines studying legal questions of gender-related issues along with the fundamental ones (peculiarities of gender problems and stereotypes, development of the theory of gender and the theory of feminism, gender identity aspects in the modern world), and also sectoral gender questions (gender and economics, gender politics of the European Union) (Hrytsai, Skyba, 2019). The educational course is worth 3 ECTS credits (90 hours). 40 hours are to be spent on actual lectures and workshops, while 50 are left for autonomous learning. This course provides an opportunity to develop a general view of the theory of gender; however, only 9 hours are dedicated to the legal part of the course (only 4 hours of class hours), which makes it impossible to achieve one of the prominent goals of the course – to teach the future students how to put the principles of the theory of gender into practice.

The second course, “Gender Politics” is also mandatory for students. This educational course has to deepen the gender-related knowledge and skills of the students, with a special focus on the development of the future lawyers’ practical skills. However, 5 topics of the course systematically repeat the questions of the previous course, and only one topic is dedicated to the legal sphere. The content of the legal topic covers the questions of the gender expertise of the legislation, development of legislative and institutional mechanisms of gender equality provision; dynamics of the gender development indicators in Ukraine according with the “Goals of the Millennium”; comparative analysis of representation of men and women in public movements, political parties and associations of Ukraine; national systems of human rights protection (Hrytsai, 2016). Most of the topic’s questions do not have the practical vector, while some aren’t related to the legal sphere (for instance, the representation rate of men and women in various social institutions). Only 12 hours of class work are dedicated to the course, while only 2 hours (one workshop) is dedicated to the legal part of the course. Considering the importance of this course’s presence in the lawyers’ education program, it is important to note its content and structural limitations.

Bachelor education program under 081 Law specialty of Ivan Franko National University of Lviv includes the educational course “Protection from discrimination in Ukraine,” which covers the theoretical aspects of gender issue. The topics of the course cover the problem of discrimination based on sex and gender discrimination, and also the means of protection from it (Honcharov,

2017). The educational course is worth 3 ECTS credits (90 hours), only 32 of which are to be spent on working in class.

The bachelor education program under 081 Law specialty of National University “Kyiv Mohyla Academy” includes the course “International protection of gender rights and rights of children.” The educational course is optional and covers the questions of both international legislations on women’s and children’s rights, and mechanisms of their protection, jurisprudence of international courts. The content of the course includes 4 topics that cover the gender issue: gender rights; international legal acts on gender rights; gender rights and rights to work, education, reproductive rights and access to power; gender rights in the context of sexual exploitation, domestic violence, and refugee problems. The workshops on gender problems imply presenting reports and do not include solving of the legal cases connected to gender-related disputes (Chernenko, 2017). The educational course is worth 3 ECTS credits (90 hours), only 30 of which are to be spent on working in class. The weak side of the course is that it covers only international aspects of gender rights and lacks practical tasks on gender problems.

Education programs for training of lawyers under 081 Law Specialty of the National University “Yaroslav the Wise Law Academy of Ukraine” have two educational courses dedicated to gender issues.

Bachelor educational course “Women’s rights and gender equality” is aimed at development of the general idea of the place of women’s rights in the state’s and society’s legal framework, and legal aspects of gender equality provision. The content of the course provides understanding of what gender and gender equality are, covers Ukraine’s gender-related international obligations, the European Union standards of prevention of women’s discrimination, legal provisions of gender equality in Ukraine, women’s access to the justice system, and businesses’ obligations in the field of gender equality provision (Shumilo, 2019a). Successful completion of the course implies presenting reports, writing essays, and solving cases. The course is worth 4.5 ECTS credits (138 hours), only 36 of which are to be spent in class.

The course for masters “Legal protection of the LGBT community,” is aimed at students who wish and are able to look into the legal issues related to human rights, protection of small groups’ rights, including the groups of untraditional sexual preferences, and to gender equality issues. The content of the course covers the questions of LGBT community’s rights in current European legislation; protection of LGBT community’s rights in Ukraine and assimilation/integration of regional legislation into the European provisions (Shumilo, 2019b). A few theoretical topics of the curricula are devoted to the actual gender issue. Practical gender questions are discussed within the topic of confirmation of LGBT-persons’ gender identity in state

documents. The course is worth 3 ECTS credits (108 hours), and 48 hours are meant to be class work.

In 2018, the representatives of civil society and international partners in National University “Yaroslav the Wise Law Academy of Ukraine” created the educational program “Gender studies for future lawyers,” which implied the optional course involving professors-researchers of gender issue, civil activists and foreign lecturers. The aim of this course was to develop in students certain competencies, system of knowledge and skills in the sphere of women’s rights protection and establishment of gender equality, to provide students with an idea of the concept of non-discrimination on grounds of sex as the basic value and legal standard of modern society and as a practically valuable category that is legally protected (Uvarova, Kharytonova, 2018). The content of the course implies studying general aspects of gender equality; key concepts in the sphere of women’s rights provision; Ukraine’s international obligations in the field of women’s rights protection and monitoring of respect for such rights; affirmative action in provision of gender equality in different spheres of life; European standards of provision of gender equality and their role in the process of Ukraine’s European integration; anti-discriminatory legislation and Ukraine’s policy documents in such sphere; businesses’ obligations in the field of gender equality provision; access to justice for women; system of preventing and counteracting against domestic violence. Individual tasks of general social and legal nature were added to the course along with the list of recommended sources, and the list of the best examples of jurisprudence of cases of discrimination on grounds of sex. The course consisted of 17 lectures and one event to sum everything up, and it also included certificates for those participants who successfully finished the program. Considering the importance of this event and the educational program created for it, it must be noted that it was only meant to be held once and to be short-term, and the focus of attention was supposed to be on theoretical legal gender issues, and only a small part of the course was dedicated to putting the skills of solving gender-related issues into practice.

Master’s education program of law faculty of H.S. Skovoroda Kharkiv National Pedagogical University has the educational course “Gender-legal studies.” This course is a mandatory one from the program cycle. The content of this educational course covers both general questions of the legal framework of the theory of gender, and sectoral problems of the solving of gender-related issues. Special attention is dedicated to gender-legal questions in family, labor, housing and political spheres, in the sphere of social welfare and criminal and administrative proceedings that consider the gender aspect (Moskalenko, Novikov, 2020). The tasks offered to students imply solving gender-related disputes under Ukrainian legislation, and studying the cases heard in the European Human Rights Court related to each of the course’s topics. The educational course is worth 4 ECTS credits (120 hours), 40 of which are class work.

Higher education institution	Educational course	Qualification level	Program cycle	ECTS credits	Number of class hours	Proportion of the course's practical part
Dnipropetrovsk State University of Internal Affairs	Basics of the theory of gender	Bachelor	Professional training	3	40	10
Dnipropetrovsk State University of Internal Affairs	Gender politics	Bachelor	Professional training	3	12	25
Ivan Franko National University of Lviv	Protection from discrimination in Ukraine	Bachelor	Professional training	3	32	10
National University "Kyiv-Mohyla Academy"	International protection of gender rights and the rights of children	Bachelor	Optional	3	30	20
National University "Yaroslav the Wise Law Academy of Ukraine"	Women's rights and gender equality	Bachelor	Professional training	4,5	36	65
National University "Yaroslav the Wise Law Academy of Ukraine"	Legal protection of the LGBT-community	Master	Professional training	3	48	15
National University "Yaroslav the Wise Law Academy of Ukraine"	Gender studies for future lawyers	-	Optional	-	34	70
H.S. Skovoroda Kharkiv National Pedagogical University	Gender-legal studies	Master	Professional training	4	40	85

Table 1. Characteristics of educational courses on gender-related issues in Ukrainian higher education institutions

Discussion

Ukraine has a very low amount of education programs and higher education institutions that can provide training for lawyers with respect to gender-related issues. The number of ECTS credits that the existent gender-related courses are worth does not correspond to the actual load of the students' and professors' class work, which is no more than 1/3 of the whole amount of hours given for the course.

The completion of most gender-related educational courses involves writing reports and presenting them in class instead of using the case method or the Socratic method. Very few gender-related courses contain current national jurisprudence and European Human Rights Court jurisprudence on gender-related issues for students to study.

Unlike many other European law education programs (Waldijk, 2010), Ukraine does not have a single education program with a general gender focus. Moreover, education programs for training of Ph. D. in legal research do not have a focus on gender, and they also do not imply studying educational courses on gender-related issues by postgraduate students.

Conclusions

The need for enhanced legal protection component of gender-related issues has been clearly written into the Association Agreement between the EU and Ukraine. Instead, training of lawyers in Ukraine who are responsible for the protection of rights in our society, is still weak, especially in the field of gender equality provision. Higher education institutions rarely include gender-related courses into their education programs and curricula. The content of gender-related educational courses is of a ‘façade’ nature and does not focus the attention on the practical vector of human rights protection activity or studying of jurisprudence on gender-related disputes.

For more active integration of gender issue into education programs and the content of curricula for training of lawyers in Ukrainian higher education institutions, it is necessary: 1) to increase the presence of gender-related education courses in education programs by 30 times at least; 2) to reinforce the competencies related to the future lawyers’ understanding of gender issues and ways of solving gender-related issues in the state standards of training of masters and Ph. D. under the specialty 081 Law; 3) at the level of the Ministry of Education and Science of Ukraine to develop the recommended program of the educational course “Gender-legal studies,” which would have no less than 70% of class work dedicated to the course’s practical part (solving cases and studying jurisprudence).

Conflicts of interest

The authors declare that they have no competing interests.

References

- GEST (2016). A Comparative Report on European Gender Studies Master Programs. Central European University. 30 p.
- Griffin, G. (2002). Gender Studies in Europe: Current Directions. In: (Passerini, L., Lyon, D. and Borghi, L. (eds.) Gender Studies in Europe. EUI, Robert Schuman Centre for Advanced Studies, Florence, Italy.
- Waaldijk, B. (2010) Reference Points for the Design and Delivery of Degree Programmes in Gender Studies. Tuning Project. de la Universidad de Deusto. 148 p.
- Honcharov, V. (2017) Protection from Discrimination in Ukraine: syllabus of the training course. Lviv, Ivan Franko National University of Lviv. 11 p.
- Hrytsai, I. (2016). Gender Politics in Ukraine: plan of workshops of the training course. Dnipro. Dnipropetrovsk State University of Internal Affairs. 14 p.
- Hrytsai I., Skyba, E. (2019). The basics of the theory of gender: syllabus of the training course. Dnipro. Dnipropetrovsk State University of Internal Affairs, 2019. 14 p.
- Moskalenko O., Novikov D. (2020). Gender-legal studies: workshop. Kharkiv, H.S. Skovoroda Kharkiv National Pedagogical University. 33 p.

Uvarova O., Kharytonova O., et al. (2018). Gender Studies: educational program, Kharkiv, Law. 76 p.

Chernenko Z. (2017). International protection of gender rights and the rights of children: syllabus of the academic discipline. Kyiv, National University "Kyiv-Mohyla Academy." 13 p.

Shumilo I., Tkachenko Ie., Senatorova O. et al., (2019a). The rights of women and gender equality: the program of academic modules. Kharkiv, National University "Yaroslav the Wise Law Academy of Ukraine," p. 64-75.

Shumilo I., Tkachenko Ie., Senatorova O. et al., (2019b). The legal protection of the LGBT-community: program of academic modules. Kharkiv, National University "Yaroslav the Wise Law Academy of Ukraine," p.28-40.

Citation: Moskalenko O., Novikov D. The Level of Scope and Content of Teaching Gender-related Issues at Training Lawyers in Ukrainian Higher Education Institutions. *Journal of Advanced Research in Dynamical and Control Systems*. 2020. Vol. 12. 07-Special Issue. P. 390-396.