

МІЖНАРОДНЕ ПРАВО

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LEGAL REGULATION OF GENDER EQUALITY IN THE EU

The article examines the legal framework and mechanisms for implementing gender equality as one of the fundamental principles of EU policy, designed to ensure equal rights, opportunities and access for women and men in all areas of life, without any restrictions related to sex or gender stereotypes. It is established that gender equality encompasses both formal equality – ensuring equal treatment before the law, and substantive equality aimed at overcoming systemic barriers to achieving fair outcomes for women and gender minorities.

The legal basis for regulating gender equality in the EU is determined, the key provisions of the Lisbon Treaty amending the Treaty on European Union and the Treaty establishing the European Community, the Treaty on European Union, as well as the Treaty on the Functioning of the EU are highlighted. A comprehensive description of EU regulations and directives directly aimed at overcoming various forms of gender discrimination is provided. The legal and organizational problems of ensuring gender equality in the EU are outlined. The need to improve legal instruments and monitoring mechanisms is stated to ensure real progress in ensuring gender equality.

Taking into account the EU Gender Equality Strategy 2020-2025, it is determined that the main challenges for ensuring gender equality are: the need to ensure equal access of men and women to economic opportunities and quality work in the digital economy; demographic changes in the context of increasing life expectancy; problems of equal pension provision and in general the impact of gender pay gaps on achieving sustainable development.

The active role of European institutions responsible for compliance with gender norms, in particular national equality bodies that perform jurisdictional, advisory and educational functions, is highlighted. It is proven that without a reliable legal mechanism for implementation, the principle of gender equality is purely declarative in nature.

Based on the analysis, a set of recommendations aimed at improving the legal framework for gender equality in the EU has been formulated.

Key words: human rights, international law, EU law, gender equality, gender policy, Gender Equality Strategy, gender education, gender equality in the educational environment, combating gender discrimination.

Веселов М. Ю., Гуржій Т. О., Гуржій А. В., Петрицький А. Л. ПРАВОВЕ РЕГУЛЮВАННЯ ГЕНДЕРНОЇ РІВНОСТІ В ЄС

У статті розглядається правові засади та механізми імплементації гендерної рівності як одного з фундаментальних принципів політики ЄС, покликаною забезпечити рівні права, можливості та доступ

для жінок і чоловіків у всіх сферах життя, без будь-яких обмежень, пов'язаних зі статтю чи гендерними стереотипами. Встановлено, що гендерна рівність охоплює як формальну рівність – забезпечення рівного ставлення перед законом, так і сутнісну рівність, спрямовану на подолання системних бар'єрів для досягнення справедливих результатів для жінок та гендерних меншин.

Визначено правовий базис регулювання гендерної рівності в ЄС, висвітлено ключові положення Лісабонського договору про внесення змін в Договір про Європейський Союз й Договір про заснування Європейської Спільноти, Договору про Європейський Союз, а також Договору про функціонування ЄС. Надано комплексну характеристику нормативних актів і директив ЄС, безпосередньо спрямованих на подолання різноманітних форм гендерної дискримінації. Окреслено правові та організаційні проблеми забезпечення гендерної рівності на теренах ЄС. Констатовано необхідність удосконалення юридичних інструментів і механізмів моніторингу для забезпечення реального прогресу у забезпеченні гендерної рівності.

З урахуванням Стратегії гендерної рівності ЄС 2020-2025, визначено, що основними викликами для забезпечення гендерної рівності є: необхідність забезпечення рівного доступу чоловіків та жінок до економічних можливостей та якісної роботи в цифровій економіці; демографічні зміни у контексті зростання очікуваної тривалості життя; проблеми рівного пенсійного забезпечення і в цілому вплив гендерних розривів в оплаті праці на досягнення стійкого розвитку.

Висвітлено активну роль європейських інституцій, відповідальних за дотримання гендерних норм, зокрема національних органів рівності, які виконують юрисдикційні, консультативні та просвітницькі функції. Доведено, що без надійного правового механізму імплементації принцип гендерної рівності має суто декларативний характер.

На підставі проведеного аналізу сформовано комплекс рекомендацій, спрямованих на вдосконалення правових засад гендерної рівності в ЄС.

Ключові слова: права людини, міжнародне право, право ЄС, гендерна рівність, гендерна політика, Стратегія гендерної рівності, гендерна освіта, гендерна рівність в освітньому середовищі, протидія гендерній дискримінації.

Statement of the problem. Gender equality constitutes a fundamental human right universally acknowledged as indispensable for democratic societies and sustainable development. It demands that all individuals, irrespective of gender, have equal access to rights, opportunities, and responsibilities, without discrimination predicated on sex or gender identity. The European Institute for Gender Equality (EIGE) elucidates that gender equality encompasses both formal equality – guaranteeing equal treatment under the law – and substantive equality, which seeks to dismantle systemic barriers to achieve equitable outcomes for women and all gender minorities [1, p. 14]. This dual approach foregrounds the recognition of structural inequalities and the necessity for proactive interventions to eradicate such impediments.

Within the European Union (EU), gender equality is enshrined as a core value and legal obligation embedded in foundational treaties. Article 2 of the Treaty on European Union (TEU) explicitly designates respect for equality, including gender equality, as a foundational principle of the Union [2]. Furthermore, Article 3(3) TEU charges the EU with combating inequalities and promoting equality between men and women in all Union activities. Article 8 of the Treaty on the Functioning of the European Union (TFEU) mandates the integration of gender equality across all policies and actions, thereby institutionalizing gender mainstreaming. Complementing these provisions, Article 23 of the Charter of Fundamental Rights of the European Union enshrines the right to gender equality, affirming its binding legal status [3].

Building upon these legal foundations, the European Commission promulgated the Gender Equality Strategy 2020–2025, which articulates ambitious objectives aimed at closing gender gaps, preventing gender-based violence, and enhancing women's participation in leadership roles [4]. The Strategy employs an intersectional framework to address overlapping discriminations – such as those related to ethnicity or disability – which intensify gender inequities. Its bifurcated approach combines gender mainstreaming – systematically incorporating gender perspectives within all policy domains – with targeted measures aimed at specific inequalities.

Contemporary scholarly discourse acknowledges the importance of this normative-legal architecture but simultaneously identifies persistent challenges in its implementation and enforcement. Despite measurable progress, disparities prevail across the EU, attributable to inconsistent application of legal provisions, entrenched cultural norms, and emergent socio-economic challenges, including the digital divide and the disproportionate impact of crises on women. Researchers advocate for enhancing legal instruments and strengthening monitoring mechanisms to ensure that EU policies engender substantive improvements in gender equality at the ground level [5; 6; 7].

Aim of the study. This article seeks to critically analyze the normative-legal regulation of gender equality within the EU by examining principal treaties, directives, strategic policy frameworks, enforcement mechanisms, and contemporary challenges. Through this analysis, the study aims to elucidate the Union's legal commitment and insti-

tutional capacity to foster substantive gender equality while evaluating prospects for reinforcing this regulatory framework.

Main material. The legal foundations of gender equality within the EU are deeply rooted within its primary treaties, which collectively function as the constitutional underpinning of the Union's commitment to this foundational principle. The Lisbon Treaty, operative since 2009, markedly strengthened gender equality as a central objective. Article 2 of the Treaty explicitly affirms respect for equality, including gender equality, among the Union's core values. This provision elevates gender equality from mere policy preference to a normative principle guiding all EU actions. Additionally, Article 3(3) TEU mandates the EU to eradicate inequalities and promote gender equality across all activities, thereby endorsing a comprehensive role for the gender equality agenda [8].

The Treaty on the Functioning of the European Union (TFEU) elaborates on this commitment by incorporating gender mainstreaming – a strategic imperative to integrate gender considerations across all EU policy domains – within its legal architecture. Article 8 TFEU obliges the Union to combat inequalities and actively promote equality between men and women throughout all regions and sectors [9].

The Charter of Fundamental Rights complements these treaty provisions by entrenching the right to gender equality as a fundamental right. Article 23 guarantees equality between women and men in all spheres, including employment, remuneration, and working conditions. Importantly, the Charter sanctions positive action measures aimed at rectifying historical disadvantages disproportionately affecting underrepresented genders, recognizing that formal legal equality must be supplemented by substantive interventions to realize actual equity.

Collectively, these treaties establish a comprehensive and multifaceted framework that requires EU institutions and Member States to embed gender equality within policies and practices. They impose affirmative obligations to promote gender equality, eradicate discrimination, and foster equal opportunities via legislation, policies, and positive action. Nonetheless, the efficacy of this normative foundation hinges upon robust implementation and enforcement to effectuate genuine gender equality across the diverse socio-economic and cultural landscapes of the Union.

In addition to foundational treaties, the EU deploys an extensive array of normative acts and directives intended to institutionalize gender equality and address enduring inequalities within Member States. These instruments operationalize

the EU's commitment into binding obligations, thereby providing a legal scaffold for enforcement, oversight, and assessment of progress.

Paramount among these instruments is the EU Gender Equality Strategy 2020–2025, delineating policy objectives oriented toward closing gender gaps in employment, remuneration, decision-making, and combating gender-based violence and stereotypes. The Strategy advocates a dual approach uniting gender mainstreaming – integrating gender perspectives transversally – and targeted interventions addressing specific inequalities. Its explicit intersectional approach acknowledges the compounded nature of discrimination arising from ethnicity, disability, or socio-economic status, thereby fostering inclusive policymaking across multiple sectors [10].

Several binding directives reinforce this strategic framework. The Pay Transparency Directive compels employers to ensure wage transparency and equality for equivalent work, aiming to reduce gender pay disparities through accountability mechanisms and corrective measures. Complementarily, the recently enacted Directive on Gender Balance on Corporate Boards requires major publicly listed companies to achieve a minimum of 40% representation of the underrepresented sex on non-executive boards by 2026. This directive encompasses gender-neutral selection criteria, mandatory disclosure, and enforcement provisions, thus mandating systemic transformation in leadership diversity [11; 12].

Furthermore, the Directive aligned with the Istanbul Convention addresses the prevention, protection, and prosecution of gender-based violence, including emergent manifestations such as cyberviolence and coercive control. By codifying legal standards that prioritize survivor-centered approaches and consent, it harmonizes protections across Member States [10; 13].

Academic analyses provide critical perspectives on the dynamics of these normative instruments. Mergaert and Lombardo reveal that despite the robustness of EU gender policies, institutional resistance and entrenched cultural norms within research and public bodies may inhibit implementation [14, p. 143]. Garcha-Mucoz underscores the inconsistent enforcement and sociocultural obstacles confronting Member States in uniformly applying EU gender directives [6, p. 458–461]. Krizsón and Roggeband identify political and societal impediments to effective policy realization, including the erosion of consultative mechanisms between state and civil society, the ascendancy of anti-gender discourses undermining gender equality efforts, and institutional restructurings diminishing support for equality bodies. These authors contend that gender equality is

inextricably linked to democratic practices and cultural milieus, rendering it vulnerable to shifting political contexts [15].

Hence, while EU normative acts and directives establish an indispensable legal infrastructure for advancing gender equality, their optimal impact depends upon effective transposition into national legislation, rigorous enforcement, and transformative cultural shifts within Member States. The continuing evolution of these regulatory frameworks, underpinned by strategic monitoring and inclusive policy design, reflects the EU's steadfast commitment to promoting equitable societal and economic participation for all genders.

Crucial to the operationalization of the EU's gender equality framework are enforcement and implementation mechanisms. Absent effective enforcement, the principles enshrined in treaties and directives risk mere symbolic status. Robust mechanisms ensure accountability, empower individuals to seek redress against discrimination, and cultivate an environment conducive to the effective realization of gender equality policies. They are also essential for mainstreaming gender perspectives across all governance levels, a fundamental prerequisite for addressing entrenched structural inequalities.

Equality bodies and national institutions function as frontline agents within this enforcement architecture. These specialized entities are mandated to promote equal treatment, examine discrimination claims, and advise policymakers. Recent EU legislation has prioritized enhancing their independence and resource allocation, acknowledging that empowered equality bodies bridge the gap between EU normative commitments and national realities. Through awareness campaigns, reporting, and training, these bodies facilitate the cultural and institutional transformations requisite for effective legal enforcement [16].

Legislative enforcement is reinforced by directives that establish binding obligations for Member States to prevent discrimination and advance gender equality. Such provisions are accompanied by concrete enforcement tools, including judicial remedies, complaint mechanisms, and sanctions. For instance, the Pay Transparency and Violence against Women Directives codify clear standards and mandate Member States to deploy effective frameworks for monitoring compliance.

The European Commission plays a pivotal role in overseeing and evaluating progress through biennial reports and comprehensive indices such as the Gender Equality Index developed by EIGE. These assessments enhance transparency, identify implementation deficits, and inform policy recalibration.

Furthermore, the Commission facilitates inter-State dialogue and cooperation, fostering the exchange of best practices and capacity-building initiatives.

Therefore, enforcement and implementation constitute the operational backbone of the EU's gender equality apparatus, ensuring the translation of normative commitments into substantive societal advances. Continued fortification of these mechanisms is essential to surmount persistent barriers and realize genuine gender equality across the Union.

Despite the EU's extensive legal frameworks, significant challenges and structural lacunae persist in achieving full gender equality. The 2025 Report on Gender Equality in the EU delineates that although progress has been attained, substantive disparities remain entrenched. A gender employment gap of 10.2 percentage points endures, disproportionately impacting mothers and populations in Southern and Eastern Europe. The unequal distribution of unpaid care work disproportionately disadvantages women, leading to higher incidence of part-time employment and underemployment, thereby perpetuating economic inequities. Moreover, gender-based violence continues to pose a serious concern; statistics reveal that one in three women has suffered physical or sexual violence, with prevailing social attitudes and stereotypes impeding cultural transformation. Addressing these systemic challenges necessitates sustained legislative and policy attention aimed at dismantling structural barriers effectively [17].

In response to these ongoing deficits, the EU is poised to introduce new legislative initiatives and strategic frameworks beyond 2025. The forthcoming Gender Equality Strategy 2026–2030 aspires to build upon the current framework, intensifying efforts to close employment and wage gaps, combat violence, and bolster work-life balance. Increasing emphasis is placed on intersectionality to holistically address the multifaceted realities confronting women at the intersections of ethnicity, disability, age, and socio-economic status. Advances in digital policy, targeting online harassment and algorithmic biases, exemplify the Union's responsiveness to contemporary gender equality challenges [18].

Complementing the strategic vision, the Roadmap for Women's Rights, adopted in 2025, articulates a long-term commitment to women's empowerment across the Union. The Roadmap prioritizes eradication of gender-based violence, economic empowerment through equal pay and employment conditions, inclusive education, and equitable political participation. By fostering institutional accountability and promoting gender equality as a societal norm, this policy instru-

ment aspires to sustain progress beyond legislative mandates. It underscores the importance of multi-stakeholder engagement, encompassing civil society and Member States alike, in shaping a gender-equal future [19].

These developments underscore the EU's recognition that surmounting entrenched structural inequities requires a dynamic and integrative approach. Legislative frameworks, while essential, must be complemented by strategic planning, cultural evolution, and tailored interventions congruent with evolving social realities.

A comparative analysis within the EU reveals considerable heterogeneity in the implementation of gender equality policies and institutional mechanisms among Member States. The European Institute for Gender Equality (EIGE) documents pronounced disparities concerning the robustness and efficacy of national mechanisms dedicated to gender equality promotion. Countries such as Spain, Portugal, Croatia, and Denmark consistently demonstrate strong institutional commitment, characterized by comprehensive national gender equality action plans with adequate funding, transparent accountability structures, and rigorous monitoring systems. Conversely, Member States including Poland, Bulgaria, and Slovenia exhibit relatively weaker institutional frameworks and suboptimal allocation of financial and human resources, thereby impeding effective policy enforcement and meaningful advancement [20, p. 2–10].

Best practices emerging from high-performing states emphasize the critical role of legally mandated gender mainstreaming, gender-sensitive budgeting, and well-resourced, autonomous equality bodies. Spain's exemplary integration of gender mainstreaming methodologies and stringent budgetary oversight linked to gender equality initiatives exemplifies how institutional dedication translates into policy effectiveness. Moreover, transparent reporting protocols and public accessibility to disaggregated data underpin evidence-based policymaking and enhance stakeholder accountability. Such practices illustrate that beyond legislative enactments, sustained funding and robust institutional frameworks are indispensable for translating gender equality principles into concrete outcomes [20, p. 5–9].

Furthermore, the significance of sustained funding and institutional capacity emerges as a pivotal determinant of success. Under-resourced equality bodies often encounter challenges in fulfilling mandates, necessitating heightened investment at national and regional levels. Member States deploying dedicated funding mechanisms and comprehensive training for equality officials typically achieve superior results in implemen-

tation and enforcement. Additionally, regional and local authorities play a complementary role, with some States decentralizing gender equality responsibilities to subnational levels, thereby fostering a multi-tiered governance model in this policy domain [20, p. 10–15].

In sum, comparative evaluation evidences that despite the EU's cohesive legal and strategic framework, disparities in implementation capabilities necessitate tailored support, enhanced knowledge exchange, and augmented resource allocation to guarantee equitable realization of gender equality commitments across the Union.

Conclusion. This study has delineated the comprehensive normative-legal edifice underpinning gender equality within the European Union, affirming its status as a foundational principle enshrined in core treaties and the Charter of Fundamental Rights. The EU's commitment, operationalized through the Gender Equality Strategy 2020-2025 and bolstered by binding directives addressing pay transparency, gender balance in corporate governance, and violence against women, constitutes a robust architecture aimed at eradicating gender-based discrimination and fostering substantive equality.

The outlook for the normative regulation of gender equality is simultaneously promising and challenging. The forthcoming Gender Equality Strategy 2026–2030 and the recently adopted Roadmap for Women's Rights signal an enhanced and sustained effort to close residual gender gaps and tackle emergent issues such as digital inequalities and intersectional discrimination. Nevertheless, persistent structural impediments, uneven policy implementation among Member States, and shifting socio-political dynamics necessitate adaptive and reinforced enforcement mechanisms. Augmenting the capacity and independence of equality bodies, expanding financial support, and promoting cross-sectoral collaboration will be instrumental for translating legal principles into tangible realities.

Recommendations for advancing gender equality enforcement include prioritizing the harmonization of implementation standards across the Union, investing in comprehensive data collection and transparent monitoring frameworks, and fostering inclusive dialogues involving civil society and marginalized communities. Legislative frameworks must be complemented by cultural and institutional transformations, acknowledging that legal equality alone is insufficient absent systemic change. By holistically addressing these dimensions, the EU can more effectively propel progress toward an equitable society that upholds the rights and dignity of all genders.

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