

## КРИМІНАЛЬНЕ ПРАВО, КРИМІНОЛОГІЯ

УДК 34.342.5

**Yulia VOLKOVA**

*Doctor of Law, Professor, Professor at the Department of Administrative Law and Process Taras Shevchenko National University of Kyiv, Volodymyrska str., 60, Kyiv, Ukraine, 01033, Researcher (Honorary Associate), University of Liverpool, Liverpool, United Kingdom*

**ORCID:** 0000-0002-2799-3933

**DOI:** 10.32782/LST/2024-1-7

**To cite this article:** Volkova, Y. (2024). Pryntsyv rivnosti u pravovomu rehuliuванні pid chas prokhozhenia publichnoi sluzhby. [The principle of equality in legal regulation during public service]. *Law. State. Technology*, 1, 44–51, doi: 10.32782/LST/2024-1-7

### THE PRINCIPLE OF EQUALITY IN LEGAL REGULATION DURING PUBLIC SERVICE

*The article analyses the principle of equality in legal regulation during public service. It is indicated that public administration is inherently one of the means of regulating social relations, which, unlike public administration, should be recognised as a more liberal lever of influence on social objects. This quality of the mentioned institution is explained by minimal government intervention in the activities of managed objects and their ability to act within certain limits at their own discretion; The idea of forming legal relations between these subjects based on the principles of partnership, equality of their legal status and mutual responsibility is gaining further practical distribution.*

*An important stage in the development of public administration in Ukraine remains the improvement of the institution of public service, which is based on the foundation of established principles as fundamental ideas. Based on both the system of principles of the public service as a whole, and each principle, a separate response to internal and external challenges that arise before this institution is built. Particularly relevant in Ukraine has become a deep awareness of the challenges of the pandemic, and subsequently the war, in relation to such a principle of public service as the principle of equality.*

*Of course, all the principles of public service work inextricably in unity and in the system and influence each other. It is they who bear the burden of transforming the environment of the institution of public service in modern conditions.*

*It was concluded that equal access to public service is an element of equality before the law. At the same time, exceptions related to the presence of Ukrainian citizenship, the need to speak the state language, reaching a certain age, etc. to enter the public service are objective requirements for the proper implementation of the functions of the public service. Moreover, such requirements are equal for all candidates for public service. In addition, existing challenges have shown that the principles of public service have established themselves as optimal markers of the process of reforming the public service, have resisted the peculiarities of the Ukrainian reality of public service, and have shown the realities of the gap between the principle of equal access to public service and the procedures for its implementation. The most valuable thing was the awareness of the importance of competitive selection and appointment to positions based on merit, so as not to undermine trust and modern competition procedures. The existing features of the public service have become new opportunities for the further development of this institution and highlighted new trends in achieving high professionalism, depoliticization of the selection procedure for professional public service, quality and openness of selection, stability, and professionalism of the public service as a whole. Additionally, the pandemic and the war made it possible to understand the vector of further movement – the relationship between the goals and processes of reform and the stability of the public service as a priority, the ability to support changes in the country. The principle of equality should not be compromised by existing challenges or any other factors.*

**Key words:** *principles of administrative law, principle of equality, public service, public employee, public administration, public interest.*

**Юлія ВОЛКОВА**

*доктор юридичних наук, професор, професор кафедри адміністративного права та процесу, Київський національний університет імені Тараса Шевченка, вул. Володимирська, 60, Київ, Україна, 01033, дослідник (почесний співробітник), Ліверпульський Університет, Ліверпуль, Великобританія*

**ORCID:** 0000-0002-2799-3933

**DOI:** 10.32782/LST/2024-1-7

**Бібліографічний опис статті:** Волкова, Ю. (2024). Принцип рівності у правовому регулюванні під час проходження публічної служби. *Law. State. Technology*, 1, 39–51, doi: 10.32782/LST/2024-1-7

## ПРИНЦИП РІВНОСТІ У ПРАВОВОМУ РЕГУЛЮВАННІ ПІД ЧАС ПРОХОДЖЕННЯ ПУБЛІЧНОЇ СЛУЖБИ

*У статті проаналізовано принцип рівності у правовому регулюванні під час проходження публічної служби. Вказано, що публічне адміністрування за своєю суттю є одним із засобів упорядкування суспільних відносин, яке, на відміну від державного управління, варто визнати більш ліберальним важелем впливу на соціальні об'єкти. Така якість згаданого інституту пояснюється мінімальним втручанням держави у діяльність керованих об'єктів та їх можливістю діяти у визначених межах на власний розсуд; набуває подальшого практичного поширення ідея формування між цими суб'єктами правовідносин, заснованих на принципах партнерства, рівності їх правового статусу та взаємовідповідальності.*

*Важливим етапом розвитку публічного адміністрування в Україні лишається вдосконалення інституту публічної служби, який базується на фундаменті закріплених принципів як засадничих ідей. На основі як системи принципів публічної служби загалом, так і кожного принципу окремо будується реагування на внутрішні та зовнішні виклики, які постають перед цим інститутом. Особливо актуальним в Україні стало глибоке усвідомлення викликів пандемії, а у подальшому війни перед таким принципом публічної служби, як принцип рівності.*

*Безумовно всі принципи публічної служби нерозривно працюють в єдності та в системі, і впливають на один на одного. Саме на них ліг тягар трансформації середовища інституту публічної служби в сучасних умовах.*

*Роблено висновок, що рівний доступ до публічної служби є елементом рівності перед законом. Водночас винятки, пов'язані із наявністю українського громадянства, необхідністю володіння державною мовою, досягненням певного віку тощо для вступу на публічну службу, є об'єктивними вимогами для належної реалізації функцій публічної служби. При цьому для усіх кандидатів на публічну службу такі вимоги є рівними. Крім того наявні виклики показали, що принципи публічної служби утвердилися оптимальними маркерами процесу реформування публічної служби, встояли перед особливостями української дійсності публічної служби, показали реалії розриву між принципом рівного доступу до публічної служби та процедурами його реалізації. Найціннішим стало усвідомлення важливості конкурсного відбору та призначення на посади на основі заслуг аби не підірвати довіру і сучасні процедури конкурсу. Наявні особливості проходження публічної служби стали новими можливостями для подальшого розвитку цього інституту і висвітлили нові тенденції в напрямі досягнення високого професіоналізму, деполітизації порядку відбору на професійну публічну службу, якості та відкритості відбору, стабільності та фаховості публічної служби в цілому. Також пандемія та війна дозволили усвідомити вектор подальшого руху – співвідношення цілей та процесів реформування та стабільності публічної служби як пріоритету, спроможності підтримувати зміни в країні. Принцип рівності не має ставитися під сумнів наявними викликами чи будь якими іншими чинниками.*

**Ключові слова:** принципи адміністративного права, принцип рівності, публічна служба, публічний службовець, публічне адміністрування, публічний інтерес.

**Formulation of the problem.** Public administration is inherently one of the means of regulating social relations, which, unlike public administration, should be recognised as a more liberal lever of influence on social objects. This quality of the mentioned institution is explained by minimal government intervention in the activities of managed objects and their ability to act within certain limits at their own discretion; The idea of forming legal relations between these subjects based on the principles of partnership, equality of their legal status and mutual responsibility is gaining further practical distribution.

An important stage in the development of public administration in Ukraine remains the improvement of the institution of public service, which is based on the foundation of established principles as fundamental ideas. Based on both

the system of principles of the public service as a whole, and each principle, a separate response to internal and external challenges that arise before this institution is built. Particularly relevant in Ukraine has become a deep awareness of the challenges of the pandemic, and subsequently the war, in relation to such a principle of public service as the principle of equality.

Of course, all the principles of public service work inextricably in unity and in the system and influence each other. It is they who bear the burden of transforming the environment of the institution of public service in modern conditions.

**State of scientific development.** A number of scientific works by such scientists as: A. Astapova, O. Bandurky, V. Averyanova, I. Borodina, Yu. Bytyaka, O. Bandurky, N. Honcharuk, S. Grechanyuk, I. Hrytsenko, E. Dodina,

Yu. Lykhacha, V. Kolpakova, T. Kolomoets, O. Kravchenko, Yu. Kizilova, A. Kukuli, Ye. Okhotsky, etc.

**The purpose of the article is** to analyse the principle of equality in legal regulation during public service.

**Presenting main material.** Constitution of Ukraine in Art. 38 determines that citizens enjoy an equal right of access to public service, as well as Art. 24 established that there can be no privileges or restrictions based on race, skin colour, political, religious, and other beliefs, gender, ethnic and social origin, property status, place of residence, language, and other grounds. And this, accordingly, became the basis for one of the main principles of the civil service – the principle of equality, which was enshrined and more fully regulated by the Law of Ukraine «On Civil Service», which established the methods and procedure for filling positions in the civil service and the requirements for civil servants. Therefore, in the Law of Ukraine «On Civil Service» this right is ensured, first of all, through an exclusively competitive procedure for appointment to all civil service positions.

In addition, according to this principle, any form of discrimination, the establishment by a government body or official (head of the civil service) of unreasonable restrictions or the provision of unreasonable advantages to certain categories of citizens when entering and performing public service is prohibited. At the same time, it is not prohibited to introduce reasonable professional requirements and restrictions, in particular regarding the presence of experience in carrying out managerial activities in leadership positions, establishing differences in the legal status of persons due to the specific level and profile of education and the conditions and type of activity in positions requiring special knowledge. high competence (Scientific and practical commentary, p. 62). It is an undeniable fact that the principle of equality, formulated by the Constitution of Ukraine, the Law of Ukraine «On Civil Service», is also enshrined in other regulations, namely decrees of the President of Ukraine, resolutions of the Cabinet of Ministers of Ukraine.

It should be emphasised that, considering the classical approaches of legal theory, equality includes equality before the law and the prohibition of discrimination and is an element of legality as a component of the principle of the rule of law. However, the legal category of equality is broader than the above theory and deserves separate consideration and research.

Thus, this principle is reflected in the Charter of the United Nations (The Charter of the United

Nations and the Charter of the International Court of Justice, 1945), where in Art. 2 stipulates that in order to achieve its goals, the Organization and its members act in accordance with a number of principles, the first of which is the principle of sovereign equality of all members. Of these provisions, the principle of equality for nations presupposes equality of rights and their equal volume. Moreover, the absence of difference regarding the race, gender, language, or religion of the persons concerned are components of non-discrimination, which, in fact, is an element of the principle of equality.

Protocol No. 12 to the Convention for the Protection of Human Rights and Fundamental Freedoms states: «The member states of the Council of Europe which have signed this Protocol, Having regard to the fundamental principle that all persons are equal before the law and are entitled to equal protection under the laws; Determined to take further measures to promote the equality of all persons through the collective application of the general prohibition of discrimination <...>; Reaffirming that the principle of non-discrimination does not prevent participating States from taking measures to promote full and substantive equality if such measures are objectively and reasonably justified» (European Convention on Human Rights, 1950: p. 50). From the above provision it is obvious that the principle of equality includes such substantive elements as equality before the law, equal protection under the law, and prohibition of discrimination.

Moreover, the principle of equality, as already indicated, is reflected at the constitutional level and in a number of ordinary laws adopted by the national legislator when acting as a state legislative body (Golovaty, 2008). In particular, in the Constitution of Ukraine there is no direct definition of the concept of «principle of equality» or «equality», but it is used in a number of provisions, namely in Art. 13 «all subjects of property rights are equal before the law»; Art. 21 «all people are free and equal in dignity and rights», Art. 24 «citizens have equal constitutional rights and freedoms and are equal before the law, equal rights of women and men are ensured»; Art. 36 «all trade unions have equal rights, all associations of citizens are equal before the law»; Art. 38 «citizens enjoy an equal right of access to public service, as well as to service in local government bodies», Art. 43 «the state guarantees equal opportunities in choosing a profession and working activity». Similar provisions are enshrined in other norms of the Basic Law, such as articles 71, 76, 103, 129, 141, etc.

From the above we can conclude that the principle of equality includes the following substantive

characteristics: equality before the law; equality in dignity and rights; constitutional rights and freedoms; gender equality; equal access to public service; equal opportunities; equality before the court.

In addition, it should be noted that the Code of Administrative Proceedings of Ukraine, among the basic principles of administrative proceedings, defines «All participants in the judicial process are equal before the law and the court. There can be no privileges or restrictions on the rights of participants in a trial based on race, skin colour, political, religious, and other beliefs, gender, ethnic and social origin, property status, place of residence, language, or other characteristics» (Article 8).

It should also be noted that in accordance with clause 7, part 2, art. 2 of this Code, in cases of appealing decisions, actions or inactions of government officials, administrative courts check whether they were adopted in compliance with the principle of equality before the law, preventing all forms of discrimination.

Consequently, in order to ensure the achievement of the constitutional goal of the functioning of administrative courts – the protection of the rights, freedoms and interests of the individual in the field of public law relations from violations of subjects of power (Article 125 of the Constitution of Ukraine, Article 2 of the CAS of Ukraine) – it is necessary to create the same conditions for participation in administrative process of participants in an administrative case, administrative process.

The uniformity of conditions for all participants in an administrative case and administrative process without exception is guaranteed by the principle of the rule of law, the provision of which is developed in the norms of the Constitution of Ukraine.

First of all, the Rule of Law report, endorsed by the European Commission for Democracy through Law, interprets equality as a component of the rule of law. Therefore, violation of the equality of participants in an administrative case and administrative process before the law and the tribunal is a violation of the principle of the rule of law.

Any privileges, restrictions, or prohibitions in relation to a third party, having several representatives in the case, are a violation of the principle of equality of all participants in the administrative process before the law and the court (Article 9 of the CAS of Ukraine) and are unacceptable.

The exercise of the right to legal assistance is based on compliance with the principles of equality of all before the law and the absence of discrimination on the grounds of race, skin colour, political, religious, and other beliefs, social origin, property status, place of residence, language or other grounds (Article 21, part 1, 2 art. 24 of the Basic

Law of Ukraine) (Decision of the Constitutional Court of Ukraine, 2009).

Equality before the law means that every person is subject to the same laws, and no one person or group of people has special legal privileges (Report of the European Commission for Democracy through Law, 2011). All people are free and equal in their dignity and rights (Article 21 of the Constitution of Ukraine). The equality of all participants in an administrative case and administrative process before the law and the court lies in:

- uniformity of attitude towards them, complete neutrality of the administrative court throughout the consideration and resolution of the administrative case when resolving procedural challenges. The administrative court exercises its procedural competence in relation to participants solely in accordance with the circumstances of the administrative case, the behaviour of these participants and the requirements of the law;

- uniformity and consistency in the application by an administrative court in relation to participants in an administrative case and administrative process of the same rules of law. The simultaneous and consistent application of the rules of law by the administrative court in relation to the participants must be based on uniform and constant criteria – the circumstances of the administrative case, the behaviour of the participants in controversial public legal relations, the rules of law governing these relations;

- the complete absence of any privileges or restrictions on the rights of participants in an administrative case, participants in an administrative process.

Thus, according to the Code of Administrative Procedure of Ukraine, equality includes equality before the law; equality before the court; non-discrimination – absence of privileges or restrictions based on grounds.

In the Law of Ukraine «On Central Executive Bodies» the principle of equality among certain principles of activity of ministries and other central executive bodies is not directly indicated but is covered by the principle of legality or the rule of law.

However, the Law of Ukraine «On Civil Service» notes that this Law defines «the procedure for the implementation by citizens of Ukraine of the right of equal access to public service based on their personal qualities and achievements». In this case, such an element of the principle of equality as equality of access to public service is detailed.

Also, in the Laws of Ukraine «On the National Police» and «On Local Self-Government» the principle of equality is not directly stated, however, only

one of the substantive elements of the principle of equality is given – non-discrimination.

In addition, it is advisable to emphasise that the formation of the institution of public service in Ukraine is a complex transformation process that cannot do without gender transformations. Striving for democratic development, our state, first of all, must focus on foreign experience in implementing the principle of gender equality, because this demonstrates how effectively the state can build a united, developed, and progressive society, and neglecting the problems of gender equality jeopardises the entire system of public administration.

Thus, today national mechanisms for the improvement of the status of women exist in almost all countries of the world and vary in their form and effectiveness. The main goal of such mechanisms is to promote the principle of gender equality in the public sphere. It should be noted that recently a number of important political initiatives have appeared at the global level to ensure an integrated approach to the implementation of the principle of gender equality, because the achievement of gender equality is becoming the primary indicator of the development of each country in the context of the globalisation of modern society. For example, some countries systematically consider the problem of equality between men and women, and within its framework, as a component, they solve the problem of changes in the position and status of women. Other countries are focusing on changing the status of women's social status and improving it. Ukraine, having ratified the main international documents to ensure the mechanism for implementing the principle of gender equality, has identified it as one of the important components of further development and as one of the priorities of state policy to ensure equal rights and opportunities for men and women during public service.

Today, in a democratic society, the problem of providing equal rights to women and men, in particular in the context of reconciling their family and professional lives, is proclaimed as one of the fundamental problems in solving the problems of public service. Real changes in the economic, humanitarian, social dimensions, which in turn is a powerful reserve for the progress of any state, is the achievement of gender equality and its implementation in the public service system.

In the context of strengthening the course towards European integration, the modernisation of the public service requires going beyond the boundaries of purely national law and legislation. Thus, in addition to international legal norms, Ukraine recognised the norms of European case law, namely the practice of the ECHR. According

to international human rights standards, in fact, the court is the only body whose powers include the effective restoration of human rights and their protection from discrimination.

At the same time, it should be emphasised that, by ratifying the Convention for the Protection of Human Rights and Fundamental Freedoms and its Protocols, our state committed itself, first of all, to guarantee to everyone under its jurisdiction the rights and freedoms defined therein, in particular in the context prohibition of discrimination in the process of public service on any basis, including gender.

Recognition of the compulsory jurisdiction of the ECHR in all matters relating to the interpretation and application of the Convention, including gender equality, updates the study of the practice of the ECHR and its application considering the current legislation of Ukraine, since it is the decisions of the ECHR that reflect the content of the provisions prohibiting discrimination based on gender in the process undergoing public service.

The ECHR in most cases considers cases in which it is women who oppose their state because it does not protect their rights. In this context, the plaintiffs' claim is that the authorities are failing to take the measures necessary to protect her rights and health. When applying the norms of the ECHR, judges must consider the practice both in relation to Ukraine and that which has developed during the consideration of complaints filed against other states. This approach will help Ukraine avoid committing new violations of the Convention. Considering this application of the case law of the ECHR on human rights in the legal field of Ukraine, firstly, it will contribute to the convergence of the national legal system with European human rights standards in the context of gender equality, and secondly, it will ensure the protection of human rights and freedoms in domestic relations, which is positive. will affect the implementation of the declared principles of equal rights of women and men in public service.

In addition, Ukraine's obligations to ensure gender equality are stipulated in the Association Agreement with the EU. The Association Agreement between Ukraine and the European Union in Chapter 21 «Cooperation in the field of employment, social policy and equal opportunities» (Association Agreement between Ukraine and the European Union, 2014) indicates the obligations of the Parties to strengthen dialogue and cooperation on ensuring decent work, employment policy, safe and healthy working conditions, social dialogue, social protection, social inclusion, gender equality and non-discrimination (Article 419) (Прытсай, 2017: p. 18). The way to achieve this goal is to

ensure gender equality in employment, education and training, economic and social activities, as well as in decision-making. The corresponding annex to the Agreement provides a list of key EU Directives in the field of ensuring non-discrimination and gender equality. Among them:

- Council Directive 79/7/EEC of 19 December 1978 on the progressive implementation of the principle of equality between men and women in the field of social security;

- Council Directive 92/85/EEC of 19 October 1992 on the adoption of measures to improve the safety and health at work of pregnant workers, those who have recently given birth or those who are breastfeeding;

- Council Directive 96/34/EC of 3 June 1996 on the framework agreement on maternity leave;

- Council Directive 2000/78/EC of 27 November 2000 establishing a framework of standards for equal treatment in employment and professional activities;

- Directive 2006/54/EC of the European Parliament of the Council of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and employment.

Please note that the above list of Directives is of a general nature. It is necessary to take into account the fact that in Ukraine the EU Directives are implemented in the practice of the European Court of Human Rights, which is of a precedent nature.

However, it was at the level of practice of the ECHR that it was initially recognised that the right to equal treatment, in particular on the basis of gender equality, is one of the fundamental human rights. An analysis of court decisions of the ECHR related to gender discrimination made it possible to identify a group of decisions regarding gender discrimination in labour disputes.

In connection with the above, attention to the decisions of the ECHR in Ukraine should grow, considering European integration aspirations.

Consequently, the analysis showed that it is advisable to identify the following main manifestations of the principle of equality in public service and, in accordance with them, combine the above substantive elements of the principle of equality:

- 1) equality as an element of the rule of law: equality in dignity and rights;

- 2) equality as equality before the law: equality of constitutional rights and freedoms; equal protection under the law; gender equality; equal access to public service; equal opportunities;

- 3) equality as a ban on discrimination: a ban on discrimination;

- 4) equality as equality before the court.

Additionally, in the context of our work, it should be noted that equal access to public service is an element of equality before the law, enshrined in Art. 38 of the Constitution of Ukraine. This principle implies that equal opportunities and procedures must be ensured for all candidates during competition, promotion, remuneration, etc.

Although there are a number of exceptions to this rule related to the presence of Ukrainian citizenship, the need to speak the state language, and reaching a certain age. Such restrictions are due to the specifics of the tasks performed by public servants, the functions of the state and official powers to ensure the high moral character of the civil servant and the freedom of his activities within the limits of official powers. (Kurochka, 2012: p. 69).

It seems that such inequalities are extremely necessary for the proper implementation of the functions of the public service. Moreover, such requirements are equal for all candidates for civil service.

However, it should be noted that at the present stage there are objective risks and prerequisites for violating the principle of equality in public service, namely the suspension of the norms of the Law of Ukraine «On Civil Service» regarding the holding of competitions for civil service positions and the appointment of civil service positions based on the results competition. And quarantine and lockdown were announced due to the spread of COVID 19 and the war became a shocking cut of the unpreparedness for the possibility of holding competitions for public service positions using digital technologies, and for organising remote work in public authorities.

On the other hand, these challenges justified the need for quick appointments to public service positions, and the competitions themselves will be held after the end of quarantine and war (Rzheutska, 2021).

However, it should be emphasised that such solutions were not popular and were criticized. In particular, Gregor Virant, as chairman of the SIGMA program dealing with public service issues in the European Union, emphasised that «Ukraine is the only democratic state in the world that uses COVID 19 as a reason to stop selecting civil servants based on the merits of candidates» (Gregor Virant, 2021).

Therefore, the principle of equality in public service was influenced by politicisation in the selection for public service due to existing challenges, and as a result showed the hourly vulnerability of the entire system of principles of

public service. This happened when the Institute of Public Service was updating its approaches to holding open and transparent competitions for public service positions, even during quarantine and war.

The lack of political will to resume competitions for public service positions from April 2020 to the present day is actively used in conditions of high staff turnover in the state apparatus. Thus, appointment to public service positions is carried out in the established order, which determines the selection mechanism for public service positions by conducting interviews with officials determined by the subject of appointment, in other words, in a «manual» mode, which makes the transparency of the procedure impossible, and undermines trust with both on the part of citizens and in the international field.

**Conclusions.** Equal access to public service is an element of equality before the law. At the same time, exceptions related to the presence of Ukrainian citizenship, the need to speak the state language, reaching a certain age, etc. to enter the public service are objective requirements for the proper implementation of the functions of the public service. Moreover, such requirements are equal for all candidates for public service.

In addition, existing challenges have shown that the principles of public service have established themselves as optimal markers of the process of reforming the public service, have resisted the peculiarities of the Ukrainian reality of public service, and have shown the realities of the gap between the principle of equal access to public service and the procedures for its implementation. The most valuable thing was the awareness of the importance of competitive selection and appointment to positions based on merit, so as not to undermine trust and modern competition procedures.

The existing features of the public service have become new opportunities for the further development of this institution and highlighted new trends in achieving high professionalism, depoliticisation of the selection procedure for professional public service, quality and openness of selection, stability, and professionalism of the public service as a whole. Additionally, the pandemic and the war made it possible to understand the vector of further movement – the relationship between the goals and processes of reform and the stability of the public service as a priority, the ability to support changes in the country. The principle of equality should not be compromised by existing challenges or any other factors.

#### REFERENCES:

1. Naukovo praktychnyi komentar do Zakonu Ukrainy «Pro derzhavnu sluzhbu» [Scientific and practical commentary to the Law of Ukraine «On Civil Service»]. Red. kol.: K.O. Vashchenko, I.B. Koliushko, V.P. Tymoshchuk, V.A. Derets (vidp. red.). K.: FOP Moskalenko O.M., 2017. 796 s. [In Ukrainian]
2. Statut Orhanizatsii Obiednanykh Natsii i Statut Mizhnarodnoho Sudu : mizhnarodnyi dokument vid 26.06.1945 r. [The Charter of the United Nations and the Charter of the International Court of Justice: an international document dated June 26, 1945]. Retrieved from [https://zakon.rada.gov.ua/laws/show/995\\_010](https://zakon.rada.gov.ua/laws/show/995_010) [In Ukrainian]
3. Yevropeiska Konventsiiia z prav liudyny z popravkamy, vneseny my vidpovidno do polozhen Protokoliv No 11 ta 14, z Protokolamy No 1, 4, 6, 7, 12, 13 ta 16 [The European Convention on Human Rights as amended in accordance with the provisions of Protocols No. 11 and 14, with Protocols No. 1, 4, 6, 7, 12, 13 and 16] 63 s. Retrieved from [https://www.echr.coe.int/Documents/Convention\\_UKR.pdf](https://www.echr.coe.int/Documents/Convention_UKR.pdf), [In Ukrainian]
4. Holovatyi, S.P. (2008). Verkhovenstvo prava: Ideia. Doktryna. Pryntsyp : avtoref. dys. ... dokt. yuryd. nauk:[ Rule of law: Idea. Doctrine. Principle:] 12.00.01. Kyiv, 44 s. Retrieved from [http://webcache.googleusercontent.com/search?q=cache:JLIWfS\\_Yv\\_4J:www.irbis-nbuv.gov.ua/cgi-bin/irbis\\_low/cgiirbis\\_64.exe%3FC2](http://webcache.googleusercontent.com/search?q=cache:JLIWfS_Yv_4J:www.irbis-nbuv.gov.ua/cgi-bin/irbis_low/cgiirbis_64.exe%3FC2) [In Ukrainian]
5. Rishennia Konstytutsiinoho Sudu Ukrainy u spravi za konstytutsiinym zvernenniam hromadianyna Holovania Ihoria Volodymyrovycha shchodo ofitsiinoho tlumachennia polozhen statti 59 Konstytutsii Ukrainy (sprava pro pravo na pravovu dopomohu) 30 veresnia 2009 roku № 23–rp/2009, sprava № 1–23/2009 [Decision of the Constitutional Court of Ukraine in the case of the constitutional appeal of citizen Golovan Ihor Volodymyrovych regarding the official interpretation of the provisions of Article 59 of the Constitution of Ukraine (case on the right to legal aid) dated September 30, 2009 No. 23–pn/2009, case No. 1–23/2009]. *Visnyk Konstytutsiinoho Sudu Ukrainy*. 2009. № 6. St. 32. [In Ukrainian]
6. Dopovid Evropeiskoi komisii za demokratsiiu cherez pravo (Venetsiiska komisiiia) «Pro verkhovenstvo prava» [Report of the European Commission for Democracy through Law (Venice Commission) «On the Rule of Law»] Zatverdzhena Venetsiiskoiu komisiieiu na 86–mu plenarnomu zasidanni (Venetsiia, 25–26 bereznia 2011 roku). CDL–AD(2011)003rev [In Ukrainian]

7. Uhoda pro asotsiatsiiu mizh Ukrainoiu, z odnii storony, ta Yevropeiskym Soiuzom, Yevropeiskym spivtovarystvom z atomnoi enerhii i yikhnimi derzhavamy-chlenamy, z inshoi storony [Association Agreement between Ukraine, on the one hand, and the European Union, the European Atomic Energy Community and their member states, on the other hand] *Ofitsiy nyi visnyk Ukrainy*. 2014. No 75. St. 2125 [In Ukrainian]

8. Hrytsai, I. O. (2017). Realizatsiia pryntsyphu hendernoi rivnosti v zaru- bizhnykh krainakh yak umova podolannia hendernoho dysbalansu. *Urgent problems of Law on the modern stage of statehood development: proceedings International research and practice conference, October 20–21, 2017. Lublin, 2017. R. 18–22.* [In Ukrainian]

9. Kurochka, L. (2012). Pryntsyphu derzhavnoi sluzhby v Ukraini: suchasni pidkhody [Principles of civil service in Ukraine: modern approaches]. *Visnyk Natsionalnoi akademii derzhavnoho upravlinnia pry Prezidentovi Ukrainy*. Vyp. 3. S. 66–72. [In Ukrainian]

10. Rzhetska, L.M. (2021). «Yak derzhavna sluzhba Ukrainy opynylasia v zaruchnykakh politykiv» [How the civil service of Ukraine found itself held hostage by politicians]. *Deutsche Welle*. Retrieved from <https://www.dw.com/uk/yak-derzhavna-sluzhba-ukrainy-opynylasia-v-zaruchnykakh-politykiv/a-56656988> [In Ukrainian]

11. Hrehor Virant (2021). «Veto poza konkursom: shcho neobkhidno yaknaishvydshe zminyty u zakoni pro derzhsluzh bu» [«Veto out of competition: what needs to be changed as soon as possible in the civil service law»]. *Yevropeiska pravda*. Retrieved from <https://www.euro-integration.com.ua/articles/2021/02/22/7120045> [In Ukrainian]

#### BIBLIOGRAPHY:

1. Науково практичний коментар до Закону України «Про державну службу» / Ред. кол.: К.О. Ващенко, І.Б. Коліушко, В.П. Тимошук, В.А. Дерезь (відп. ред.). К.: ФОРМ-Москаленко О.М., 2017. 796 с.

2. Статут Організації Об'єднаних Націй і Статут Міжнародного Суду: міжнародний документ від 26.06.1945 р. URL: [https://zakon.rada.gov.ua/laws/show/995\\_010](https://zakon.rada.gov.ua/laws/show/995_010)

3. Європейська Конвенція з прав людини з поправками, внесеними відповідно до положень Протоколів No 11 та 14, з Протоколами No 1, 4, 6, 7, 12, 13 та 16. 63 с. URL: [https://www.echr.coe.int/Documents/Convention\\_UKR.pdf](https://www.echr.coe.int/Documents/Convention_UKR.pdf),

4. Головатий С.П. Верховенство права: Ідея. Доктрина. Принцип: автореф. дис. ... докт. юрид. наук: 12.00.01. Київ, 2008. 44 с. URL: [http://webcache.googleusercontent.com/search?q=cache:jLIWfS\\_Yv\\_4J:www.irbis-nbuv.gov.ua/cgi-bin/irbis\\_low/cgiirbis\\_64.exe%3FC2](http://webcache.googleusercontent.com/search?q=cache:jLIWfS_Yv_4J:www.irbis-nbuv.gov.ua/cgi-bin/irbis_low/cgiirbis_64.exe%3FC2)

5. Рішення Конституційного Суду України у справі за конституційним зверненням громадянина Голованя Ігоря Володимировича щодо офіційного тлумачення положень статті 59 Конституції України (справа про право на правову допомогу) 30 вересня 2009 року № 23–рп/2009, справа № 1–23/2009. *Вісник Конституційного Суду України*. 2009. № 6. Ст. 32.

6. Доповідь Європейської комісії за демократію через право (Венеційська комісія) «Про верховенство права». Затверджена Венеційською комісією на 86–му пленарному засіданні (Венеція, 25–26 березня 2011 року). CDL–AD(2011)003rev

7. Угода про асоціацію між Україною, з однієї сторони, та Європейським Союзом, Європейським співтовариством з атомної енергії і їхніми державами-членами, з іншої сторони. *Офіційний вісник України*. 2014. No 75. Ст. 2125

8. Грицай І. О. Реалізація принципу гендерної рівності в зарубіжних країнах як умова подолання гендерного дисбалансу. *Urgent problems of Law on the modern stage of statehood development: proceedings International research and practice conference, October 20–21, 2017. Lublin, 2017. P. 18–22.*

9. Курочка Л. Принципи державної служби в Україні: сучасні підходи. *Вісник Національної академії державного управління при Президентові України*. 2012. Вип. 3. С. 66–72.

10. Ржеутська Л.М. Як державна служба України опинилася в заручниках політиків, *Deutsche Welle*. URL: <https://www.dw.com/uk/yak-derzhavna-sluzhba-ukrainy-opynylasia-v-zaruchnykakh-politykiv/a-56656988>

11. Грегор Вірант (2021), «Вето поза конкурсом: що необхідно якнайшвидше змінити у законі про держслужбу», *Європейська правда*. URL: <https://www.euro-integration.com.ua/articles/2021/02/22/7120045>