

Ensuring gender equality and legal protection of women's rights: achievements, challenges, and prospects



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Abstract The awareness of states that women's rights are an essential component of modern development leads to a new understanding of the content of women's rights, as well as the need for all states to ensure these rights to build a democratic society. It also leads to the definition of mechanisms for protecting women's rights. This paper examines the issue of gender equality. It is found that the institution of women's rights protection aims at implementing the principle that men and women should have equal rights in all spheres of life. The main goal of the study is to identify the most critical factors and measures that affect gender and contribute to gender inequality. These factors include health, social conditions, education, economic and labor participation, as well as political empowerment. The authors of the study applied the following methods: analysis and synthesis, comparative method, systemic method, structural and functional method, and generalization method. As a result of the research, a different approach to the issue of realization of women's rights was proposed: from the declaration of existing rights to their actual completion. Therefore, it is necessary to address both theoretical and practical aspects of women's rights protection. It is required to form a system of protection of women's rights based on the analysis of various components of gender equality. In a broad sense, gender equality is achieved when women and men enjoy equal rights and opportunities in all aspects of life, including social interaction, economic participation, and decision-making. Moreover, gender equality can be achieved when the different behaviors, aspirations, and needs of women and men are equally valued and protected.

Keywords: gender, gender equality, gender policy, gender inequality, human rights, women's rights.

1. Introduction

The gender aspect of human rights, in the broadest sense, is a sign of the development of a gender-sensitive political and legal culture. Its essence is to consider the interests of different social groups in society. It includes a gender perspective and a comprehensive approach to the development, adoption, implementation, and protection, as well as monitoring of programs, legislation, mechanisms, and institutions in the human rights system in the political, social, economic, and cultural spheres.

The main goal of the study is to identify the most critical factors and aspects that affect gender and contribute to gender inequality. They include health, social conditions, education, economic and labor participation, as well as political empowerment. The main goals of the study include:

- Analyzing the main obstacles to gender equality.
- Identifying the components of gender equality.
- Exploring the forms of ensuring the protection of women's rights.

Gender equality is related to the basic concepts of the quality of socio-political and economic justice, human rights, and the nature of democracy. Therefore, gender balance in the world is perceived as an indispensable condition of modern democracy. Achieving gender equality has long been a goal recognized by the world community. This is recorded in several international legal documents, and strategies for its achievement are constantly discussed at the UN level.

A successful policy of gender equality is the result of significant changes in the life of society, which were accompanied by the formation of public consciousness and state policy regarding the equality of the sexes. The principle of equality is



implemented through the creation of national mechanisms: legislation on gender equality, special state institutions, and the appointment of officials engaged in ensuring gender equality.

2. Literature review

The issue of gender inequality is often researched in academic studies and professional practice. This problem is attracting significant attention from scholars in both developed and developing countries. The indicator of donor impurities to questions of structural affiliation is also considered (Luniov, 2020).

Mitra et al., (2023) noted in their study that gender inequality is a multidimensional phenomenon that demonstrates differences in rights and opportunities for women and men in various aspects of life. This includes social interaction, economic participation, and decision-making.

In turn, Ahrens et al., (2020) emphasize that gender equality signifies equal participation of women and men in all public and private life areas at all levels, including decision-making processes and leadership positions.

Barnat et al., (2019) argue that the economic aspect is a significant indicator in explaining gender inequality. Bassey & Bubu (2019) state that gender equality brings economic benefits, contributes to competitive advantage, improves economic indicators, and enhances economic efficiency.

3. Methods

During the study, the following methods were applied:

- Analysis and synthesis (used in the study of scientific literature and determination of directions for the implementation of gender policy).
- Comparative method (allowed to analyze the degree of legal protection of women in different regions and countries of the world).
- Systemic method (allowed to consider gender equality as a systemic integrity for the protection of rights).
- Structural and functional method (allowed to analyze the constituent elements of the system of gender equality).
- Generalization method (used to formulate scientific, theoretical, and practical recommendations for the development of legal protection of women's rights).

4. Results

The United Nations "Agenda for Sustainable Development by 2030," adopted in 2015, outlines the key directions for global development and incorporates over 80 gender-oriented indicators, including a specific goal for achieving gender equality (Hesketh & Williams, 2021). Therefore, we can see that the inclusion and expansion of women's rights and opportunities are crucial prerequisites for building a just society in pursuing sustainable development goals.

In the context of achieving development goals, the establishment of a gender equality assessment system is of utmost importance, often posing a significant academic challenge. Various organizations have developed a range of indices in an attempt to measure and quantitatively assess the level of gender equality and women's rights protection.

Within this article, we aim to explore three global gender inequality indices to understand the main achievements, challenges, and prospects in gender-related issues:

- the Global Gender Gap Index (GGI);
- the Gender Inequality Index (GII);
- the Social Institutions and Gender Index (SIGI).

The Global Gender Gap Index (GGI) was developed in 2006 to meet the need for a consistent and comprehensive measure of gender equality to track a country's progress over time. This index is based on the assumption that gender inequality is the cumulative result of various socioeconomic, political, and cultural variables (Barnat et al., 2019). The index quantitatively assesses the scale of gender inequality in four key areas: health, education, economic participation, and political rights, and tracks progress over time.

The Gender Inequality Index (GII) is an integrated indicator that reflects inequality in opportunities and achievements between men and women in three spheres: reproductive health, empowerment, and labor market participation.

The GII aims to quantitatively assess the costs of human development associated with gender equality. The Gender Inequality Index can range from zero (complete equality between men and women) to one (inequality in all parameters). The higher is the GII value, the worse is the achievement (Mateos et al., 2022).

The Social Institutions and Gender Index (SIGI), compiled by the Organization for Economic Cooperation and Development (OECD), is an indicator of discrimination against women. The index's principle is that gender differences in social institutions lead to gender differences in development outcomes. This includes the labor force, poverty rates, marginalization, education, vulnerability to violence, and positions in public leadership (Barnat et al., 2019).

Despite specific differences in data and methodologies, comparing selected gender aggregate indices at the regional level reveals similar results. European and North American countries show the highest indicators, while the lowest ones are found in the Middle East, North Africa, Sub-Saharan Africa, and South Asia (Global Gender Gap Report, 2022).

It is worth noting that the situation regarding the assessment of women's rights protection and gender equality also varies within each region. For instance, Rwanda in Africa and the UAE in the Middle East exhibit quite high gender equality scores, largely due to the implementation of policies for the legal protection of women. In 2017, the UAE established a Gender Balance Council, which played a crucial role in promoting women's participation in society and government structures. A significant milestone was the release of a resolution in June 2019, following Rwanda's example, introducing quotas in the UAE to ensure women's full and effective participation at all levels of decision-making in political, economic, and civil sectors (Hesketh & Williams, 2021). Furthermore, in 2020, further changes in legislation related to violence and abuse against women were made, removing references to "crimes of honor" where male relatives could receive lighter penalties for attacking a female relative if such an act was seen as protecting the family's reputation (Hesketh & Williams, 2021).

Much more significant differences across different indices are observed at the country level. Still, Scandinavian countries, Central European nations (Switzerland, Belgium), Rwanda, and Costa Rica consistently maintain high positions. Meanwhile, lower ranks are occupied by Chad, Pakistan, Iran, Afghanistan, and the Democratic Republic of the Congo (Global Gender Gap Report, 2022).

The similarity in assessment results demonstrates that, despite some international successes in protecting women's rights and gender equality, there remains a stable concentration of inequality in certain regions.

Based on the analysis of the level of women's rights protection according to indices, four main components of gender equality can be identified:

1. Education and social conditions.
2. Economic and labor participation.
3. Expansion of political rights and opportunities.
4. Healthcare.

The right to education plays a significant role in enhancing the quality of human resources capable of contributing to economic, social, cultural, and political development. Education is also one of the sustainable development goals aimed at the continuous improvement of the quantity and quality of human resources, to be carried out on a fair and accessible basis for all, regardless of geographic, ethnic, social, economic, and gender status.

The protection of women's rights and the promotion of gender equality should be directed towards implementing policies that can narrow the gender gap in education. The research by Mateos et al. (2022) demonstrates a positive correlation between gender equality and the level of education, both among women and men, in Europe as well as in other regions.

Medalia and Chang (2011) identified a connection between gender equality and the gender gap in education among countries with low and high-income levels. Therefore, gender equality and the protection of women's civil rights to education are crucial components of the gender equality assurance system for many developing countries. This is because most illiterate people and those not attending school worldwide are women (Setyadi, 2022).

Based on the research by Chatterjee and Banerjee (2023), there are evident issues in the protection of women's rights in India. Despite the declared commitment to ensuring gender equality, problems persist in safeguarding the right to education, even at the elementary and middle school levels. The overall enrollment of girls in school decreases as they progress through the primary school grades. Furthermore, the regulatory expansion of opportunities for higher education for women has yet to result in increased employment. India continues to have one of the lowest rates of female participation in the socio-labor sphere (Chatterjee & Banerjee, 2023).

This indicates the importance of not only implementing declarative legal measures to ensure gender equality but also creating socio-cultural conditions for the realization of legal norms regarding the protection of women's rights. Equality in education is a matter of how the education system can provide the broadest possible opportunities for education for all citizens, a responsibility shared by all stakeholders, including the national government and local authorities. Closing the gender gap in the education sector needs to be addressed primarily at the state level. In developing countries, increasing government funding for education is a critical issue that can improve the conditions, accessibility, and quality of education. Through education, the government can enhance the potential of human resources and the productive capacity of the nation (Setyadi, 2022; Koliadenko et al., 2022).

An important factor contributing to educational inequality is the high-income inequality in society. Setyadi's (2022) research demonstrates a strong correlation between the level of education and income. The higher is the educational inequality in a region's population, the greater is the income inequality.

Barnat et al., (2019) identified a two-way causal relationship between gender equality and economic growth. Economic growth affects gender equality in various ways, but gender biases also impact macroeconomic outcomes, such as economic growth, trade, imbalances, and inflation.

Women's participation in the economy and labor market is primarily influenced by their participation in the labor market and economic involvement (measured by wages and leadership), as well as discrimination within the family (child marriages and domestic duties). Discrimination within the family can affect women's opportunities to participate in the economy (Barnat et al., 2019).

Increasing discrimination against women in employment, healthcare, education, and social welfare is a serious issue related to gender inequality worldwide. Some women's movements strive to eliminate this bias and call on people worldwide to take action to ensure the protection of women's rights (Mitra et al., 2023).

Women worldwide strive daily to balance their dual role as workers in the labor market and caregivers for their children (Gammage et al., 2020). Compared to men, women face an additional challenge because their reproductive years often overlap with their most economically productive years. It is known that in developed countries, qualified women with access to formal sector employment and high wages delay marriage and childbirth in favor of work and caregiving. However, in many contexts, especially in developing countries, balancing parenting and employment pressures often push women into the informal sector. Here, they face precarious working conditions and lack necessary pay guarantees and working conditions (Bondarenko et al., 2022).

As a result, despite legislative measures promoting gender equality in the job search, women are compelled to work in the informal sector of the economy, leading to job insecurity (Shulika, 2021). More women work in the formal economy in countries with more formal employment and legal entitlements for maternity leave, as well as broader social protection and more efficient labor market institutions. This is an issue that needs to be addressed at the legislative level.

In this context, international legal initiatives aimed at expanding women's economic rights and opportunities are of vital importance. The current international bodies do not always fully grasp the significance of safeguarding women's economic rights in ensuring gender equality and underestimate the pivotal role of economic, social, and cultural rights as the foundation for a legal mechanism for women's protection (Gammage et al., 2020).

Women's political participation is measured by the proportion of women in parliament, their political power, and restrictions on civil liberties (Barnat et al., 2019).

In many countries, a form of legal protection for women's rights is the legislative establishment of gender quotas.

These quotas impact the gender composition of elected bodies by requiring women to constitute a certain percentage of candidates and/or officeholders (Barnes & Holman, 2020).

Various forms of legislative quota implementation exist as a means to address the issue of gender imbalance in the political sphere. Some countries (India, Uganda, Rwanda, Tanzania, Kenya, and others) introduce gender quotas in local elections. Another form is the establishment of quotas for candidates, which is particularly effective in proportional representation electoral systems. In proportional list systems, quotas are typically applied to candidate lists. This form is employed, for example, in France, Italy, Germany, Spain, Ukraine, etc. (Lassébie, 2020).

Regarding the results of legislative quota implementation, researchers have differing opinions. On the one hand, proponents of quota introduction as a legitimate mechanism for ensuring equality argue that quotas have been successful because they achieved their primary goal: increasing the number of women in public office (Barnes & Holman, 2020).

Others argue that for quotas to be successful, they need to disrupt gender institutional models. The idea that simply increasing the number of women's representation without changing other institutional processes will change the gendered nature of politics contradicts gender equality research (Ahrens et al., 2020).

Ahrens et al. (2020) argue that although legislative mandates for gender quotas in Austria and Germany apply to all political parties. They all commit to ensuring gender equality in their party statutes, and their implementation varies among different parties. In traditional centrist parties in Austria and Germany, the insufficient recognition of quotas is attributed to the low representation of women in party leadership and the dominance of male networks, creating barriers for parties to achieve gender parity.

In Germany, the inconsistency in party quotas is linked to the fact that most major German parties use voluntary party quotas to include women on their electoral lists, and these quotas vary in terms of approach and size. While the "Greens," "Left," and SPD alternate between men and women on their electoral lists (50%), the lists of traditional parties have an overall representation of 30-40% (Abels et al., 2022).

Abels et al., (2022) show that the overall representation of women in the German parliament slightly increased from 30.7% to 34.7% after the 2021 elections.

It is noteworthy that despite Germany's achievements in promoting gender equality, the country has not yet introduced a gender quota at the legislative level. It is explained by a legal conflict between the provisions of the constitution and electoral law in Germany.

Thus, it is essential for the use of gender quotas that, beyond simply bringing more women into the legislature, these quotas must disrupt the gendered nature of politics by changing the conceptualization of political leaders and transforming the formation of political parties.

An important issue is the protection of women's rights from violence. Bibeau (2022) notes that sexual harassment and violence should be understood as symptoms of a deeper cause, namely, the imbalance of power and inequality between men and women, expressed, for example, in unequal pay and career opportunities or gender discrimination.

Empirical research on gender equality, in general, has emphasized the importance of structural conditions in shaping debates on violence against women. Often, the issue of combating gender-based violence is particularly relevant in the context of armed conflicts. It is especially pertinent to Ukraine, where women are creating new roles for themselves in a society at war.

Kratochvíl and O'Sullivan (2023) point out that Russia's military aggression against Ukraine is a critical moment for the gender role in the security system, as it is conducted under so-called traditional values against gender and sexual equality. The radical change in the role of Ukrainian women in the war can be contrasted with the resurgence of hypermasculinity in Russian discourses about the war. Here, different gender roles are naturalized and considered strictly separate from each other, with women being mentioned as heroes only depending on the number of children they have given birth to (Kratochvíl & O'Sullivan, 2023; Lytvyn et al., 2022).

It is essential to understand that such changes in the protection of women's rights are linked to changes in the socio-cultural sphere of perception of gender equality. This sphere also plays a significant role in ensuring and protecting women's rights.

For example, Basse and Bubu (2019) argue that the limited development of women's rights protection in Africa is due to the traditional normative culture that forces women to comply with these norms and rules.

It should be noted that the influence of traditional norms and culture on legislative safeguards for women's rights can also be observed in Europe. For instance, in Poland, the legislation allows abortion only when pregnancy threatens the life or health of the pregnant woman. Abortion is permitted if there is a high probability of a severe and irreversible fetal defect or incurable illness endangering the fetus's life or when pregnancy results from a crime (Koralewska & Zielińska, 2022; Popovych et al., 2022a; Popovych et al., 2022b). The strategy of creating a negative attitude towards abortions is grounded in the perception of them as a threat to fundamental principles of Polish culture and, therefore, a danger to the nation's survival (Koralewska & Zielińska, 2022).

As we can see, women continue to face organizational discrimination within human resources management policies (Infante & Darmawan, 2022). The expansion of women's rights and opportunities is an attempt to provide women with access to and control over resources, the economy, politics, society, and culture so that women can organize themselves and increase their self-confidence, abilities, and self-esteem.

Expanding women's rights and opportunities is a process of increasing awareness and building the potential for broader participation. This includes control, decision-making, and transformative actions leading to greater equality between women and men (Infante & Darmawan, 2022).

5. Discussion

In different countries, several types of gender inequality can be observed simultaneously. It is essential to identify the key components of gender equality, factors that most affect women's rights protection. We do not entirely agree with Chatterjee and Banerjee (2023) and Setyadi (2022), who emphasized the expansion of economic rights and opportunities as a key element of gender equality. However, a literature review (Hesketh & Williams, 2021) demonstrates that the relationship between gender equality and the economy is complex and not easily captured by just a few indicators.

We can agree with Bekana (2020) that the transformative nature of gender policy is threatened by the emphasis on macroeconomic outcomes, the conceptualization of gender issues at the macro level, and the limited role of civil society in influencing policy decisions.

The analysis presented in this article reveals a range of problems. Firstly, it is evident that gender equality is a complex issue consisting of various components. Thus, there is likely no one-size-fits-all set of policy reforms that a country could follow. We agree with Barnat et al., (2019) that different countries must prioritize elements of women's rights protection based on local circumstances.

The analysis presented in this article posits that inequality can be reduced to four key components that are central to achieving gender equality, namely:

- Education and social conditions.
- Participation in the economy and the labor market.
- The expansion of political rights and opportunities.
- Health protection.

In the face of persistent gender inequality and violations of women's rights, the author raises the question of whether the prevailing approach among development organizations to analyzing gender issues remains viable. In recent years, development specialists (Infante & Darmawan, 2022) have also turned to the international human rights system. In particular, they have turned to the so-called human rights approach, which links human rights practices and principles to

international development approaches. We propose to develop a human rights-based approach that will add value to current efforts to actualize gender equality issues.

6. Conclusions

Many believe that inequality between men and women is the oldest form of social injustice (Mateos et al., 2022). While significant changes have occurred over the last decade, the global situation is still far from the ideal scenario where all people, regardless of their gender and/or gender identity, are free to live as they choose and have the means and resources to exercise their rights. Furthermore, significant disparities in the protection of women's rights persist between countries and regions. This situation constitutes a major issue on the international political agenda and justifies the definition of strategic priorities in shaping a legal framework for women's rights protection.

Based on an analysis of gender equality development, the following issues in ensuring gender equality and protecting women's rights can be identified:

1. *Inequality in the Provision of Health and Right to Life.* The research indicates a tendency toward higher mortality rates among women, and sex-selective abortions are prevalent in Eastern Asian countries (Mitra et al., 2023). This is often associated with socio-cultural stereotypes and poverty.
2. *Inequality in the Provision of Basic Services.* In many instances, even without gender bias, women are mistreated when accessing fundamental human and civil rights.
3. *Inequality in Opportunities.* Despite formal legal equality in opportunities, disparities are evident in providing educational opportunities, political participation, and more.
4. *Inequality in Employment Rights.* Women encounter more significant obstacles in terms of employment and career advancement than men.
5. *Family Inequality.* In many societies, it is widely accepted that men work outside the home while women are expected to dedicate more time to their family responsibilities.

These problems pose new challenges in ensuring the protection of women's rights and gender equality. It is essential to implement gender-oriented reforms to increase women's legal empowerment. A favorable legal environment can significantly contribute to the development of gender equality.

The roots of gender inequality lie in gender differences in income and employment, as well as in key social and cultural factors (Mitra et al., 2023). Although the modern gender equality framework adopted both internationally and in national legislation in many countries contributes to the expansion of women's civil, social, political, and economic rights and opportunities. However, traditional social cultures still do not allow women to enjoy the benefits of equality fully.

Women still face many challenges, such as low levels of education and gender discrimination. In addition, women continue to face discrimination in the labor market and socio-political sphere, mainly due to social and cultural factors. Therefore, it is important to develop an international system of human rights protection in society.

Ethical considerations

Not applicable.

Conflict of Interest

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