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THEORETICAL FOUNDATIONS OF PREVENTING AND COMBATING DISCRIMINATION IN THE SYSTEM OF TRAINING SPECIALISTS FOR SECURITY AND DEFENSE FORCES

The article characterizes the theoretical foundations of preventing and combating discrimination in the system of training specialists for security and defense forces. So far, there has been no comprehensive study on the development of theoretical foundations for preventing and combating discrimination in the system of training specialists for the security and defense forces of Ukraine. An improved definition of the concept of "discrimination" is proposed. The factors that determine the social and legal need to prevent and combat discrimination in the system of training specialists for the security and defense forces of Ukraine are highlighted. Based on the results of the study of foreign experience in this area, two main directions for further improvement of the scientific and conceptual foundations for preventing and combating this phenomenon are proposed.

Keywords: national security of Ukraine, state security, security and defense sector, security forces, defense forces, training system, discrimination, prevention, counteraction.

Statement of the problem. Today, the issue of preventing and combating discrimination in the system of training specialists for the security and defense forces of Ukraine is of particular importance. European integration processes confirm the need for this area of research in the field of national security.

The problem of preventing and combating discrimination both in the state as a whole and in the system of training specialists for the security and defense forces of Ukraine is caused not only by social, but also by legal and security factors. This follows from a number of provisions of international legal acts ratified by Ukraine [1, 2], as well as the Constitution [3] and the laws of Ukraine "On the Principles of Preventing and Combating Discrimination in Ukraine" [4], "On National Security of Ukraine" [5], "On Education" [6], and other guiding documents [7, 8].

Analysis of recent research and publications. The analysis of special scientific and educational literature showed that the problem of preventing and combating discrimination was studied by scholars I. Kresina, R. Mandel, S. Pohrebniak, O. Pozharova, S. Ponomarev, O. Rudneva, I. Fedorovych, T. Fulei, and others. However, the studies were mostly concerned with the civilian sphere, in particular the gender aspect. Beyond the scope of scientific research with the formulation of practical recommendations, there are still problematic issues regarding the study of discrimination in the system of training specialists for the security and defense forces of Ukraine, as well as relevant areas of prevention and counteraction to this socially harmful (and sometimes dangerous) phenomenon.

The purpose of the article is to study the theoretical foundations of preventing and combating discrimination in the system of training specialists for the security and defense forces and to provide practical recommendations in this area.

Summary of the main material. It is worth noting that in the current context of Ukraine's integration into the EU and NATO, adherence to the principles of equality, justice and non-discrimination is becoming increasingly important in all areas of social development. The security and defense sector of the state, as well as the system of training specialists for the relevant actors of the security and defense policy implementation, are no exception.

The observance of human rights and the provision of equal opportunities in the process of realizing the right to education in the military sphere, taking into account the fact that the Cabinet of Ministers has recently adopted (modernized) the Concept of Transformation of the Military Education System in accordance with

NATO standards, determines the social and legal need to prevent and combat discrimination in the system of training specialists for the security and defense forces.

Violation of human rights and various forms of harassment in the service of the studied category of the subjects of the security and defense sector negatively affect a number of institutional processes: reduction of internal system stability and resilience, ability to perform assigned tasks; deterioration of moral and psychological state in units; increase in staff turnover, image and reputation losses, etc. All of this can lead to socially dangerous phenomena, including the determination of various types of crime, an increase in suicides, etc.

In addition, in the context of martial law, ensuring national security and defense in Ukraine remains a pressing issue. This is achieved in various ways: from defense and innovation, financial, logistical, and domestic to the use of human resources, the basis of which is the personnel potential of the security and defense forces (those who already have the relevant competencies and those who are just acquiring them in the process of training).

Human resources management has always been considered extremely important in any organization or agency. As for the security and defense sector, there is only one requirement: its representatives are the face of the state and must represent it with dignity at all levels. It is on this postulate that the system of training specialists for the security and defense forces should be based, with the task of providing professional training and education for military and law enforcement personnel, as well as solving the whole range of problematic issues that accompany work with them. One of these issues is the prevention and combating of discrimination in this area.

According to the study, the social and legal need to prevent and combat discrimination in the system of training specialists for the security and defense forces of Ukraine is caused by the following factors: 1) the inconsistency of the principles of preventing and combating discrimination in the system of training specialists with the requirements of the regulatory framework of Ukraine and international standards in this area; 2) the existence of problems of dependence of career growth on various subjective signs of incompetence (one of the key factors of discrimination); 3) the need to regulate the peculiarities of preventing and combating discrimination in the system of training specialists; 4) lack of conceptual approaches to preventing and combating discrimination in the system of training specialists; 5) lack of scientifically based and practice-oriented mechanisms (algorithms, recommendations, etc.) to prevent and combat discrimination in the system of training specialists; 6) complicated implementation of the Law of Ukraine "On the Principles of Preventing and Combating Discrimination in Ukraine" due to the large-scale Russian invasion of February 24, 2022, due to the lack of guidance on the current realities of the functioning of the security and defense forces of Ukraine; 7) divergence of modern scientific approaches to the formation of the principles of preventing and combating discrimination in the system of training specialists for the security and defense forces of Ukraine in the context of the transition to NATO standards.

With regard to the conceptual framework of the study, it should be noted that the term "security forces" refers to law enforcement and intelligence agencies, state special purpose agencies with law enforcement functions, civil defense forces and other agencies vested with the functions of ensuring the national security of Ukraine by the Constitution and laws of Ukraine (paragraph 17, part 1, article 1 of the Law of Ukraine "On National Security of Ukraine"). The defense forces include the Armed Forces of Ukraine, as well as other military formations formed in accordance with the laws of Ukraine, law enforcement and intelligence agencies, special purpose agencies with law enforcement functions, which are vested with the functions of ensuring the defense of the state by the Constitution and laws of Ukraine (paragraph 18, part 1, article 1 of the said Law) [5].

The concept of "system of training of specialists" is doctrinal, since its definition is not contained in a specific legal act, but is defined by scientists at the level of branch science in different ways. This definition is not given in the Concept of Transformation of the Military Education System, which uses such concepts as "system of military personnel training", "training of military specialists", "training of officers" [8]. We consider the concept of "system of training of specialists for security and defense forces" broader than the ones given in this Concept, including training of specialists not only for defense forces, but also for security forces, which are mainly based on law enforcement agencies of Ukraine.

In addition, the subject of our research is not only higher military educational institutions (or military educational units of higher education institutions), but also training units (centers) of the relevant components of the security and defense sector, as well as higher education institutions with specific training conditions. Thus, we proceed from the criterion of training a specialist for the security and defense forces regardless of the level and degree of education.

To understand the concepts of "discrimination" and "prevention and combating discrimination", we should refer to the relevant provisions of the Law of Ukraine "On Principles of Prevention and Combating Discrimination in Ukraine". According to paragraph 2 of part 1 of article 1 of this Law, "discrimination is a situation where a person and/or group of persons, based on their characteristics of race, skin color, political, religious and other beliefs, gender, age, disability, ethnic and social origin, citizenship, family and property status, place of residence, language or other characteristics, whether actual or presumed, are restricted in the recognition, realization, or enjoyment of rights and freedoms in any form established by this Law, except in cases where such restriction has a legitimate, objectively justified purpose, and the means of achieving it are appropriate and necessary." (emphasis added – O. K.) [4].

We believe that such a legislative definition of the concept of "discrimination" needs to be improved, because in legal terms, it is possible to bring a person to some type of liability not for a "situation" but for committing a certain unlawful act (action or inaction).

In view of the above considerations, we propose the following definition of the concept: discrimination is an unlawful and unjustified restriction in the recognition, exercise or enjoyment of human and civil rights and freedoms on the grounds of race, skin color, political, religious and other beliefs, gender, age, disability, ethnic and social origin, citizenship, marital and property status, place of residence, language or other grounds.

Neither the Law of Ukraine "On the Principles of Preventing and Combating Discrimination in Ukraine" nor other legal acts contain a definition of the concept of "preventing and combating discrimination". However, this is important in the context of ensuring a unified approach of authorized entities to the implementation of a number of measures to prevent and combat this socially harmful (and sometimes dangerous) phenomenon. Therefore, the development of an appropriate improved conceptual framework for the subject matter of the study is a prospect for further scientific research.

The study also showed that the issue of preventing and combating discrimination in the system of training specialists for the security and defense forces of Ukraine should go beyond the gender approach [10, 11] and be considered much more broadly, because today in the chosen field of study human rights are violated not only on the basis of gender, but also on the following grounds (which constitute the content of discrimination) such as disability (a consequence of the participation of many specialists in hostilities to repel the armed aggression of the Russian Federation against Ukraine), property status (discrimination is caused by the promotion of some persons with the restriction of career growth of others or the granting of other privileges, which acquires signs of corruption) and others, the list of which, by the way, is not exhaustive and may include such features as nepotism, compatriotism, etc.

Given this state of affairs in the national system of training specialists for the security and defense forces, it is appropriate to turn to the comparative legal (comparative) method, which allows us to study foreign experience in the field of preventing and combating discrimination in the security and defense sector. Thus, there are two main areas for further improvement of the scientific and conceptual framework for preventing and combating this phenomenon: 1) external direction – identification and improvement of key aspects to ensure full implementation of international legal obligations and implementation of international treaties of Ukraine in the field of realization and protection of human and civil rights and freedoms, combating discriminatory manifestations in society, as well as continuation of sustainable reform of the security and defense sector, as defined in a number of national strategic documents; 2) internal direction – improvement of organizational and legal framework and practical recommendations for preventing and combating discrimination in the system of training specialists for the security and defense forces of Ukraine, based on international legal standards on human rights and progressive foreign practices of anti-discrimination activities in the security and defense sector.

Conclusions

Thus, based on the results of the development of the theoretical foundations for preventing and combating discrimination in the system of training specialists for the security and defense forces, the following conclusions have been drawn.

1. It has been established that so far there has been no comprehensive study on the development of theoretical foundations for preventing and combating discrimination in the system of training specialists for the security and defense forces of Ukraine. This became one of the arguments in choosing the topic of scientific research, formulating the purpose of the study and setting the relevant tasks.

2. An improved definition of the concept of "discrimination" is proposed. Discrimination is an unlawful and unjustified restriction in the recognition, exercise or enjoyment of human and civil rights and freedoms on the grounds of race, skin color, political, religious and other beliefs, gender, age, disability, ethnic and social origin, citizenship, marital and property status, place of residence, language or other grounds.

3. It is argued that the social and legal need to prevent and combat discrimination in the system of training specialists for the security and defense forces of Ukraine is due to the following factors: 1) inconsistency of the principles of preventing and combating discrimination in the system of training of specialists with the requirements of the legal framework of Ukraine and international standards in this area; 2) the existence of problems of dependence of career growth in the security and defense sector of Ukraine on various subjective signs of incompetence (one of the key factors of discrimination); 3) the need for regulatory and legal consolidation of the peculiarities of preventing and combating discrimination in the system of training of specialists; 4) lack of conceptual approaches to preventing and combating discrimination in the system of training specialists; 5) lack of scientifically based and practice-oriented mechanisms (algorithms, recommendations, etc.) to prevent and combat discrimination in the system of training specialists; 6) complicated implementation of the Law of Ukraine "On the Principles of Preventing and Combating Discrimination in Ukraine" due to the large-scale Russian invasion of February 24, 2022, due to the lack of guidance on the current realities of the functioning of the security and defense forces of Ukraine; 7) divergence of modern scientific approaches to the formation of the principles of preventing and combating discrimination in the system of training specialists for the security and defense forces of Ukraine in the context of the transition to NATO standards.

4. Two main areas for further improvement of the scientific and conceptual framework for preventing and combating discrimination in the security and defense sector are proposed: 1) external direction – identification and improvement of key aspects to ensure full implementation of international legal obligations and implementation of international treaties of Ukraine in the field of realization and protection of human and civil rights and freedoms, combating discriminatory manifestations in society, as well as continuation of sustainable reform of the security and defense sector, as defined in a number of national strategic documents; 2) internal direction – improvement of the organizational and legal framework and practical recommendations for preventing and combating discrimination in the system of training specialists for the security and defense forces of Ukraine, based on international legal standards on human rights and progressive foreign practices of anti-discrimination activities in the security and defense sector.

Further research will be aimed at developing a conceptual model for preventing and combating discrimination in the system of training specialists for the security and defense forces of Ukraine.

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ТЕОРЕТИЧНІ ЗАСАДИ ЗАПОБІГАННЯ ТА ПРОТИДІЇ ДИСКРИМІНАЦІЇ В СИСТЕМІ ПІДГОТОВКИ ФАХІВЦІВ ДЛЯ СИЛ БЕЗПЕКИ Й ОБОРОНИ

Надано характеристику теоретичним засадам запобігання та протидії дискримінації в системі підготовки фахівців для сил безпеки й оборони. З'ясовано, що дотепер не проводилося комплексного дослідження стосовно розроблення теоретичних засад запобігання та протидії дискримінації в системі підготовки фахівців для сил безпеки й оборони України, що стало одним з аргументів вибору теми наукового пошуку, формулювання мети дослідження й постановки відповідних завдань.

Запропоновано вдосконалене визначення поняття «дискримінація». Дискримінацією є неправомірне й необгрунтоване обмеження у визнанні, реалізації або користуванні правами і свободами людини і громадянина за ознаками раси, кольору шкіри, політичних, релігійних та інших переконань, статі, віку, інвалідності, етнічного й соціального походження, громадянства, сімейного й майнового стану, місця проживання, за мовними чи іншими ознаками.

Виокремлено чинники, що зумовлюють соціально-правову необхідність запобігання та протидії дискримінації в системі підготовки фахівців для сил безпеки й оборони України.

За результатами дослідження зарубіжного досвіду у сфері запобігання та протидії дискримінації в секторі безпеки й оборони запропоновано два основні напрями подальшого вдосконалення науково-концептуальних засад запобігання та протидії цьому явищу: зовнішній напрям – визначення і поліпшення ключових аспектів із забезпечення повного виконання міжнародно-правових зобов'язань та імплементації міжнародних договорів України у сфері реалізації та захисту прав і свобод людини і громадянина, протидії дискримінаційним проявам у суспільстві, а також продовження сталого реформування сектору безпеки й оборони, викладених у низці вітчизняних стратегічних документів; внутрішній напрям – удосконалення організаційно-правових засад і практичних рекомендацій щодо запобігання та протидії дискримінації в системі підготовки фахівців для сил безпеки й оборони України, що ґрунтується на міжнародно-правових стандартах із прав людини та прогресивних зарубіжних практиках антидискримінаційної діяльності в секторі безпеки й оборони.

Ключові слова: *національна безпека України, державна безпека, сектор безпеки й оборони, сили безпеки, сили оборони, система підготовки фахівців, дискримінація, запобігання, протидія.*

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