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CONCEPTUAL MODEL FOR PREVENTING AND COUNTERACTING DISCRIMINATION IN THE SYSTEM OF TRAINING SPECIALISTS FOR THE SECURITY AND DEFENCE FORCES OF UKRAINE: THEORETICAL AND METHODOLOGICAL BASIS FOR DEVELOPMENT

The article substantiates the theoretical and methodological basis for the development of a conceptual model for preventing and combating discrimination in the system of training specialists for the security and defence forces of Ukraine. Methodological approaches and regulatory and legal guidelines for the formation of the model are identified, and its purpose and basic principles of operation are revealed. It is proven that the implementation of the proposed model will contribute to minimising discrimination risks and increasing the effectiveness of personnel training management.

Keywords: discrimination, non-discrimination, conceptual model, training system, security and defence forces of Ukraine, national security.

Statement of the problem. The formation of the current stage of development of the security and defence sector of Ukraine is taking place under the simultaneous influence of several systemic factors [1]: military (armed) aggression by the Russian Federation, the introduction of a legal regime of martial law [2, 3], the transformation of national [4, 5] and state [6] security systems in accordance with Euro-Atlantic standards [7], and the growing role of the human factor in ensuring the stability and effectiveness of security institutions. Under these conditions, the issue of respect for human rights, principles of equality and non-discrimination in the training of specialists for the security and defence forces of Ukraine becomes particularly relevant.

The system of training specialists for security and defence forces is not only a tool for developing professional competencies, but also an important socio-legal environment within which value orientations, models of professional behaviour, standards of leadership and personnel management are established [8]. Violation of the principle of non-discrimination [9] at this stage can lead to long-term negative consequences, such as: reduced motivation of personnel, deterioration of the moral and psychological climate in teams, increased staff turnover, and in some cases, the emergence of corruption and crime.

Despite the existence of a legal framework for preventing and combating discrimination, enshrined in the Constitution of Ukraine [10], the Law of Ukraine 'On the Principles of Preventing and Combating Discrimination in Ukraine' [11], and international human rights treaties [12, 13], in practice, there are a number of problems in the system of training specialists for the security and defence forces of Ukraine related to the fragmentation of legal regulation, the dominance of a narrow (mainly gender) approach, the lack of unified algorithms for responding to discriminatory manifestations, and the insufficient level of responsibility for violations in this area.

In this regard, there is an urgent need to develop a scientifically sound conceptual model for preventing and combating discrimination in the system of training specialists for the security and defence forces of Ukraine, capable of combining legal, organisational, educational and managerial mechanisms into a single integrated system.

Analysis of recent research and publications. The issue of preventing and combating discrimination in the system of training specialists for the security and defence forces of Ukraine is receiving increasing attention in industry-specific scientific research, due to the processes of reforming the security and defence sector, the introduction of NATO and European Union (EU) standards, and the growing role of the human factor in ensuring the institutional stability of the state. In contemporary scientific discourse, anti-discrimination issues

are considered in close connection with issues of personnel policy, professional training, career growth and respect for human rights in the activities of security institutions.

A significant contribution to the study of the legal and organisational-managerial foundations of anti-discrimination policy in public administration and other spheres of public life was made by O. M. Bachynska, O. R. Bashchuk, V. T. Bondar, A. O. Dats, G. S. Zhuravleva, A. O. Korniichenko, A. V. Kuchko, A. I. Predybailo, Z. P. Ravlinka, D. V. Svitovenko, I. V. Yankovets and other scholars. Their works substantiate the need to develop a comprehensive system of legal, organisational and personnel mechanisms to prevent and combat discrimination, which is of direct importance for the system of training specialists for the security and defence forces of Ukraine.

Certain aspects of improving the system of military and law enforcement education, ensuring gender equality, equal access to professional training and career growth have been studied in the works of S. V. Belya, I. O. Buryak, O. P. Verbochenko, A. F. Golovnaya, V. V. Yemanova, V. A. Kirilenko, A. V. Litvin, R. Yu. Musevich, M. S. Puzyrev, N. V. Romanova, A. S. Stanishovsky, O. M. Togoichinsky, V. I. Trobuk and other authors. The works of these scholars analyse compliance with the principles of equality and non-discrimination in the processes of selection, training and promotion (career growth) of personnel in the Armed Forces of Ukraine, the National Guard of Ukraine, the State Border Service of Ukraine and other components of Ukraine's security and defence forces.

At the same time, an analysis of existing scientific works shows that most studies focus on specific areas of anti-discrimination policy (primarily gender equality [14, 15] or career growth issues [16, 17]) and are mainly sectoral or applied in nature. A comprehensive approach to the formation of a holistic conceptual model for preventing and combating discrimination specifically in the system of training specialists for the security and defence forces of Ukraine as an element of ensuring state security remains underdeveloped.

This necessitates further scientific research aimed at substantiating a conceptual model that would combine regulatory, institutional, organisational, educational and managerial mechanisms for preventing and combating discrimination in the system of training specialists for Ukraine's security and defence forces.

The purpose of the article is to substantiate the theoretical and methodological foundations for developing a conceptual model for preventing and counteracting discrimination in the system of training specialists for the security and defence forces of Ukraine, adapted to the conditions of security institutions.

Summary of the main material. Like any concept (a system of scientific views, key doctrinal approaches to solving an existing problem), the conceptual model for preventing and combating discrimination in the system of training specialists for the security and defence forces of Ukraine has theoretical, methodological and regulatory and legal foundations.

Thus, the formation of a conceptual model for preventing and combating discrimination in the system of training specialists for the security and defence forces of Ukraine is based on a combination of general scientific and special methods of cognition, in particular systemic, structural-functional, formal-legal, comparative-legal and modelling. The methodological basis of the conceptual model under development is the provisions of the theory of state security, administrative and constitutional law, human rights theory, as well as doctrinal approaches to reforming the security and defence sector in the context of Euro-Atlantic integration.

A systematic approach allows us to view the prevention and counteraction of discrimination not as a set of isolated measures, but as a comprehensive activity integrated into all stages of training specialists for Ukraine's security and defence forces – from the selection of candidates and the organisation of the educational process to the assessment of learning outcomes and the formation of career paths. At the same time, the *structural-functional method* allows us to identify the main blocks of the conceptual model being developed and determine their interrelationships.

The comparative *legal (comparative) method* is also important, as it allows us to take into account the best practices of NATO and EU member states in integrating anti-discrimination standards into the military and law enforcement education system, particularly in the context of diversity and inclusion [18], meritocratic career management [19], and ethical and military (law enforcement) leadership [20].

With regard to the regulatory and legal basis for the conceptual model under development, it should be noted that the prevention and counteraction of discrimination in the system of training specialists for the security and defence forces of Ukraine is based on a combination of international human rights standards and provisions of national legislation. The basic guidelines in this area are the Universal Declaration of Human

Rights of 10 December 1948 [21], the Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights) of 4 November 1950 [12], the International Covenant on Civil and Political Rights of 16 December 1966 [13], and a number of specialised international standards (EU directives: ‘On the implementation of the principle of equal treatment between persons irrespective of racial or ethnic origin’ of 29 June 2000 No. 2000/43/EC [22], ‘On the establishment of a general framework for equal treatment in employment and occupation’ dated 27 November 2000 No. 2000/78/EC [23]), as well as the Law of Ukraine ‘On the Principles of Prevention and Combating Discrimination in Ukraine’ dated 6 September 2012 No. 5207-VI [11].

At the same time, analysis of law enforcement practice shows that anti-discrimination provisions are implemented in a fragmented manner in the departmental education systems of Ukraine's security and defence sector and are often limited to specific areas (mainly gender equality), without the formation of a comprehensive mechanism for preventing and combating discrimination. This necessitates a conceptual approach that would ensure the systematic and coordinated implementation of relevant measures.

In the context of the content of the conceptual model for preventing and counteracting discrimination in the system of training specialists for Ukraine's security and defence forces, an important place is given to the conceptual apparatus (the definition of the conceptual model being developed) and the category of goal setting (its purpose).

In particular, the study provided grounds for considering the proposed conceptual model as *a holistic, multi-level system aimed at creating a non-discriminatory, inclusive, safe and legally regulated educational environment in the system of training specialists for the security and defence forces of Ukraine, which provides equal opportunities for all participants in the educational process regardless of gender, age, disability, social or ethnic origin, beliefs and other characteristics (features)*.

The purpose of the conceptual model is to minimise discrimination risks in the process of training specialists for Ukraine's security and defence forces by introducing (integrating) systemic preventive (discrimination prevention) and reactive (discrimination counteraction) legal, organisational and educational mechanisms into a unified personnel training management system.

The functioning of the conceptual model for preventing and counteracting discrimination in the system of training specialists for Ukraine's security and defence forces is based on a set of basic principles of the rule of law, equality, non-discrimination, meritocracy, consistency, institutional responsibility, transparency and accountability, which determine its normative and value orientations, organisational logic and practical implementation mechanisms. Let us describe each of them.

1. *The principle of the rule of law.* The rule of law is a fundamental principle of the implementation of the conceptual model and provides for the priority of human rights and freedoms in the activities of entities involved in training specialists for the security and defence forces of Ukraine. According to the provisions of Part 2 of Article 3 of the Constitution of Ukraine, ‘human rights and freedoms and their guarantees determine the content and direction of the state's activities. The state is accountable to the people for its activities. The affirmation and enforcement of human rights and freedoms is the main duty of the state’ [10]. In the practice of the European Court of Human Rights (*in particular in the cases of Sidabras and Džiautas v. Lithuania*) [24], Alajos Kiss v. Hungary [25], it has been repeatedly emphasised that even in the field of security and defence, the state is obliged to ensure the predictability, legality and proportionality of decisions affecting human rights and freedoms. In the context of training specialists for the security and defence forces of Ukraine, the principle of the rule of law means preventing arbitrary or discriminatory administrative and personnel decisions and ensuring the existence of effective legal protection procedures.

2. *The principle of equality.* The principle of equality provides for equal legal capacity for all participants in the educational process of military and law enforcement educational institutions and equal treatment of them in comparable situations. It is enshrined both in international human rights standards [12, 13, 21] and in the national legislation of Ukraine [10, 11]. In the system of training specialists for the security and defence forces of Ukraine, the implementation of the principle of equality should ensure equal access to education, educational resources, assessment of learning outcomes and further opportunities for professional (career) growth, which is in line with the approaches of the Organisation for Security and Cooperation in Europe (OSCE) regarding the rights and freedoms of military personnel [26].

3. *Principle of non-discrimination.* The principle of non-discrimination is derived from the principle of equality and consists in prohibiting any form of direct or indirect discrimination on grounds specified by

national legislation [10, 11] and international treaties [12, 13]. According to the Law of Ukraine 'On the Principles of Prevention and Combating Discrimination in Ukraine', non-discrimination implies not only formal equality, but also the elimination of practices that lead to actual inequality [11]. United Nations (UN) and NATO documents emphasise that non-discriminatory policies in the security and defence sector are essential for ensuring operational effectiveness and public trust in the relevant institutions (entities) [27, 28].

4. *The principle of meritocracy.* Meritocracy means that admission to training, assessment of training results and career advancement in the security and defence sector should be based solely on an individual's professional qualities, competencies and achievements. According to internationally recognised practice, meritocratic approaches in public service are one of the key tools for preventing discrimination and corruption risks [29]. In the works of Ukrainian researchers on state security issues, meritocracy is seen as a factor in increasing personnel stability and the effectiveness of security and defence forces [16, 17].

5. *Principle of systematicity.* The principle of systematicity involves integrating anti-discrimination measures into all stages of training specialists for Ukraine's security and defence forces – from regulatory control and organisation of the educational process to monitoring results and adjusting management decisions. UN documents on security sector reform emphasise that fragmented or situational measures do not ensure a lasting effect in the field of human rights [27]. A systematic approach allows the prevention and countering of discrimination to be considered as part of the overall policy of ensuring state security.

6. *Principle of institutional responsibility.* Institutional responsibility means clearly defining the powers and responsibilities for implementing anti-discrimination policy among government bodies, heads of educational institutions and officials. According to the Council of Europe's approach, effective anti-discrimination policy is only possible if there are institutional mechanisms for control and accountability [30]. In the system of training specialists for the security and defence forces of Ukraine, this involves the creation of internal procedures for responding to manifestations of discrimination and assessing risks in the relevant area.

7. *Principle of transparency.* Transparency consists of openness regarding the rules, procedures, and criteria for selection, training, and evaluation of the results of training specialists for Ukraine's security and defence forces. According to NATO recommendations on integrity and personnel management, transparency is a key condition for building trust in security institutions and preventing discriminatory practices [31]. In the context of training law enforcement and military personnel, transparency helps to reduce subjectivity and increase the legitimacy of management decisions in this area.

8. *Principle of accountability.* The principle of accountability requires entities involved in training specialists to report on the results of anti-discrimination policy implementation and to ensure the possibility of internal and external control. In UN and OSCE documents, accountability is seen as an important element of democratic civilian control over security and defence bodies and formations [26, 27]. The implementation of this principle ensures that anti-discrimination standards do not remain declarative but are put into practice.

Conclusions

Based on the results of developing the theoretical and methodological foundations for forming a conceptual model for preventing and counteracting discrimination in the system of training specialists for the security and defence forces of Ukraine, the following conclusions have been made.

1. The results of the study show that the conceptual model for preventing and combating discrimination in the system of training specialists for the security and defence forces of Ukraine has theoretical, methodological and regulatory and legal foundations.

2. The formation of a conceptual model for preventing and combating discrimination in the system of training specialists for the security and defence forces of Ukraine is based on a combination of general scientific and special methods of cognition, in particular systemic, structural-functional, formal-legal, comparative-legal and modelling. The methodological basis of the conceptual model under development is the provisions of the theory of state security, administrative and constitutional law, human rights theory, as well as doctrinal approaches to reforming the security and defence sector in the context of Euro-Atlantic integration.

3. With regard to the regulatory and legal basis for the formation of the conceptual model, it is noted that the prevention and counteraction of discrimination in the system of training specialists for the security and

defence forces of Ukraine are based on a combination of international human rights standards and the provisions of national legislation.

4. The study provided grounds for considering the proposed conceptual model as a comprehensive multi-level system aimed at creating a non-discriminatory, inclusive, safe and legally regulated educational environment in the system of training specialists for the security and defence forces of Ukraine, which provides equal opportunities for all participants in the educational process regardless of gender, age, disability, social or ethnic origin, beliefs and other characteristics (features).

5. The purpose of the conceptual model is to minimise discriminatory risks in the process of training specialists for the security and defence forces of Ukraine by introducing (integrating) into a single personnel training management system systemic preventive (discrimination prevention) and reactive (discrimination counteraction) legal, organisational and educational mechanisms based on the principles of the rule of law, equality, non-discrimination, meritocracy, systematicity, institutional responsibility, transparency and accountability.

Further research will focus on developing practical recommendations for implementing the proposed conceptual model for preventing and countering discrimination in the training system for security and defence forces in Ukraine.

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КОНЦЕПТУАЛЬНА МОДЕЛЬ ЗАПОБІГАННЯ ТА ПРОТИДІЇ ДИСКРИМІНАЦІЇ У СИСТЕМІ ПІДГОТОВКИ ФАХІВЦІВ ДЛЯ СИЛ БЕЗПЕКИ І ОБОРОНИ УКРАЇНИ: ТЕОРЕТИКО-МЕТОДОЛОГІЧНІ ЗАСАДИ РОЗРОБЛЕННЯ

У статті обґрунтовано теоретико-методологічні засади розроблення концептуальної моделі запобігання та протидії дискримінації у системі підготовки фахівців для сил безпеки і оборони України. Результатами проведеного дослідження засвідчують, що формування концептуальної моделі запобігання та протидії дискримінації у системі підготовки фахівців для сил безпеки і оборони України трунтується на поєднанні загальнонаукових і спеціальних методів пізнання, зокрема системного, структурно-функціонального, формально-юридичного, порівняльно-правового та моделювання. Методологічною основою розробленої концептуальної моделі виступають положення теорії державної безпеки, адміністративного та конституційного права, теорії прав людини, а також доктринальні підходи до реформування сектору безпеки і оборони в умовах євроатлантичної інтеграції. Щодо нормативно-правових засад формування концептуальної моделі

зазначено, що запобігання та протидія дискримінації у системі підготовки фахівців для сил безпеки і оборони України трунтуються на поєднанні міжнародних стандартів прав людини та положень національного законодавства.

Проведене дослідження дало підстави розглядати запропоновану концептуальну модель як цілісну багаторівневу систему, спрямовану на формування недискримінаційного, інклюзивного, безпечного та юридично врегульованого освітнього середовища у системі підготовки фахівців для сил безпеки і оборони України, що забезпечує рівні можливості для всіх суб'єктів освітнього процесу незалежно від ознак статі, віку, інвалідності, соціального чи етнічного походження, переконань та інших характеристик (ознак). Метою концептуальної моделі є мінімізація дискримінаційних ризиків у процесі підготовки фахівців для сил безпеки і оборони України шляхом упровадження (інтеграції) у єдину систему управління підготовкою кадрів системних превентивних (запобігання дискримінації) і реактивних (протидія дискримінації) правових, організаційних та освітніх механізмів, заснованих на принципах верховенства права, рівності, недискримінації, меритократії, системності, інституційної відповідальності, прозорості та підзвітності.

Ключові слова: дискримінація, недискримінація, концептуальна модель, система підготовки, сили безпеки і оборони України, державна безпека.

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