
LAW OF UKRAINE

on Ensuring Equal Rights and Equal Opportunities of Women and Men

The purpose of this Law is to ensure equality and parity of women and men in all spheres of vital activity of society by way of legal enforcement of equal rights and opportunities of women and men, elimination of discrimination on grounds of gender and implementation of special provisional measures, aimed at eliminating the disbalance between the opportunities of women and men to exercise equal rights, granted to them by the Constitution and the laws of Ukraine.

Section I

GENERAL PROVISIONS

Article 1 Definition of terms

The terms listed below are used in this Law in the following meaning:

- Equal rights of women and men refer to the absence of the limitations or privileges on grounds of gender;
- Equal opportunities of women and men refer to the equal conditions for the exercise of equal rights of women and men;
- Discrimination on grounds of gender refers to the actions or inaction, which signify any distinction, exception or privilege on grounds of gender, provided that they aim to restrict the human rights and freedoms of women and men or make it impossible to recognize, use or exercise them on an equal footing;
- Positive actions refer to the special provisional measures, aimed at eliminating the disbalance between the opportunities of women and men to exercise equal rights, granted to them by the Constitution and the laws of Ukraine;
- Sexual harassment refers to the actions of sexual nature, expressed verbally (threats, intimidation, indecent remarks) or physically (touching, slapping), which humiliate or insult persons who are in position of subordination in terms of their employment, official, material or other status;
- Gender equality refers to an equal legal status of women and men and equal opportunities for their exercise, which enables the persons of both genders to take equal part in all spheres of vital activity of society;
- Gender legal expert examination refers to the analysis of the legislation in force and draft regulatory legal instruments, which results in drawing of a conclusion as to their compliance with the principle of ensuring equal rights and opportunities of women and men.

Article 2 Legislation on the issues of ensuring equal rights and opportunities of women and men

The legislation on the issues of ensuring equal rights and opportunities of women and men shall consist of the Constitution of Ukraine, this Law and other regulatory legal instruments.

If an international treaty of Ukraine, whose binding legal force was officially recognized by the Supreme Rada (Parliament) of Ukraine, sets forth other standards than those, provided for by this Law, the standards of the international treaty of Ukraine shall apply.

Article 3 Guidelines of the state policy in respect of ensuring equal rights and opportunities of women and men

The state policy in respect of ensuring equal rights and opportunities of women and men shall aim at:

- Consolidation of gender equality;
- Prevention of discrimination on grounds of gender;
- Implementation of the positive actions;
- Ensuring of equal participation of women and men in making socially important decisions;
- Ensuring of equal opportunities of women and men in respect of combining professional and family responsibilities;
- Family support and forming of responsible maternity and paternity;
- Promotion and advocacy among the population of Ukraine of the culture of gender equality and expansion of outreach activities in this sphere;
- Protection of society from the information, aimed at discriminating people on grounds of gender.

Article 4 Gender legal expert examination

The legislation in force shall be subject to gender legal expert examination. In case of identifying the non-compliance of a regulatory legal instrument with the principle of ensuring equal rights and opportunities of women and men, a conclusion of gender legal expert examination shall be sent to the body which adopted such regulatory legal instrument.

The elaboration of the draft regulatory legal instruments shall be carried out with due consideration of the principle of ensuring equal rights and opportunities of women and men.

The draft regulatory legal instruments shall be subject to gender legal expert examination. The conclusions of gender legal expert examination shall form an obligatory integral part of the package of the documents to be submitted together with a draft regulatory legal instrument for consideration.

The procedure of carrying out a gender legal expert examination shall be established by the Cabinet of Ministers of Ukraine.

Article 5 Reporting by the bodies of the state statistics of the indicators showing the condition of women and men in all spheres of life of society

The central body of the executive authority in the field of statistics shall ensure the collection, processing, analysis, replenishment, storage, protection and use of the statistical data with regard to the condition of women and men in all spheres of life of society, with the breakdown by sexes.

The statistical data, indicated in the first part of this Article, shall be an integral part of the state statistical reporting.

Article 6 Prohibition of discrimination on grounds of gender

Discrimination on grounds of gender shall be prohibited.

The following shall not be deemed as discrimination on grounds of gender:

- special protection of women at the time of pregnancy, delivery and breast feeding of child;
- compulsory military service for men, provided for by the law;
- difference in retirement age for women and men, provided for by the law;
- special requirements in respect of labour protection of women and men, related to their protection of their reproductive health;
- positive actions.

Section II

MECHANISM OF ENFORCEMENT OF EQUAL RIGHTS AND OPPORTUNITIES OF WOMEN AND MEN

Article 7 Bodies, institutions and organizations, lodged with powers in the sphere of ensuring equal rights and opportunities of women and men

The bodies, institutions and organizations, lodged with powers in the sphere of ensuring equal rights and opportunities of women and men, shall be as follows:

- Supreme Rada of Ukraine;
- Authorized Representative of the Supreme Rada of Ukraine on Human Rights;
- Cabinet of Ministers of Ukraine;
- specially authorized central body of the executive authority on the matters of ensuring equal rights and opportunities of women and men;
- bodies of the executive authority and local self-governing bodies and the authorized persons (coordinators) on the issues of ensuring equal rights and opportunities of women and men, appointed to these posts from among the members of these bodies;
- associations of citizens.

The bodies of the state authority and local self-governing bodies, enterprises, organizations and institutions shall promote the balanced representation of genders in

management and decision making. In order to achieve the purpose of this Law, they may undertake in their activities the positive actions.

Article 8 Powers of the Supreme Rada of Ukraine in the sphere of ensuring equal rights and opportunities of women and men

The Supreme Rada of Ukraine shall:

- determine the basic principles of the gender policy of the State;
- apply in its legislative activity the principle of ensuring equal rights and opportunities of women and men;
- exercise, within the limits, provided for by the Constitution of Ukraine, parliamentary control over the observance of the legislative instruments on the issues of ensuring equal rights and opportunities of women and men.

Article 9 Powers of the Authorized Representative of the Supreme Rada of Ukraine on Human Rights in the sphere of ensuring equal rights and opportunities of women and men

The Authorized Representative of the Supreme Rada of Ukraine on Human Rights shall:

- exercise control over the observance of the equal rights and opportunities of women and men, within the framework of enforcing the human rights and freedoms and the rights of the citizens;
- examine the complaints against the cases of discrimination on grounds of gender;
- highlight in the annual report the issues of respecting equal rights and ensuring equal opportunities of women and men

Article 10 Powers of the Cabinet of Ministers of Ukraine in the sphere of ensuring equal rights and opportunities of women and men

The Cabinet of Ministers of Ukraine shall:

- ensure the implementation of the common state policy, aimed at securing equal rights and opportunities of women and men in all spheres of life of society;
- adopt the National plan of actions in respect of promoting gender equality and ensure its implementation;
- develop and implement the state target-oriented programmes in respect of ensuring equal rights and opportunities of women and men;
- supervise and coordinate the activities of the ministries and other bodies of the executive authority in respect of ensuring equal rights and opportunities of women and men;
- organize the preparation of the report on the implementation in Ukraine of the provisions of the United Nations Convention on the Elimination of All Forms of Discrimination against Women;
- take into account the principle of gender equality in the process of the adoption of the regulatory legal instruments;
- approve the procedure of carrying out gender legal expert examination;

- exercise other powers in this sphere, provided for by the legislation of Ukraine.

Article 11 Powers of a specially authorized central body of the executive authority on the matters of ensuring equal rights and opportunities of women and men

The specially authorized central body of the executive authority on the matters of ensuring equal rights and opportunities of women and men shall:

- take part in the elaboration and implementation of the state policy in respect of ensuring equal rights and opportunities of women and men;
- coordinate the measures taken by the ministries and other central bodies of the executive authority, aimed at promoting gender equality;
- make public awareness efforts in the mass media and organize the implementation of educational measures on the issues of ensuring gender equality;
- work out the measures, aimed at ensuring the equality of the rights and opportunities of women and men in all spheres of life of society;
- formulate the National plan of actions in respect of promoting gender equality;
- exercise control over the observance of gender equality in resolving personnel matters at the central and local bodies of the executive authority;
- organize training of the government officials on the issues of the implementation of equal rights and opportunities of women and men;
- elaborate, together with the other central bodies of the executive authority, the scientifically grounded proposals on the issues of ensuring gender equality;
- organize research activities and expert analysis on the issues of ensuring equal rights and opportunities of women and men;
- submit proposals in respect of the implementation of the positives actions and their termination;
- carry out the monitoring and generalize the results of the efforts, aimed at ensuring equal rights and opportunities in different spheres of vital activity;
- sum up the outcomes of the implementation of the state programmes on the issues of gender equality;
- examine the appeals of the citizens on the issues of discrimination on grounds of gender;
- register and generalize the cases of discrimination on grounds of gender and submit the proposals in respect of their elimination;
- cooperate with the international organizations and the bodies concerned of the foreign countries on the issues of the status of women and the observance of the international standards of equal rights and opportunities of women and men.

Article 12 Ensuring of equal rights and opportunities of women and men by the bodies of the executive authority and local self-governing bodies

The bodies of the executive authority and local self-governing bodies, within their terms of reference, shall:

- ensure the granting of equal rights and opportunities to women and men;

- carry out the implementation of the nation-wide and regional programmes on the issues of ensuring equal rights and opportunities of women and men;
- create conditions for combining by women and men of their professional and family responsibilities;
- ensure the provision of accessible social and domestic services, including the care of infants, organization of pre-school education and the granting of child's benefits;
- carry out educational activities on the issues of gender equality;
- cooperate with the associations of citizens in respect of ensuring equality of the rights and opportunities of women and men;
- submit the proposals in respect of improving the legislation on the issues of ensuring equal rights and opportunities of women and men;
- promote research and development work in the sphere of gender studies;
- observe the principle of ensuring equal rights and opportunities of women and men in their activities;
- carry out the positive actions.

An authorized person (coordinator) on the issues of ensuring equal rights and opportunities of women and men shall be appointed from among the members of the bodies of the executive authority.

A deputy minister or a deputy head of another body of the executive authority shall be charged with the duties of an authorized person (coordinator).

The bodies of the executive authority may establish consultative and advisory bodies and appoint advisors on the issues of ensuring equal rights and opportunities of women and men.

By the decision of a relevant local rada (municipal council), an authorized person (coordinator) on the issues of ensuring equal rights and opportunities of women and men may be appointed from among the members of the executive body of the rada concerned.

Article 13 Powers of the authorized persons (coordinators) on the issues of ensuring equal rights and opportunities of women and men within the framework of the bodies of the executive authority and local self-governing bodies

The authorized persons (coordinators), who are charged with the functions of ensuring equality of the rights and opportunities of women and men, shall organize, within their terms of reference, the activities of the relevant bodies of the executive authority and local self-governing bodies in the field of:

- mainstreaming of the principle of equal rights and opportunities of women and men in the sphere of activity concerned;
- carrying out of the analysis of the state of securing gender equality and the examination the expediency of the implementation of the positive actions in order to eliminate asymmetry and disbalance, which are being developed in a relevant territory or branch;
- cooperation with the associations of citizens, generalization of information, which is coming from them in respect of the monitoring of the state of observance of equality of women and men, and joint elaboration of the measures to eliminate discrimination on grounds of gender;

- introduction of the measures, aimed at developing gender culture of the population;
- organization of personal reception of citizens on the issues of discrimination on grounds of gender;
- examination and analysis of the appeals of citizens on the issues of ensuring equality of the rights and opportunities of women and men, and identification of the underlying reasons, giving rise to such appeals;
- training of the officials of the central and local bodies of the executive authority and local self-governing bodies on gender problems;
- introduction of the measures in respect of the elimination of the cases of discrimination on grounds of gender.

Article 14 Rights of the associations of citizens in ensuring equal rights and opportunities of women and men

The associations of citizens may:

- take part in making decisions, which are adopted by the bodies of the executive authority and local self-governing bodies on the issues of gender equality;
- take part in the implementation of the nation-wide and regional programmes;
- delegate their representatives to the consultative and advisory bodies, which are established under the bodies of the executive authority and local self-governing bodies;
- exercise monitoring of the issues of ensuring equal rights and opportunities of women and men;
- carry out other activities, in accordance with their statutes and the legislation of Ukraine, in respect of ensuring gender equality

Section III

ENSURING OF EQUAL RIGHTS AND OPPORTUNITIES OF WOMEN AND MEN IN CIVIL AND POLITICAL SPHERE

Article 15 Ensuring of equal rights and opportunities of women and men in the electoral process

The equal electoral rights and opportunities of women and men shall be secured by the legislation of Ukraine.

At the time of the nomination of the candidates for the People's deputies in the multi-mandate electoral constituencies, the political parties and electoral blocs shall provide for the representation of women and men in the relevant voting lists.

The electoral commissions shall exercise control over the fulfillment of this requirement.

Article 16 Ensuring of equal rights and opportunities of women and men in the sphere of civil service and service in the local self-governing bodies

The assignment to the civil service and admission to employment in the local self-governing bodies shall be carried out on the basis of observance of the principle of representation of the candidates of each gender.

The discrimination on grounds of gender shall be prohibited at the time of recruitment for public service, admission to employment in the local self-governing bodies and performance of official duties.

The heads of the bodies of the state authority and of the local self-governing bodies should ensure an equal access of the citizens to the civil service and the local self-governing bodies in accordance with their qualification and professional training, irrespective of an applicant's gender.

The forming of the personnel reserve for filling posts of civil servants and positions in the local self-governing bodies and their promotion shall be carried out on the basis of ensuring equal rights and opportunities of women and men.

The implementation of the positive actions shall be allowed in order to achieve a balanced representation of women and men in the civil service and in the local self-governing bodies, with due account for the categories of posts of civil servants.

Section IV

ENSURING OF EQUAL RIGHTS AND OPPORTUNITIES OF WOMEN AND MEN IN SOCIO-ECONOMIC SPHERE

Article 17 Ensuring of equal rights and opportunities of women and men at work and in the field of labour remuneration

The equal rights and opportunities shall be granted to women and men in the field of employment, job promotion, skill upgrading and retraining.

An employer should:

- create working conditions which enable women and men to perform labour activity on an equal basis;
- provide women and men with the possibility to combine labour activity with family responsibilities;
- ensure equal pay for work of women and men, with job skills and working conditions being equal;
- take measures in order to create safe and healthy working conditions;
- take measures in order to prevent the cases of sexual harassment.

The employers shall not be allowed to offer in vacancy announcements (advertisements) a job only to women or only to men, with the exception of specific types of work which can be performed exclusively by the persons of a certain gender; make different requirements, giving

advantage to the persons of a certain gender; and demand from job seekers the information about their private life and their plans in respect of having children.

The employers may carry out the positives actions, aimed at achieving a balanced ratio of women and men in the different spheres of labour activity, as well as among the different categories of workers.

Article 18 Ensuring of equal opportunities at the time of the conclusion of collective agreements and contracts

In case of collective and contractual regulation of social and labour relations (general agreement, regional and sectoral agreements, collective agreements), the agreements (contracts) should include the provisions which ensure equal rights and opportunities of women and men, with the indication of the periods of the implementation of the provisions concerned.

These collective agreements (contracts) should envisage:

- placing of a duty of an authorized person on gender issues - advisor of a manager of an enterprise, institution or organization, their structural units – upon one of the employees on a voluntary basis;
- manning and job promotion of the employees on the basis of the observance of the principle of giving preference to a person of that gender, in respect of which there is a disbalance in representation;
- elimination of inequality, wherever it exists, in the remuneration of labour of women and men both in the different fields of economy and in one particular field on the basis of general social regulatory standard of labour remuneration in the state-financed and other spheres, as well as on the basis of vocational training (retraining) of personnel.

Article 19 Ensuring of equal rights and opportunities of women and men in the sphere of entrepreneurship

The State shall provide women and men with equal rights and opportunities in carrying out entrepreneurial activity.

The positive actions may be taken at the nation-wide and regional levels, with due account of the statistical indicators, in order to eliminate the disbalance in the field of entrepreneurial activity of women and men by means of encouraging entrepreneurial activity, granting soft loans and organizing business training and implementing other measures.

Article 20 Ensuring of equal rights and opportunities of women and men in the sphere of social protection

The bodies of the executive authority, local self-governing bodies, enterprises, institutions and organizations shall take into account, in equal measure, the interests of women and men at the time of implementing measures relating to their social protection.

The deterioration of the situation of the persons of any gender, as a result of the introduction of the systems of social insurance, pension coverage and social assistance, shall be not allowed.

Section V

ENSURING OF EQUAL RIGHTS AND OPPORTUNITIES OF WOMEN AND MEN IN THE SPHERE OF EDUCATION

Article 21 Ensuring of equal rights and opportunities of women and men in getting education and vocational training

The State shall provide women and men with equal rights and opportunities in getting education.

The educational institutions shall ensure:

- equal conditions for women and men at the time of entering educational institutions, evaluating knowledge and giving grants and loans to the students;
- preparation and publication of the textbooks and educational aids, which are free from stereotyped images and ideas on the role of women and men in society;
- development of the culture of gender equality and equal distribution of the professional and family responsibilities.

The central body of the executive authority on the matters of education and science shall ensure the expert examination of the educational programmes, textbooks and training aids for the educational establishments as to their conformity with the principle of ensuring equal rights and opportunities of women and men.

The educational programmes of the higher educational institutions and refresher courses shall include the subjects, which deal with the issues of ensuring equal rights and opportunities of women and men, and the extracurricular studies of the legal framework of gender equality on the basis of harmonization of the national and international legislation.

Section VI

RESPONSIBILITY FOR THE VIOLATION OF THE LEGISLATION OF UKRAINE ON ENSURING EQUAL RIGHTS AND OPPORTUNITIES OF WOMEN AND MEN

Article 22 Lodging appeals against discrimination on grounds of gender and sexual harassment

A person, who deems that she/he has been subject to discrimination on grounds of gender, or to sexual harassment, shall have the right to appeal to the Authorized Representative of the Supreme Rada of Ukraine on Human Rights, specially authorized central body of the executive authority on the issues of equal rights and opportunities of women and men,

authorized persons (coordinators) on the issues of ensuring equal rights and opportunities of women and men in the bodies of the executive authority and local self-governing bodies, law enforcement bodies and the court.

The persons of any gender or groups of persons shall have the right to send notifications of the violations of equality of the rights and opportunities of women and men to the United Nations Committee on the Elimination of Discrimination against Women in case when local legal remedies have been exhausted or when the application of such remedies is unreasonably delayed.

Article 23 Compensation for loss of property and moral damage, caused as a result of discrimination on grounds of gender and sexual harassment

A person shall have the right to compensation for loss of property and moral damage, caused as a result of discrimination on grounds of gender and sexual harassment. Moral damage shall be compensated, irrespective of loss of property, which is subject to compensation, and it shall not be dependent on the amount of such compensation.

The procedure of compensation for loss of property and moral damage, caused as a result of discrimination on grounds of gender and sexual harassment, shall be determined by the law.

Article 24 Responsibility for the violation of the legislation on equal rights and opportunities of women and men

The persons, who were found guilty of the violation of the requirements of the legislation on ensuring equal rights and opportunities of women and men, shall bear civil, administrative and criminal responsibility in accordance with the law.

Section VII

FINAL PROVISIONS

1. This Law shall come into force, as of 1 January 2006.
2. The Cabinet of Ministers of Ukraine, within the period of three months, should:
 - submit to the Supreme Rada of Ukraine the proposals in respect of introducing the changes into the legislation of Ukraine, which are arising out of this Law;
 - bring the regulatory legal instruments into conformity with this Law;
 - ensure the adoption of the regulatory legal instruments, which are arising out of this Law;
 - ensure the revision and abrogation of the regulatory legal instruments, adopted by the ministries and central bodies of the executive authority, which run counter with this Law.

President of Ukraine

V.A. YUSCHENKO

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