



## ***LAW OF UKRAINE***

### **On the Principles of Preventing and Combating Discrimination in Ukraine**

**(Bulletin of the Verkhovna Rada (BVR), 2013, No. 32, art. 412)**

{As amended by Law

[No. 1263-VII dated 13 May 2014](#), BVR, 2014, No. 27, art. 915}

This Law defines the organisational and legal framework for preventing and combating discrimination in order to ensure equal opportunities for the exercise of human and civil rights and freedoms.

#### **Section I GENERAL PROVISIONS**

##### **Article 1. Definitions**

1. For the purposes of this Law, the following definitions shall apply:

1) anti-discrimination expertise is the analysis of draft regulatory legal acts, which provides an opinion on their compliance with the principle of non-discrimination;

2) discrimination is the situation in which an individual and/or a group of individuals suffers from the restriction on the recognition, exercise or enjoyment of rights and freedoms in any form established in this Law on the grounds of their race, skin colour, political, religious and other beliefs, sex, age, disability, ethnic or social origin, nationality, marital and property status, place of residence, linguistic or on other grounds that have been, are or may be actual or alleged (hereinafter — particular grounds), except for cases when such restriction has a legitimate, reasonably justified aim, which is achievable in an appropriate and necessary way;

*{Paragraph 2, part 1, article 1 as amended by Law [No. 1263-VII dated 13 May 2014](#)}*

3) indirect discrimination is the situation in which as a result of the implementation or application of formally neutral regulations, evaluation criteria, rules, requirements or practices a person and/or a group of persons because of their particular grounds has less favourable conditions or is in a less favourable situation as compared to other persons and/or groups of persons, except

when their implementation or application has a legitimate, legitimate, reasonably justified aim, which is achievable in an appropriate and necessary way;

*{Paragraph 3 of Article 1(1) as amended by Law [No. 1263-VII dated 13 May 2014](#)}*

4) incitement to discrimination are orders, instructions or calls to discrimination in relation to a person and/or a group of persons on particular grounds;

5) positive actions are special temporary measures that have legitimate, reasonably justified aim to eliminate legal or actual inequality in opportunities for a person and/or a group of persons to exercise the rights and freedoms granted to them by the [Constitution](#) and the laws of Ukraine on an equal basis;

*{Paragraph 5 of Article 1(1) as amended by Law [No. 1263-VII dated 13 May 2014](#)}*

5<sup>1</sup>) aiding in discrimination is any conscious assistance in actions or inactions aimed at the emergence of discrimination;

*{Article 1(1) is amended by adding the paragraph 5<sup>1</sup> according to Law [No. 1263-VII dated 13 May 2014](#)}*

6) direct discrimination is the situation in which a person and/or a group of persons on their particular grounds are treated less favorable than another person and/or group of persons in a similar situation, except when such treatment has a legitimate, reasonably justified aim, which is achievable in an appropriate and necessary way;

*{Paragraph 6 of Article 1(1) as amended by Law [No. 1263-VII dated 13 May 2014](#)}*

7) harassment is the behaviour that is undesirable for a person and/or a group of persons, the purpose or consequence of which is to humiliate their human dignity on particular grounds or to create a tense, hostile, abusive or humiliating atmosphere for such person or group of persons.

## **Article 2.** The non-discrimination principle in the legislation of Ukraine

1. The legislation of Ukraine is based on the non-discrimination principle, which regardless of particular grounds provides for:

- 1) ensuring the equality of the rights and freedoms of persons and/or groups of persons;
- 2) ensuring the equality of persons and/or groups of persons before the law;
- 3) respect for the dignity of each person;
- 4) ensuring equal opportunities for persons and/or groups of persons.

## **Article 3.** Legislation on preventing and combating discrimination

1. The legislation on preventing and combating discrimination consists of the Constitution, this Law and other regulatory legal acts.

2. If an international treaty of Ukraine ratified by the Verkhovna Rada of Ukraine establishes other regulations than those stipulated by this Law, the regulations of the international treaty shall apply.

## **Article 4.** Scope of the Law

1. This law shall apply to the relations between the legal entities of public and private law, which are registered in the territory of Ukraine, as well as the individuals who stay within the territory of Ukraine.

*{The first paragraph of Article 4(1) as amended by Law [No. 1263-VII dated 13 May 2014](#)}*

The scope of this Law shall cover the following areas of public relations:

public and political activity;

public service and service in the local self-government bodies;

judiciary;

labour relations, including the application of the principle of reasonable accommodation by an employer;

*{The sixth paragraph of Article 4(1) as amended by Law [No. 1263-VII dated 13 May 2014](#)}*

healthcare;

education;

social protection;

housing relations;

access to goods and services;

other areas of public relations.

#### **Article 5.** Forms of discrimination

1. Forms of discrimination shall include:

direct discrimination;

indirect discrimination;

incitement to discrimination;

*{The fourth paragraph of Article 5(1) as amended by Law [No. 1263-VII dated 13 May 2014](#)}*

aiding in discrimination;

*{The fifth paragraph of Article 5(1) as amended by Law [No. 1263-VII dated 13 May 2014](#)}*

harassment.

*{The paragraph of Article 5(1) as amended by Law [No. 1263-VII dated 13 May 2014](#)}*

#### **Article 6.** Non-discrimination

1. In accordance with the [Constitution of Ukraine](#), universally recognised principles and rules of international law and international treaties of Ukraine, all individuals, regardless of particular grounds, shall have equal rights and freedoms, as well as equal facilities for their exercise.

2. The forms of discrimination, as defined in [Article 5](#) of this Law, on the part of public authorities, authorities of the Autonomous Republic of Crimea, local self-government bodies and their officials, legal entities of public and private law, as well as individuals, shall be prohibited.

*{Article 6(2) as amended by Law [No. 1263-VII dated 13 May 2014](#)}*

3. Actions that do not restrict the rights and freedoms of other persons and do not impede their exercise, as well as do not provide unjustified privileges to persons and/or groups of persons on their particular grounds, in respect of which positive actions are taken, shall not be regarded as discrimination, namely:

special advocacy by the state of particular categories of persons who require such protection;  
implementation of measures aimed at preserving the identity of certain groups of persons, if such measures are necessary;

provision of benefits and compensation to certain categories of persons in the cases provided by law;

establishment of state social guarantees for certain categories of citizens;

special requirements provided for by law concerning the exercise of certain rights of persons.

**Article 7.** Main directions of the state policy on preventing and combating discrimination

1. Public policy on preventing and combating discrimination is aimed at:

non-discrimination;

application of positive actions;

creation of conditions for the timely detection of discrimination and ensuring effective protection of persons and/or groups of persons who have suffered from discrimination;

education and promotion of respect for persons, regardless of particular grounds, among the population of Ukraine, awareness-raising activities in this area.

**Article 8.** 8. Anti-discrimination expertise in the process of lawmaking

1. Regulatory legal acts shall be drafted taking into account the principle of non-discrimination.

2. Draft regulatory legal acts shall be subject to anti-discrimination expertise in order to detect any regulations therein, which contain signs of discrimination.

The findings of the anti-discrimination expertise of draft regulatory legal acts shall be subject to mandatory consideration when making a decision on the adoption (approval) of a relevant regulatory legal act.

Draft laws of Ukraine, acts of the President of Ukraine and other regulatory legal acts developed by ministries and other central executive authorities, public collegial bodies, authorities of the Autonomous Republic of Crimea, oblast, Kyiv and Sevastopol city state administrations shall be subject to compulsory anti-discrimination expertise.

*{The third paragraph of Article 8(2) as amended by Law [No. 1263-VII dated 13 May 2014](#)}*

3. [The procedure for conducting the anti-discrimination expertise of draft regulatory legal acts](#) by the executive authorities shall be determined by the Cabinet of Ministers of Ukraine.

## **Section II**

### **MECHANISM TO ENSURE PREVENTING AND COMBATING DISCRIMINATION**

**Article 9.** Entities empowered to prevent and combat discrimination

1. Entities empowered to prevent and combat discrimination include:

Verkhovna Rada of Ukraine;

Authorised Human Rights Representative of the Verkhovna Rada of Ukraine;

the Cabinet of Ministers of Ukraine;

other public authorities, authorities of the Autonomous Republic of Crimea, local authorities;

public organisations, individuals and legal persons.

2. Entities empowered to prevent and combat discrimination may take positive actions in their activities in order to pursue the objective of this Law.

**Article 10.** Powers of the Ukrainian Parliament Commissioner for Human Rights on preventing and combating discrimination

1. Authorised Human Rights Representative of the Verkhovna Rada of Ukraine within the framework of parliamentary control over the observance of human and citizen constitutional rights and freedoms and the protection of the rights of everyone on the territory of Ukraine and within the scope of its jurisdiction shall prevent any form of discrimination and take actions in order to combat discrimination, namely:

exercise control over the compliance with the principle of non-discrimination in different areas of public relations, in particular in a private area;

*{The second paragraph of Article 10(1) as amended by the Law [No. 1263-VII dated 13 May 2014](#)}*

appeal to the court for discrimination in order to protect public interest, and personally or through a representative participate in judicial proceedings in the cases and manner as provided for by law;

*{Article 10(1) is amended by adding a new paragraph according to Law [No. 1263-VII dated 13 May 2014](#)}*

monitoring and summarising the results of observance with the principle of non-discrimination in various areas of relations;

*{The fourth paragraph of Article 10(1) as amended by Law [No. 1263-VII dated 13 May 2014](#)}*

consider petitions of persons or groups of persons concerning discrimination;

keep records of and generalise the instances of discrimination in all areas of relations;

*{The sixth paragraph of Article 10(1) as amended by Law [No. 1263-VII dated 13 May 2014](#)}*

make proposals on improving the legislation on preventing and combating discrimination, taking or terminating positive actions;

*{Article 10(1) is amended by adding a new paragraph according to Law [No. 1263-VII dated 13 May 2014](#)}*

issue opinions in cases of discrimination upon a court request;

*{Article 10(1) is amended by adding a new paragraph according to Law [No. 1263-VII dated 13 May 2014](#)}*

highlight the issues on preventing and combating discrimination and observance with the principle of non-discrimination in the annual report;

cooperate with international organisations, and relevant bodies of foreign countries in the sphere of observance with the international standards of non-discrimination;

exercise other powers provided for by the Constitution and laws of Ukraine.

**Article 11.** Powers of the Cabinet of Ministers of Ukraine in preventing and combating discrimination.

1. Cabinet of Ministers of Ukraine shall:

ensure the conduct of a unified state policy aimed at compliance with the principle of non-discrimination in all areas of public relations;

govern and coordinate the functioning of ministries, other central and local executive authorities on preventing and combating discrimination;

take into account the non-discrimination principle when adopting regulatory legal acts;

approves the procedure for conducting the anti-discrimination expertise of draft regulatory legal acts by executive authorities;

executes other powers in preventing and combating discrimination as defined by law.

**Article 12.** Powers of other public authorities, authorities of the Autonomous Republic of Crimea and local self-government bodies in the area of preventing and combating discrimination

1. Public authorities, authorities of the Autonomous Republic of Crimea and local authorities shall, within their competence:

prepare proposals on improving legislation related to preventing and combating discrimination;

take positive actions;

adhere to the principle of non-discrimination in their activities;

cooperate with public organisations on observance with the principle of non-discrimination;

contribute to scientific developments in the field of preventing and combating discrimination;

conduct awareness-raising actions on preventing and combating discrimination.

**Article 13.** Rights of public organisations, individuals and legal entities in preventing and combating discrimination

1. Public organisations, individuals and legal entities shall have the right to:

participate in the drafting of decisions to be taken by public authorities, authorities of the Autonomous Republic of Crimea and local self-government bodies in the sphere of preventing and combating discrimination;

delegate their representatives to consultative and advisory bodies on the matters of preventing and combating discrimination in case of their establishment at public authorities, authorities of the Autonomous Republic of Crimea and local self-government bodies;

monitor the issues of preventing and combating discrimination;

represent in courts the interests of persons and/or groups of persons, who suffered from discrimination;

perform public anti-discrimination expertise of draft regulatory legal acts;

conduct other actions according to legislation on compliance with the principle of non-discrimination.

2. [The procedure](#) for conducting the public anti-discrimination expertise of draft regulatory legal acts by the entities defined in this Article shall be established by the Cabinet of Ministers of Ukraine.

### **Section III**

## **LIABILITY FOR VIOLATION OF LEGISLATION ON PREVENTING AND COMBATING DISCRIMINATION**

**Article 14.** Appeal against decisions, actions or inaction on issues of discrimination

1. A person who believes that he/she has suffered from discrimination shall have a right to appeal to public authorities, authorities of the Autonomous Republic of Crimea and local self-government bodies and their officials, the Ukrainian Parliament Commissioner for Human Rights and/or to a court according to the procedure provided for by law.

2. The exercise of this right cannot be a basis for prejudice and may not cause any negative consequences for the person who took advantage of such a right, and other persons.

*{Article 14 as amended by Law [No. 1263-VII dated 13 May 2014](#)}*

**Article 15.** Compensation for damage and non-pecuniary damage caused by discrimination

1. A person shall have the right to compensation for pecuniary and non-pecuniary damage caused by discrimination.

2. The procedure for compensation for pecuniary and non-pecuniary damage is determined by the [Civil Code of Ukraine](#) and other laws.

*{Article 15(2) as amended by Law [No. 1263-VII dated 13 May 2014](#)}*

**Article 16.** Liability for violation of the law on preventing and combating discrimination

1. Persons guilty of the violation of the legislation on preventing and combating discrimination shall bear civil, administrative and criminal liability.

*{Article 16(1) as amended by Law [No. 1263-VII dated 13 May 2014](#)}*

## **Section IV FINAL PROVISIONS**

This Law shall come into force on the day following the day of its publication.

2. Amendments shall be made to the following legislative acts of Ukraine:

1) in paragraph 7 of Article 2(3) of the [Code of Administrative Proceedings of Ukraine](#) (the Official Bulletin of the Verkhovna Rada of Ukraine, 2005, Nos. 35-37, art. 446) the word “unfair” shall be replaced with the words “all forms”;

2) Article 7(2), Article 8(1, 2) of the [Law of Ukraine “On Collective Agreements and Contracts”](#) (the Official Bulletin of the Verkhovna Rada of Ukraine, 1993, No. 36, art. 361; 1997, No. 11, art. 89; 2008, No. 25, art. 240) shall be supplemented by the following paragraph:

“prohibition of discrimination”;

3) Article 4(1) of the [Law of Ukraine “On the Ukrainian Parliament Commissioner for Human Rights”](#) (the Official Bulletin of the Verkhovna Rada of Ukraine, 1998, No. 20, art. 99) shall be supplemented by the words "other laws of Ukraine”;

4) Article 5(1) of the [Law of Ukraine “On the Court Fees”](#) (the Official Bulletin of the Verkhovna Rada of Ukraine, 2012, No. 14, art. 87, No. 21, art. 204, No. 31, art. 393) shall be supplemented with the paragraph 6<sup>1</sup> as follows:

“6<sup>1</sup>) the claimants – for claims concerning disputes related to discrimination”.

3. Within three months after the effective date of this Law, the Cabinet of Ministers of Ukraine shall:

bring its regulatory acts in line with this Law;

ensure the adoption of regulatory legal acts implied by this Law;

ensure the revision and annulment by the central executive authorities of regulatory legal acts they adopted contrary to this Law;

submit proposals on amendments to the laws of Ukraine implied by this Law to the Verkhovna Rada of Ukraine.

<b>President of Ukraine</b>	<b>V. YANUKOVYCH</b>
<b>City of Kyiv 6 September 2012 No. 5207-VI</b>	





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- **Урядовий кур'єр** on October 10, 2012 — № 184
- **Офіційний вісник України** on October 15, 2012 — 2012, № 76, page 65, article 3071, код акта 63646/2012
- **Відомості Верховної Ради України** on August 9, 2013 — 2013, № 32, page 1720, article 412