



## THE LAW OF UKRAINE

### On ensuring equal rights and opportunities for women and men

(*Verhovna Rada Journal (VRJ)*, 2005, N 52, p. 561)

{*Amended by the Laws*

4719 N-VI ([4719-17](#)) of 17.05.2012, VRJ, 2013, N 15, p. 97

1263-VII ([1263-18](#)) of 13.05.2014, VRJ, 2014, N 27, p/ 915}

The purpose of this Law is to achieve equal position of women and men in all spheres of public life by legislative ensuring equal rights and opportunities for women and men, by combating gender discrimination and to use special temporary measures aimed at eliminating the imbalance between the opportunities for men and women to exercise equal rights granted to them by the Constitution ([7254 k/96-VR](#)) and the laws of Ukraine.

#### Section I

##### GENERAL PROVISIONS

###### **Article 1.** Definition of terms

For the purpose of this Law the terms shall have the following meaning:

equal rights for women and men is the absence of restrictions or privileges based on sex;

equal opportunities for women and men mean equal conditions for exercising equal rights by women and men;

discrimination based on sex are actions or inactions that make any distinction, exception or privileges basing on sex, if they aim to limit or prevent recognition, use or exercise of equal basis of human rights and freedoms for women and men;

positive action are special temporary measures aimed at eliminating imbalance between the opportunities for women and men to exercise equal rights granted to them by the Constitution ([254 k/96-VR](#)) and the laws of Ukraine;

sexual harassment are actions of a sexual nature expressed verbally (threats, intimidation, obscene remarks) or physically (touching, tapping) which humiliate or insult persons who are in business, service material or other subordination;

gender equality is equal legal status of women and men and equal opportunities for its implementation, which allows persons of both sexes to take an equal part in all spheres of public life;

gender-based legal expertise is the analysis of current legislation, draft normative-legal acts, the result of which is the provision of an opinion concerning their compliance with the principle of ensuring equal rights and opportunities for women and men.

**Article 2.** The law on ensuring equal rights and opportunities for women and men

The legal framework on ensuring equal rights and opportunities for women and men consists of the Constitution of Ukraine ([254 k/96-VR](#)), this Law and other normative legal acts.

If an international treaty of Ukraine, ratified by the Verkhovna Rada of Ukraine, is setting the other rules than those stipulated in this law, the rules of the international treaty shall apply.

**Article 3.** The main directions of state policy to ensure equal rights and opportunities for women and men

state policy to ensure equal rights and opportunities of women and men is aimed at:

the establishment of gender equality;

preventing discrimination based on sex;

the application of positive action;

ensuring the equal participation of women and men in making socially important decisions;

ensuring equal opportunities of women and men regarding the combination of professional and family responsibilities;

support for families, establishment of responsible motherhood and fatherhood;

education and promotion among the population of Ukraine of gender equality culture, dissemination of educational activities in this sphere;

the protection of society from information aimed at discrimination on the basis of sex.

**Article 4.** Gender-based legal expertise

The current legislation is subject to gender-based legal expertise. If normative-legal act does not comply with the principle of equal rights and opportunities for women and men, the opinion of gender-based legal expertise is sent to the body, which has adopted such normative-legal act.

Normative-legal acts shall be drafted in line with the principle of equal rights and opportunities for women and men.

Drafts of normative legal acts shall be subject to gender-based legal expertise. Opinion of the gender-based legal expertise is mandatory component of the set of documents submitted together with the draft normative-legal act for consideration.

Procedure for conducting gender-based legal expertise ([504-2006-p](#)) is established by the Cabinet of Ministers of Ukraine.

**Article 5.** Reflection of indicators of the position of women and men in all spheres of society by State statistics bodies

The central executive body in the field of statistics provides collection, processing, analysis, dissemination, preservation, protection and use of statistical data on the indicators of the position of women and men in all spheres of public life, grouping them by sex.

The statistical data, mentioned in part one of this article, is an integral part of the State statistical reporting.

**Article 6.** Prohibition of discrimination based on sex

Discrimination based on sex is prohibited.

Not considered as discrimination basing on sex:

the special protection of women during pregnancy, childbirth and breastfeeding of the child;

compulsory military service for men, set forth by law;

the difference in the pension age for women and men set forth by law;

special requirements to the labor protection of women and men related to the protection of their reproductive health;

positive action.

## **Section II**

THE MECHANISM OF ENSURING EQUAL RIGHTS AND OPPORTUNITIES FOR WOMEN AND MEN

**Article 7.** Agencies, institutions and organizations vested with powers in the field of ensuring equal rights and opportunities for women and men

Agencies, institutions and organizations vested with powers in the field of ensuring equal rights and opportunities for women and men are:

The Verkhovna Rada of Ukraine;

Ukrainian Parliament Commissioner for human rights;

The Cabinet of Ministers of Ukraine;

the specifically authorized central body of the executive power on ensuring equal rights and opportunities for women and men;

the bodies of the executive power and bodies of local self-government their designated officials (coordinators) on ensuring equal rights and opportunities for women and men;

civil associations.

State and local self-government authorities, enterprises, organizations and institutions, civil associations shall promote balanced representation of the sexes in the management and decision making. To achieve the objective of this law they can apply positive action in their activity.

**Article 8.** The authority of the Verkhovna Rada of Ukraine in the sphere of ensuring equal rights and opportunities for women and men

The Verkhovna Rada of Ukraine:

determines the main principles of the gender policy of the state;

applies the principle of equal rights and opportunities for women and men in the legislative activity;

within the limits prescribed by the Constitution of Ukraine ([254 k/96-VR](#)) exercises parliamentary control over the implementation of the legislation on equal rights and opportunities for women and men.

**Article 9.** The authority of the Ukrainian Parliament Commissioner for Human Rights in the sphere of ensuring equal rights and opportunities for women and men

Ukrainian Parliament Commissioner for human rights:

in the framework of monitoring of the observance of the human and civil rights and freedoms exercises control over observance of equal rights and opportunities for women and men;

considers complaints on cases of discrimination based on sex;

in the annual report highlights the issue of observance of equal rights and opportunities for women and men.

**Article 10.** The authority of the Cabinet of Ministers of Ukraine in the sphere of ensuring equal rights and opportunities for women and men

The Cabinet of Ministers of Ukraine:

conducts a unified state policy aimed at achieving equal rights and equal opportunities of women and men in all spheres of public life;

approves national action plan for the implementation of gender equality and ensures its implementation;

develops and implements State targeted programs to ensure equal rights and opportunities for women and men;

directs and coordinates the work of ministries, other central executive bodies to ensure gender equality;

organizes the preparation of State reports on the implementation in Ukraine of the UN Convention on the Elimination of all forms of discrimination against women ([995 207](#));

takes into account the principle of gender equality when adopting normative-legal acts;

approves the procedure of gender-based legal expertise;

carries out other functions in this sphere, provided for by the legislation of Ukraine.

**Article 11.** The authority of the specifically authorized central body of the executive power on ensuring equal rights and opportunities for women and men

The specifically authorized central body of the executive power on ensuring equal rights and opportunities for women and men:

is involved in the establishment and implementation of the state policy to ensure equal rights and opportunities for women and men;

carries out coordination of the activities of ministries and other central bodies of executive power aimed at the implementation of gender equality;

conducts awareness-raising activity in the mass media, organizes educational activities on ensuring gender equality;

develops activities aimed at the ensuring of the equality of rights and opportunities for women and men in all spheres of public life;

establishes the national action plan for the implementation of gender equality;

carries out the control over the observance of gender equality in human resources in the central and local executive bodies;

organizes training of civil servants on the implementation of equal rights and opportunities for women and men;

together with the other central bodies of executive power prepares scientifically grounded suggestions on ensuring gender equality;

organizes scientific and expert studies on the issues of ensuring equal rights and opportunities for women and men;

makes proposals concerning positive action and its termination;

monitors and summarizes the results of ensuring equal rights and opportunities in various spheres of life;

summarizes the performance of government programs on gender equality;

considers applications of citizens concerning discrimination based on sex;

keeps records and summarizes the cases of sex-based discrimination and makes proposals for their elimination;

cooperates with international organizations, the relevant authorities of foreign countries on the status of women and the observance of the international standards of equal rights and opportunities for women and men.

**Article 12.** Ensuring equal rights and opportunities for women and men by bodies of executive power and local self-government authorities

Bodies of executive power and local self-government authorities within their competence:

provide that women and men have equal rights and opportunities;

fulfill national and regional programmes on ensuring equal rights and opportunities for women and men;

create conditions for the combining professional and family responsibilities by women and men;

provide accessible social services, including care for minors, early childhood education and children's leisure activities;

conduct educational activities on gender equality issues;

cooperate with civil associations to ensure equality of rights and opportunities for women and men;

submit proposals for the improvement of legislation on ensuring equal rights and opportunities for women and men;

contribute to scientific developments in the field of gender studies;

in their activities adhere to the principle of ensuring equal rights and opportunities for women and men;

apply positive actions.

The bodies of executive power determine a designated official (coordinator) on ensuring equal rights and opportunities for women and men.

Performance of the duties of the designated official (the coordinator) is vested on one of the Deputy Ministers, the Deputy Chief of the other body of executive power.

Bodies of executive power can establish consultative-advisory bodies, appoint advisers on ensuring equal rights and opportunities for women and men.

The designated official (coordinator) on ensuring equal rights and opportunities for women and men can be determined by the decision of the respective local council, consisting of the executive body of the

appropriate Council.

**Article 13.** Powers of the designated officials (coordinators) on ensuring equal rights and opportunities of women and men in the bodies of executive power and bodies of local self-government

The designated officials (coordinators), who are vested with the functions to ensure equality of rights and opportunities of women and men, within their powers organize the work of the relevant bodies of executive power and bodies of local self-government in the following way:

taking into account the principle of equal rights and opportunities of women and men in the relevant field of activity;

analyzing the status of ensuring gender equality and studying the appropriateness of applying positive action in order to overcome the asymmetry, imbalance, which pertain at certain territory or industry;

cooperating with civil associations, summarizing the information received from them on the monitoring of compliance with the equality of women and men, and the jointly developing the ways of eliminating gender discrimination;

carrying out awareness-raising activities for the elimination of all forms of discrimination based on sex;

taking measures aimed at establishment of gender culture of the population;

organizing reception of citizens on questions of discrimination based on sex;

considering and analyzing of applications of citizens on questions of ensuring equal rights and opportunities for women and men, studying their causes;

training of employees of central and local bodies of executive power, bodies of local self-government on the gender-related issues;

taking measures to eliminate discrimination on the basis of sex.

**Article 14.** Rights of civil associations in ensuring equal rights and opportunities for women and men

Civil associations may:

participate in the elaboration of decisions taken by the executive bodies and bodies of local self-government on issues of gender equality;

participate in the implementation of national and regional programmes;

delegate their representatives to the advisory bodies that are created at the bodies of executive power and bodies of local self-government;

conduct monitoring of ensuring equal rights and opportunities for women and men;

carry out other activities in accordance with their statute and Ukrainian legislation to ensure gender equality.

### **Section III**

#### ENSURING EQUAL RIGHTS AND OPPORTUNITIES FOR WOMEN AND MEN IN THE PUBLIC AND POLITICAL SPHERE

**Article 15.** Ensuring equal rights and opportunities for women and men in the electoral process

The legislation of Ukraine provides for equal voting rights and opportunities of women and men.

Political parties, election blocs during the nomination of candidates for national deputies in the multi-mandate electoral district shall provide for representation of women and men in their electoral lists.

The control over this requirement shall be exercised by the election commissions.

**Article 16.** Ensuring equal rights and opportunities for women and men in the sphere of civil service and service in bodies of local self-government

Appointment to the civil service and to service in bodies of local self-government is carried out with due representation of candidates of both sexes.

During employment to civil service and to service in bodies of local self-government and during the service term discrimination based on sex is prohibited.

The leaders of the state and local self-government authorities shall provide equal access of citizens to civil service and to service in bodies of local self-government in accordance with their qualification and professional training regardless of the sex of the applicant.

The human reserve for filling in positions of civil servants and positions in the organs of local self-government, their promotion is carried out with ensuring equal rights and opportunities for women and men.

Positive action can be used in order to achieve a balanced representation of women and men in the civil service and service in bodies of local self-government taking into account categories of positions.

### **Section IV**

#### ENSURING EQUAL RIGHTS AND OPPORTUNITIES FOR WOMEN AND MEN IN SOCIAL-ECONOMIC SPHERE



**Article 17.** Ensuring equal rights and opportunities for women and men at work and in its remuneration

Women and men are provided with equal rights and opportunities during employment, promotion at work, advance training and retraining.

The employer is obliged to:

create conditions that would allow women and men to carry out work activities on equal basis;

provide women and men with the opportunity to combine labour activity with family responsibilities;

pay equally for the work of women and men with the same qualification and the same working conditions;

take measures to create safe for life and health working conditions;

take measures to prevent cases of sexual harassment.

In job announcements (advertisements) about vacant position employers are forbidden to offer job only to women or only to men, except for the specific work that could be carried out exclusively by persons of a particular sex, to set different requirements, giving preference to representatives of one sex, to demand persons who are applying for work, to disclose information about their personal life, plans for the birth of children.

Employers can implement positive action aimed at achieving a balanced ratio of women and men in different spheres of work, as well as among the various categories of workers.

**Article 18.** Ensuring equal opportunities during the conclusion of collective agreements and contracts

In the case socio-labour relations are regulated by collective agreement to the general Agreement, branch (sectoral) and territorial agreements, collective agreements shall include provisions to ensure equal rights and opportunities for women and men.

*{Part one of article 18 as amended by law No 4719-VI ([4719-17](#)) from 17.05.2012}*

**These collective agreements (contracts) shall include:**

duties of the authorized with gender issues - advisor to the head of enterprise, institution and organization, their structural units shall be imposed on one of the employees on a voluntary basis;

filling in vacancies and promotion of employees in compliance with the principle of providing benefits to a person of that sex, about which there is imbalance;

the elimination of inequality, if any, in the remuneration of labour of women and men both in the various sectors of the economy, and in one sector on the basis of a general social norm of remuneration of labour in the budgetary and other areas, as well as on the basis of professional

training (retraining).

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

The state guarantees equal rights and opportunities for women and men in the sphere of entrepreneurship.

At state and regional levels taking into account the statistical indicators positive action can be applied to eliminate the imbalance in the entrepreneurial activities of women and men by promoting entrepreneurial activity, provision of soft loans, conducting business trainings and other events.

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

Executive authorities, local self-government bodies, enterprises, institutions and organizations equally take into account the interests of women and men during the implementation of activities in relation to their social protection.

The deterioration of the situation of people of any sex, in the case of the application of the system of social insurance, pensions, social help is not acceptable.

## **Section V**

ENSURING EQUAL RIGHTS AND OPPORTUNITIES FOR WOMEN AND MEN IN EDUCATION SPHERE

**Article 21.** Ensuring equal rights and opportunities for women and men in the pursuit of education and professional training

The state guarantees equal rights and opportunities of women and men in the pursuit of education.

Educational institutions provide:

equal conditions for women and men during entrance to educational institutions, assessment of knowledge, providing grants and loans to students;

preparation and publication of textbooks, manuals free from stereotypical ideas about the role of woman and man;

promotion of gender equality culture, equal distribution of professional and family responsibilities.

The central body of the executive power on the issues of education and science guarantees an examination of the educational programs, textbooks and teaching materials for educational institutions for compliance with the principle of ensuring equal rights and opportunities for women and men.

The educational programs of higher education institutions, courses of retraining shall include disciplines that study the question of ensuring equal rights and opportunities for women and men, and

voluntary study of the legal principles of gender equality on the basis of the harmonization of national and international legislation.

## Section VI

### RESPONSIBILITY FOR VIOLATION OF LEGISLATION ON EQUAL RIGHTS AND OPPORTUNITIES FOR WOMEN AND MEN

**Article 22.** Appeal against sex-based discrimination and sexual harassment

The person who thinks that there was a discrimination against him\her on the basis of sex or he\she became the object of sexual harassment, has the right to submit a complaint to the state authorities, authorities of the Autonomous Republic of Crimea, local self-government authorities and their officials, the Ukrainian Parliament Commissioner for Human Rights and/or to the court according to the procedure provided by law.  
{Part one of article 22 as amended pursuant to the law No 1263-VII ([1263-18](#)) of 13.05.2014}

A person of any sex or a group of persons have the right to send a notice about violation of equality of rights and opportunities for women and men to the UN Committee on the Elimination of discrimination against women if domestic remedies are exhausted, or if the application of such remedies is unreasonably delayed.

**Article 23.** Compensation for material loss and moral damage, caused by sex-based discrimination or sexual harassment

The person has the right to compensation for material loss and moral damage caused in the result of sex-based discrimination or sexual harassment. Moral damage is compensated, regardless of the material losses, which shall be refundable, and not related to their amount.

The procedure of compensation for material loss and moral damage, caused by sex-based discrimination or sexual harassment, is defined by the Civil Code of Ukraine ([435-15](#)) and other laws.  
{Part two of article 23, as amended by law N 1263-VII ([1263-18](#)) of 13.05.2014}

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

Persons, guilty of violating the requirements of the law on ensuring equal rights and opportunities for women and men, shall bear civil, administrative and criminal liability according to law.

## Section VII

### FINAL PROVISIONS

1. This law shall come into force on January 1, 2006.
2. The Cabinet of Ministers of Ukraine in the three-month period shall:

submit to the Parliament proposals on  
amendments to the laws of Ukraine arising from this law;

to bring its normative-legal base into conformity with this Law;

ensure the adoption of normative-legal acts stemming from this law;

ensure the review and cancellation by ministries and other  
central bodies of executive power of normative-legal acts, adopted by them,  
that are contrary to the requirements of this law.

President Of Ukraine V.Yushchenko

the city of Kyiv, September 8, 2005  
N 2866-IV