



**LAW OF UKRAINE  
ON ENSURING EQUAL RIGHTS  
AND OPPORTUNITIES  
OF WOMEN AND MEN**

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of Ukraine (OJVR), 2005, No.52, p.561)*

The objective of this Law is to achieve the equality of women and men in all spheres of social life by legally ensuring equal rights and opportunities of women and men, eliminating sexual discrimination and applying special temporary measures aimed at adjusting the imbalance between the opportunities of women and men to exercise the equal rights guaranteed to them by the Constitution and laws of Ukraine.

## TITLE I GENERAL PROVISIONS

### Article 1. **Definition of Terms**

The terms in this Law shall have the following meanings:

**Equal rights of women and men** are defined as the absence of restrictions or privileges based on sex;

**Equal opportunities for women and men** are equal conditions for exercising the rights of women and men;

**Sexual discrimination** is act or failure to act which expresses any difference, exclusion or privileges by sex, if aimed at restriction or render impossible the acknowledgement, use or exercise of human rights and freedoms of women and men on equal grounds;

**Positive actions** are special temporary measures aimed at adjusting an imbalance between opportunities of women and men in exercising equal rights granted to them by the Constitution and laws of Ukraine;

**Sexual harassment** is defined as verbally expressed sexual actions (threats, intimidation, scurrilities) or physical actions (touching, patting) which humiliate or offend persons in the state of work, service, material or other subordination;

**Gender equality** is the equal legal status of women and men and equal opportunities to exercise it which allows persons of both sexes to participate in all spheres of social life on equal terms;

**Gender and legal expert examination** is the analysis of current legislation and draft legal acts in order to draw conclusions as to their compliance with the principle of ensuring the equal rights and opportunities of women and men.

## **Article 2. Legislation on Ensuring Equal Rights and Opportunities of Women and Men**

Legislation on ensuring the equal rights and opportunities of women and men includes the Constitution of Ukraine, said Law and other legal acts.

If an international treaty of Ukraine to which the Verkhovna Rada of Ukraine binds itself stipulates rules other than those envisaged by this Law, the rules of the international treaty shall apply.

## **Article 3. Guidelines of State Policy on Ensuring the Equal Rights and Opportunities of Women and Men**

The state policy on ensuring the equal rights and opportunities of women and men shall be aimed at:

Establishing gender equality;  
Non-discrimination by sex;  
Application of positive actions;  
Ensuring equal participation of women and men in making socially important decisions;  
Ensuring equal opportunities of women and men in combining professional and family responsibilities;  
Family support and development of responsible parenthood;  
Education and promotion of the culture of gender equality among the Ukrainian population;  
and  
Protection of society from information aimed at sexual discrimination.

#### **Article 4. Gender and Legal Expert Examination**

The current legislation shall be subject to gender and legal expert examination. If it is determined that a legal act does not comply with the principle of ensuring equal rights and opportunities of women and men, the conclusion of the gender and legal expert examination shall be submitted to the body which adopted such a regulation.

Draft legal acts shall be developed taking into consideration the principle of ensuring the equal rights and opportunities of women and men.

Draft legal acts shall be subject to gender and legal expert examination. The conclusion of the gender and legal expert examination shall be an integral part of the package of documents submitted for consideration together with the draft legal act.

The Cabinet of Ministers of Ukraine shall establish a procedure for conducting gender and legal expert examinations.

#### **Article 5. Indication of the Status of Women and Men in all Spheres of Social Life by State Statistics Bodies**

A central executive body on statistics shall provide for the collection, processing, analysis, promotion, storage, protection and use of statistical data concerning the symbols of the status of women and men in all spheres of social life and group them by item.

Statistical data mentioned in Part 1 of this Article shall be an integral part of state statistical reporting.

#### **Article 6. Ban against Sexual Discrimination**

Sexual discrimination shall be prohibited.

The following shall not be deemed sexual discrimination:

Special protection of women during pregnancy, delivery and nursing a newborn child;

Compulsory military service for men envisaged by the law;

Difference in pension age for women and men envisaged by the law;

Special labour protection requirements related to protection of the reproductive health of women and men; and

Positive actions.

## **TITLE II**

### **MECHANISM OF ENSURING EQUAL RIGHTS AND OPPORTUNITIES OF WOMEN AND MEN**

#### **Article 7. Authorities, Institutions and Organizations Vested with Powers to Ensure the Equal Rights and Opportunities of Women and Men**

The following authorities, institutions and organizations shall be vested with powers to ensure the equal rights and opportunities of women and men:

The Verkhovna Rada of Ukraine;

The Commissioner for Human Rights;

The Cabinet of Ministers of Ukraine;

The specially authorized central executive body on ensuring equal rights and opportunities of women and men;

Executive bodies and local authorities, their authorized persons/coordinators on ensuring equal rights and opportunities of women and men;

and

Associations of citizens.

State and local authorities, enterprises, organizations, institutions and associations of citizens shall facilitate balancing representation of the sexes in the course of management and decision-making. They may apply positive actions to achieve the aim of this Law.

## **Article 8. Powers of the Verkhovna Rada of Ukraine in Ensuring Equal Rights and Opportunities of Women and Men**

The Verkhovna Rada of Ukraine shall:

Define the basic principles of state gender policy;

Apply the principle of ensuring equal rights and opportunities of women and men in legislative activity;

and

Exercise parliamentary control over the performance of legislative acts on ensuring equal rights and

opportunities of women and men as envisaged by the Constitution of Ukraine.

**Article 9. Powers of the Commissioner for Human Rights in Ensuring Equal Rights and Opportunities of Women and Men**

The Commissioner for Human Rights shall:

Exercise control over the observance of equal rights and opportunities of women and men within the framework of control over the observance of human and civil rights and freedoms;

Consider complaints about cases of sexual discrimination; and

Cover the issues of observance of equal rights and opportunities of women and men in his/her annual report.

**Article 10. Powers of the Cabinet of Ministers of Ukraine in Ensuring Equal Rights and Opportunities of Women and Men**

The Cabinet of Ministers of Ukraine shall:

Provide for conducting common state policy aimed at achieving equal rights and opportunities of women and men in all spheres of social life;

Adopt a state plan of actions on gender equality and ensure implementation of such a plan;

Develop and implement state target programs on ensuring equal rights and opportunities of women and men;

Direct and coordinate the work of ministries and other executive bodies on ensuring gender equality;

Organize the preparation of a state report on execution of the UN Convention on the Elimination of all Forms of Discrimination against Women by Ukraine;

Allow for the principle of gender equality in the course of adopting regulations;

Approve the procedure for conducting gender and legal expert examinations; and

Exercise other powers in this area envisaged by the legislation of Ukraine.

#### **Article 11. Powers of the Specially Authorized Central Executive Body on Ensuring Equal Rights and Opportunities of Women and Men**

The specially authorized central executive body to ensure equal rights and opportunities of women and men shall:

Participate in the development and implementation of state policy on ensuring equal rights and opportunities of women and men;

Coordinate measures of ministries and other central executive bodies aimed at introducing gender equality;

Conduct public awareness campaigns through mass media and organize educational activities on issues of ensuring gender equality;

Develop activities aimed at ensuring equal rights and opportunities of women and men in all spheres of social life;

Develop a state plan of actions for the introduction of gender equality;

Exercise control over the observance of gender equality in settling human resource issues in central and local executive bodies;

Organize the education of public servants on exercising equal rights and opportunities of women and men;

Prepare scientifically based proposals for ensuring gender equality in cooperation with other central executive bodies;

Organize academic and expert research on issues of ensuring equal rights and opportunities of women and men;

Make proposals on taking positive actions and terminating them;

Monitor and summarize the results of ensuring equal rights and opportunities in different spheres of life;

Summarize the implementation of state gender equality programs;

Consider the applications of citizens on matters of sexual discrimination;

Keep records of cases of sexual discrimination, summarize them and submit proposals on how they can be mitigated; and

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

## **Article 12. Ensuring Equal Rights and Opportunities of Women and Men by Executive Bodies and Local Authorities**

Executive bodies and local authorities shall within their capacity:

Ensure the provision of women and men with equal rights and opportunities;

Implement state and regional programs on ensuring equal rights and opportunities of women and men;

Create conditions for combining professional and family responsibilities of women and men;

Provide for available social and personal services, including child care, organization of pre-school

education and provision of children's leisure activities;

Carry out educational activities on matters of gender equality;

Cooperate with citizens associations, to ensure equal rights and opportunities of women and men;

Make proposals on how to improve legislation ensuring equal rights and opportunities of women and men;

Foster academic developments in gender research;

Abide by the principle of ensuring equal rights and opportunities of women and men in their activities; and

Take positive actions.

An authorized coordinator shall be appointed to work at executive bodies to ensure equal rights and opportunities of women and men.

One of the deputy ministers or deputy directors of the body of executive power shall be entrusted with performing the duties of an authorized person/coordinator.

Bodies of executive power may establish advisory bodies and appoint advisers on matters of ensuring equal rights and opportunities of women and men.

An authorized person/coordinator for ensuring equal rights and opportunities of women and men

may be appointed by the decision of the relevant executive bodies and local councils.

**Article 13. Powers of Authorized Persons/Coordinators  
on Ensuring Equal Rights and Opportunities  
of Women and Men in Executive Bodies  
and Local Authorities**

Authorized persons/coordinators entrusted with the duty of ensuring equal rights and opportunities of women and men shall organize the work of the relevant executive bodies and local authorities within their capacity in the following areas:

Abiding by the principle of equal rights and opportunities of women and men in the relevant field of activities;

Conducting an analysis of the status of ensuring gender equality and examining the appropriateness of taking positive actions aimed at adjusting an asymmetry or imbalance that may occur in a relevant sphere or industry;

Cooperating with associations of citizens and compiling information received from these associations on monitoring the observance of the equality of women and men and jointly developing ways of eliminating sexual discrimination;

Promoting the elimination of all forms of sexual discrimination;

Taking measures aimed at developing a gender culture among the population;

Establishing call-centres for citizens on issues of sexual discrimination;

Considering and analyzing applications of citizens on ensuring equal rights and opportunities of women and men and studying their causes;

Training for employees of central and local executive bodies and local authorities on gender issues and problems; and

Taking measures to eliminate acts of sexual discrimination.

**Article 14. Rights of Associations of Citizens  
in Ensuring Equal Rights and Opportunities  
of Women and Men**

Associations of citizens may:

Take part in revising resolutions on gender equality drafted by executive bodies and local authorities;

Take part in the implementation of state and regional programs;

Delegate their representatives to advisory bodies established within executive bodies and local authorities;

Monitor the ensuring of equal rights and opportunities of women and men; and

Conduct other activities in compliance with their charters and the legislation of Ukraine on ensuring gender equality.

### **TITLE III**

## **ENSURING EQUAL RIGHTS AND OPPORTUNITIES OF WOMEN AND MEN IN SOCIAL AND POLITICAL SPHERES**

### **Article 15. Ensuring the Equal Rights and Opportunities of Women and Men in Election Processes**

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

Political parties and electoral blocs shall provide for the representation of women and men in the corresponding electoral lists during the nomination of candidates for people's deputies of Ukraine in the national multi-mandate constituency.

Election commissions shall exercise control over the above requirement.

**Article 16. Ensuring the Equal Rights and Opportunities  
of Women and Men in Public Service**

Representation of candidates of both sexes shall be observed in the process of hiring people to work in public service.

Sexual discrimination is prohibited while employed in public service.

Managers of state and local authorities shall provide for equal access of citizens to public service based on qualifications and professional education, irrespective of the candidate's sex.

Building up of a personnel reserve for the positions of public servants and their promotion shall ensure equal rights and opportunities of women and men.

Positive actions may be taken in order to achieve a balanced representation of women and men in public service stipulating categories of positions.

**TITLE IV**  
**ENSURING EQUAL RIGHTS AND OPPORTUNITIES**  
**OF WOMEN AND MEN IN SOCIAL**  
**AND ECONOMIC SPHERES**

**Article 17. Ensuring Equal Rights and Opportunities  
of Women and Men in the Work Place  
and Remuneration**

Women and men shall be provided with equal rights and opportunities in employment, job promotion, professional development and re-training.

The employer shall:

Create working conditions that would allow women and men to work on a parity basis;

Provide women and men with an opportunity to combine work and family responsibilities;

Provide for equal remuneration for work of women and men with the same qualifications and working conditions;

Take measures to create safe working conditions;  
and

Take measures to avoid incidents of sexual harassment.

Employers shall not discriminate by offering jobs only to women or men in vacancy advertisements, with the exception of specific jobs that only persons of certain sex can perform. Employers shall not put different demands to employees based on their sex giving priority to one of the sexes and require from them information about their personal life and plans to have children.

Employers can take positive actions aimed at achieving a balanced ratio of women and men in different areas of work activity, as well as among different categories of positions.

#### **Article 18. Ensuring Equal Opportunities when Signing Collective Agreements**

If industrial relations are regulated by collective agreements (general, regional, branch, collective agreements), such agreements shall contain provisions that ensure equal rights and opportunities of women and men and stipulate the terms of execution of relevant provisions.

Collective agreements shall provide for:

Delegation of duties of an authorized person on gender issues — adviser to the director of the enterprise, institution and organization and their

structural subdivisions to one of the employees on a voluntary basis;

Hiring and promotion of employees based on the principle of giving priority to the underrepresented sex; and

Eliminating any existent inequality in the remuneration of women and men working both in different and same industries on the basis of the general social standard of remuneration in state funded and other sectors, as well as based on professional training or re-training of personnel.

### **Article 19. Ensuring Equal Rights and Opportunities of Women and Men in Business**

The state shall provide women and men with equal rights and opportunities in running business.

Positive action can be taken at the state and regional levels to eliminate disparity in business run by women and men through the promotion of business, granting soft loans, conducting trainings and other measures.

**Article 20. Ensuring Equal Rights and Opportunities  
of Women and Men in the Sphere of  
Social Protection**

Executive bodies, local authorities, enterprises, institutions and organizations shall equally allow for interests of women and men while implementing social protection measures.

Worsening the status of individuals of any sex in the spheres of social insurance, pension provision and public welfare shall be inadmissible.

**TITLE V**

**ENSURING EQUAL RIGHTS AND OPPORTUNITIES  
OF WOMEN AND MEN IN EDUCATION**

**Article 21. Ensuring Equal Rights and Opportunities  
of Women and Men in Education  
and Vocational Education**

The state shall ensure equal rights and opportunities of women and men in receiving an education.

Educational institutions shall provide for:

Equal conditions for women and men in the process of application and acceptance to educational institutions by evaluating knowledge and providing grants and loans to students;

Preparation and publication of textbooks and study guides free of stereotypical notions of the role of women and men; and

Developing culture of gender equality and equal division of professional and family responsibilities.

A central executive body in education and science shall provide for the examination of educational programs, textbooks and study guides for educational institutions for their compliance with the principle of ensuring equal rights and opportunities of women and men.

Educational programs of higher educational institutions and refresher courses shall include course on ensuring equal rights and opportunities of women and men, as well as the optional study of the legal grounds of gender equality on the basis of harmonization of national legislation with international.

**TITLE VI**

**LIABILITY FOR VIOLATION OF LEGISLATION  
OF UKRAINE ON ENSURING EQUAL RIGHTS  
AND OPPORTUNITIES OF WOMEN AND MEN**

**Article 22. Appeal against Sexual Discrimination  
and Sexual Harassment**

A person who thinks that she/he is a victim of sexual discrimination or became an object of sexual harassment shall have the right to appeal to the Commissioner for Human Rights, the specially authorized central executive body on ensuring equal rights and opportunities of women and men, authorized persons/coordinators on ensuring equal rights and opportunities of women and men in executive bodies and local authorities, as well as state law enforcement bodies and courts.

Persons of any sex or groups of persons shall have the right to submit notification of violation of the equality of rights and opportunities of women and men to the UN Committee on Elimination of Discrimination against Women, provided that domestic remedies have been exhausted or if there is an unjustified delay in the application of such remedies.

**Article 23. Compensation for Pecuniary and Non-pecuniary  
Damage Caused by Sexual Discrimination  
or Sexual Harassment**

A person shall have the right to compensation for pecuniary and non-pecuniary damage caused by sexual discrimination or sexual harassment. Non-pecuniary damage shall be compensated irrespective of pecuniary damage subject to compensation and its amount.

The procedure for compensation of pecuniary and non-pecuniary damage caused by sexual discrimination and sexual harassment shall be stipulated by the law.

**Article 24. Liability for the Violation of Legislation on  
Ensuring Equal Rights and Opportunities  
of Women and Men**

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

## **TITLE VII**

### **FINAL PROVISIONS**

**1.** This Law shall come into force on 1 January 2006.

**2.** The Cabinet of Ministers of Ukraine shall within a three-month period:

submit a proposal on making amendments arising from this Law to the laws of Ukraine for consideration by the Verkhovna Rada of Ukraine;

adjust its regulations in compliance with this Law;

provide for the adoption of regulations arising from this Law; and

provide for the revision and cancellation of regulations that contradict the requirements of this Law by ministries and other central executive bodies.

**President of Ukraine**

**V. YUSHCHENKO**

**Kyiv, 8 September 2005**

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