On the Provision of Equal Rights and Opportunities for Women and Men

This Act is aimed at achieving parity basis for women and men in all sectors of public life by means of legal provision of equal rights and opportunities for women and men, elimination of discrimination with distinction based on sex and taking special temporary measures aimed at overcoming gender imbalance to exercise equal rights envisaged by the Constitution and laws of Ukraine.

Chapter I. GENERAL PROVISIONS

Article 1. Definition of terms

For the purposes of this Act, the terms below shall be used with the following meaning:

equal rights for women and men – an absence of restrictions or privileges with distinction based on sex;

equal rights and opportunities for women and men – equal conditions to exercise equal rights for women and men;

discrimination with distinction based on sex – passive or active behaviour which is manifested any distinction, exclusion or privilege based on sex if it is aimed at weakening or non-recognition, usage or exercise of rights and freedoms for women and men on parity basis;

positive actions - special temporary measures aimed at overcoming gender imbalance to exercise equal rights envisaged by the Constitution and laws of Ukraine;

sexual harassment – sexual actions of a verbal (threats, intimidation, indecent remarks) or physical (touching, patting) nature, which may humiliate or insult the person who is dependent on the perpetrator, due to work, official, financial or other reasons;

gender equality – equal legal status of women and men and equal opportunities for its exercise, which allows persons of both sexes to take equal part in all fields of public life;

gender and legal expertise – analysis of the effective legislation, draft regulatory statutes aimed at drawing expert opinion on their compliance with the principle of the provision of equal rights and opportunities for women and men.
Article 2. Legislation on the provision of equal rights and opportunities for women and men

Legislation on the provision of equal rights and opportunities for women and men consists of the Constitution of Ukraine, this Act and other regulatory statutes.

If an international agreement to which Ukraine is a party establishes norms inconsistent with this Act, the norms of the international agreement shall apply.

Article 3. The basics for the state policies on the provision of equal rights and opportunities for women and men

The state policy on the provision of equal rights and opportunities for women and men is aimed at:

- strengthening gender equality;
- non-discrimination based on sex;
- taking positive actions;
- guaranteeing an equal participation of women and men in decision-making at vitally important spheres;
- ensuring equal opportunities for men and women to combine work and family responsibilities;
- encouraging family, forming responsible maternity and paternity;
- education and propaganda of gender equality’s culture among Ukrainian people and propagation of outreach activities in this sphere;
- protection of public against information aimed at discrimination based on sex.

Article 4. Gender and legal expertise

The effective legislation should be subject to gender and legal expertise. If a regulatory statute does not comply with the principle of the provision of equal rights and opportunities for women and men, the expert opinion of gender expertise shall be sent to the body adopted such a regulatory statute.

Regulatory statutes should be drafted with compulsory account for the principle of the provision of equal rights and opportunities for women and men.

Draft regulatory statute should be subject to gender and legal expertise. The expert opinion of gender expertise shall be obligatory element of the package of papers for the draft regulatory statute to be considered.

Procedure of gender and legal expertise shall be established by the Cabinet of Ministers of Ukraine.

Article 5. Reflection of statistics on the existing status of women and men in all sectors of public life by the bodies of state statistics

Central body of executive power on statistics ensures collection, processing, analysis, dissemination, retention, protection and exploitation of statistics on the
existing status of women and men in all sectors of public life selecting it according to items.

Statistics mentioned in paragraph 1 of this Article shall be integral element of the state statistic reporting procedure.

Article 6. Prohibition of gender discrimination

Gender discrimination shall be prohibited.

Gender discrimination shall not include:

- special protection of maternity function during pregnancy, childbirth and breastfeeding;
- compulsory recruitment for the military service of men prescribed by law;
- disproportion in retiring age for women and men prescribed by law;
- special requirements for the protection of women and men’s labour based on the protection of their reproductive health;
- positive actions.

Chapter II. GENDER EQUALITY ENFORCEMENT MECHANISM

Article 7. Bodies, institutions and organizations empowered to ensure equal rights and opportunities for women and men

Bodies, institutions and organizations empowered to ensure equal rights and opportunities for women and men shall be the following:

- the Verkhovna Rada of Ukraine;
- the Authorised Human Rights Representative of the Verkhovna Rada of Ukraine (the Ombudsman);
- the Cabinet of Ministers of Ukraine;
- specially authorized central body of executive power on the provision of equal rights and opportunities for women and men;
- bodies of executive power and bodies of local self-government, officers (coordinators) at these bodies authorized to ensure equal rights and opportunities for women and men;
- public associations.

Bodies of state power and local self-government, enterprises, institutions and organizations, public associations facilitate balanced representation of both sexes in the decision-making process. They may take positive actions in their activity to meet the goal of this Act.
Article 8. The authority of the Verkhovna Rada of Ukraine on ensuring equal rights and opportunities for women and men

The Verkhovna Rada of Ukraine shall:
- determine the basics of gender policies of the state;
- apply the principle of the provision of equal rights and opportunities for women and men in its legislative activity;
- exercise parliamentary control over law enforcement on ensuring equal rights and opportunities for women and men within the limits prescribed by the Constitution of Ukraine.

Article 9. The authority of the Authorised Human Rights Representative of the Verkhovna Rada of Ukraine (the Ombudsman) on ensuring equal rights and opportunities for women and men

The Authorised Human Rights Representative of the Verkhovna Rada of Ukraine shall:
- exercise parliamentary control over the observance of equal rights and opportunities for women and men within the limits of the exercise of control over the observance of constitutional human and citizens' rights and freedoms;
- administer complaints on discrimination based on sex;
- cover the issue on the observance of equal rights and opportunities for women and men in his or her annual reports.

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

The Cabinet of Ministers of Ukraine shall:
- provide for implementation of a single state policy aimed at ensuring equal rights and opportunities for women and men in all fields of public life;
- adopt National Action Plan on Gender Equality Implementation and ensures its realization;
- develop and implement state targeted programs on the provision of equal rights and opportunities for women and men;
- direct and co-ordinate the operation of ministries and other bodies of executive power on gender equality;
- organize the preparation of National Report on Implementation of the UN Convention on Elimination of All Forms of Discrimination against Women in Ukraine;
- adopt regulatory statutes with due account for the principle of gender equality;
- approve the procedure of gender and legal expertise;
- perform other powers in this field determined by the effective legislation.
Article 11. The authority of the specially authorized central body of executive power on the provision of equal rights and opportunities for women and men

The specially authorized central body of executive power on the provision of equal rights and opportunities for women and men shall:

- take part in forming up and realization of the state policy on ensuring equal rights and opportunities for women and men;
- co-ordinate the measures of ministries and other bodies of executive power aimed at gender equality;
- make public awareness efforts in mass media, organize education on gender equality;
- draw measures aimed at implementation of gender equality in all fields of public life;
- form up National Action Plan on Gender Equality Implementation;
- exercise control over the observance of gender equality in employment in central and local bodies of executive power;
- organize education for civil service staff on gender equality;
- together with other central bodies of executive power, prepare scientifically based propositions on ensuring gender equality;
- organize scientific and expert researches on ensuring equal rights and opportunities for women and men;
- move a motion to make positive actions and their suspension;
- monitor and generalize results of ensuring equal rights and opportunities for women and men;
- generalize implementation of state programs on gender equality;
- consider petitions of citizens on discrimination with distinction based on sex;
- keep records and generalize cases of discrimination with distinction based on sex and move motions to eliminate them;
- provide for cooperation with international organizations, respective bodies of foreign countries on the status of women and observance of international standards for 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 bodies of local self-government

Within the bounds of their authority, bodies of executive power and bodies of local self-government shall:
- ensure the provision of equal rights and opportunities for women and men;
- implement national and local programs on ensuring equal rights and opportunities for women and men;
- create conditions for women and men to combine work and family responsibilities;
- provide for equal access to social and personal services, including care allowances for children, the organization of preschool education and ensuring childish leisure;
- organize education on gender equality;
- cooperate with public associations with respect to the provision of equal rights and opportunities for women and men;
- move motions on updating the legislation on gender equality;
- further research and development with respect to gender equality;
- observe the principle of the provision of equal rights and opportunities for women and men in their activities;
- make positive actions.

Bodies of executive power shall appoint an authorized officer (coordinator) with respect to ensuring equal rights and opportunities for women and men.

Functions of an authorized officer (coordinator) may be exercised by a deputy minister or a deputy head of another body of executive power.

Bodies of executive power may for consultative and advisory bodies, appoint advisors on ensuring equal rights and opportunities for women and men.

Relevant local council may decide to appoint an authorized officer (coordinator) with respect to ensuring equal rights and opportunities for women and men within the staff of its executive body of relevant council.

Article 13. The authority of authorized officers (coordinators) with respect to ensuring equal rights and opportunities for women and men in bodies of executive power and bodies of local self-government

Within the bounds of their authority, authorized officers (coordinators) with respect to ensuring equal rights and opportunities for women and men shall organize the operation of relevant bodies of executive power and bodies of self-government aimed at:

- taking into account the principle of the provision of equal rights and opportunities for women and men in their activities in the relevant sector;
- analysis of the existing status of ensuring gender equality and examining expedience to make positive actions with a view to overcome asymmetry, imbalance on/in relevant territory or sector;
- cooperation with public associations, generalization of information received with respect to monitoring the existing status of the observance of gender equality and joint elaboration of means to eliminate discrimination based on sex;
- permanent propaganda of elimination of all forms of discrimination based on sex;
- taking measures with a view to form gender culture for the public;
- organization of the reception of citizens with respect to discrimination based on sex;
- consideration and analysis of addresses of citizens on discrimination with distinction based on sex, study of their reasons;
- training for staff of central and local bodies of executive power, bodies of local self-government on gender equality;
- taking measures with a view to eliminate cases of discrimination based on sex.

Article 14. Rights of public associations with respect to ensuring equal rights and opportunities for women and men

Public associations may:

- take part in the decision-making process of state bodies and of local self-government bodies with respect to the provision of gender equality;
- take part in the implementation of national and local programs;
- delegate their representatives to consultative and advisory bodies formed at bodies of executive power and of self-government;
- monitor gender equality enforcement;
- carry out other activities in accordance with their articles of association and the legislation of Ukraine on ensuring gender equality.

CHAPTER III. ENSURING EQUAL RIGHTS AND OPPORTUNITIES FOR WOMEN AND MEN IN PUBLIC AND POLITICAL SECTORS
Article 15. Ensuring equal rights and opportunities for women and men in elections

Equality of the rights of women and men is ensured by the legislation of Ukraine.

Political parties, electoral blocks shall provide for an equal representation of women and men in relevant electoral lists within the process of nominating candidates for people’s deputies of Ukraine offices in multi-mandate national electoral constituency.

Electoral commissions control the observance of this requirement.

Article 16. Ensuring equal rights and opportunities for women and men at civil service and service in bodies of self-government

Vacancies at civil service and service in bodies of self-government shall be filled with representation of persons of both sexes taken into account.

Discrimination based on sex with respect to civil service and service in bodies of self-government and to subsequent work shall be prohibited.

Heads of bodies of state power and of local self-government shall be obliged to guarantee equal access for citizens to civil service and service in bodies of self-government in accordance with their abilities and qualification without regard to sex of a person.

Staff reserve for vacancies at civil service and service in bodies of self-government, for career development shall be formed with due regard to ensuring equal rights and opportunities for women and men.

Positive actions are allowed to be made with a view to achieve balanced representation of women and men at civil service and service in bodies of self-government with due account to categories of civil servants’ offices.

CHAPTER IV. ENSURING EQUAL RIGHTS AND OPPORTUNITIES FOR WOMEN AND MEN IN SOCIAL AND ECONOMIC SECTORS

Article 17. Ensuring equal rights and opportunities for women and men in labour and its remuneration

Women and men are provided with equal rights and opportunities in employment, career development, training and skill-upgrading.

Employers should:

- provide women and men with equal working conditions;
- provide women and men with opportunities to perform both work and parental functions;
- pay an equal salary to women and men who has similar qualifications and who works in similar work conditions;
- take measures to create safe working conditions for life and health;
- take measures against sexual harassment.

Employers are prohibited to offer work only for women and only for men in announcements (advertising) on vacancies, save for special work which can be made exclusively by persons of one sex, to specify different requirements with a privilege for persons of one sex, to demand applicants to give their personal data, plans to deliver a child.

Employers may make positive actions aimed at balanced representation of women and men in all sectors of labour as well as among different categories of workers.

Article 18. Ensuring equal opportunities in making collective agreements and arrangements

If social and labour relations are regulated by collective agreements or arrangements (master, regional and sectoral agreements, collective arrangements), such an agreement (arrangement) shall comprise of provisions ensuring equal rights and opportunities for women and men with specific date for implementation of relevant provisions.

Collective agreements (arrangements) shall comprise of:
- empowerment of a worker to be both authorised person on gender equality and advisor to a manager of an enterprise or organization or its departments on pro bono basis;
- staff management and subsequent promotion with a privilege for persons of imbalanced sex;
- elimination of inequality in remuneration for work of women and men in different sectors of economy, as well as in one sector on the basis of general social normative standard for remuneration in budgetary and other sectors, as well as on the basis of training (skill-upgrading) of staff.

Article 19. Ensuring equal rights and opportunities for women and men in business

The State ensures equal rights and opportunities for women and men in business activities.

National and regional positive actions may be made to eliminate imbalance in business activities by means of encouraging business activities, providing credits on preferential rate, business training and other measures with a due account for statistics.

Article 20. Ensuring equal rights and opportunities for women and men in social sector
Bodies of executive power and local self-government, enterprises, institutions and organizations shall take social protection measures with equal account for interests of women and men.

Worsening the existing status of persons of any sex shall not be permitted within the system of social protection, retirement insurance and social allowances.

CHAPTER IV. ENSURING EQUAL RIGHTS AND OPPORTUNITIES FOR WOMEN AND MEN IN EDUCATION

Article 21. Ensuring equal rights and opportunities for women and men in education and professional training

The State ensures equal rights and opportunities for women and men in education.

Educational institutions shall:
- create conditions for women and men to enter educational institutions, at grading, to receive fellowships, loans for students;
- work up and edit manuals, training manuals free of stereotyped images for role of women and men;
- raise gender equality culture, sharing of responsibilities in labour and household work.

Central body of executive power on education and science shall provide for expertise of training modules, manuals and training manuals for educational institutions for the observance of gender sensitivity.

Training modules of higher educational institutions, training courses comprise of content areas on ensuring gender equality and elective courses on legal grounds for gender equality based on the approximation of national and international law.

CHAPTER VI. LIABILITY FOR VIOLATING LEGISLATION ON PROVISION OF EQUAL RIGHTS AND OPPORTUNITIES FOR WOMEN AND MEN

Article 22. Appealing discrimination based on sex and sexual advances (sexual harassment)

Should a person deems to be an object of discrimination on sex and sexual advances (sexual harassment) she or he has the right to address to the Authorised Human Rights Representative of the Verkhovna Rada of Ukraine (the Ombudsman), specially authorized central body of executive power on the provision of equal rights and opportunities for women and men, law enforcement bodies of the state and courts.
After exhausting all domestic legal remedies or unreasonable protraction to use such remedies, persons of any sex or groups of persons have the right to appeal to the UN Committee on the Elimination of Discrimination against Women on the violation of equality of rights and opportunities for women and men.

Article 23. Remuneration for financial expenses and moral damages suffered by a person as a result of discrimination based on sex or sexual advances (sexual harassment)

A person has the right to remuneration for financial expenses and moral damages suffered by a person as a result of discrimination based on sex or sexual advances (sexual harassment). Moral damages shall be remunerated without regard to financial expenses which are subject to remuneration and shall not be dependent on their size.

Procedure of remuneration for financial expenses and moral damages suffered by a person as a result of discrimination based on sex or sexual advances (sexual harassment) shall be established by law.

Article 24. Liability for breach of legislation on the provision of equal rights and opportunities for women and men

Persons who are found guilty of breach of legislation on the provision of equal rights and opportunities for women and men shall bear civil, administrative and criminal liability in accordance with law.

Chapter VII. FINAL PROVISIONS

1. This Act shall come into effect on the 1st of January 2006.

2. The Cabinet of Ministers of Ukraine shall within three months:

   - submit to the Verkhovna Rada of Ukraine its proposals on bringing statutes of Ukraine into line with this Act;
   - bring decisions of the Government into line with this Act;
   - secure adoption of regulatory statutes which are directly referred to this Act;
   - ensure the ministries and other central bodies of executive power to bring their regulations in line with this Act.