

# What other forms of discrimination exist and why I need to know them



Discrimination is a complex phenomenon that takes various forms and manifests itself in many ways. To know when your rights are violated is the first step towards protecting yourself. Read about other forms of discrimination in the series of brochures *Protect yourself against discrimination!*

# How to make a discrimination complaint and who to complain to?

**You can file a discrimination complaint with a court or make a complaint to the Ukrainian Parliament Commissioner for Human Rights.**

- Like any other human rights complaint, no particular form of discrimination complaint is required.
- It is important that you describe all the circumstances, name the violator of your rights, and provide your personal details.
- Bear in mind that anonymous complaints will not be reviewed.
- You can file your complaint online or by mail.

# What can the Ukrainian Parliament Commissioner for Human Rights do to help me?

The Commissioner monitors compliance with the Law of Ukraine *On the Principles of Prevention and Combating Discrimination in Ukraine* and has the following functions:

- To review complaints against all forms of discrimination in different spheres of public life, in particular in private sphere;
- To monitor compliance with the non-discrimination principle, maintain records of discrimination cases, consolidate the data, and prepare annual reports;
- Provide expert opinions in discrimination cases at the request of courts.

**The functions of the Commissioner go further but the main thing you have to remember is that you should make complaints against discrimination to the Commissioner!**



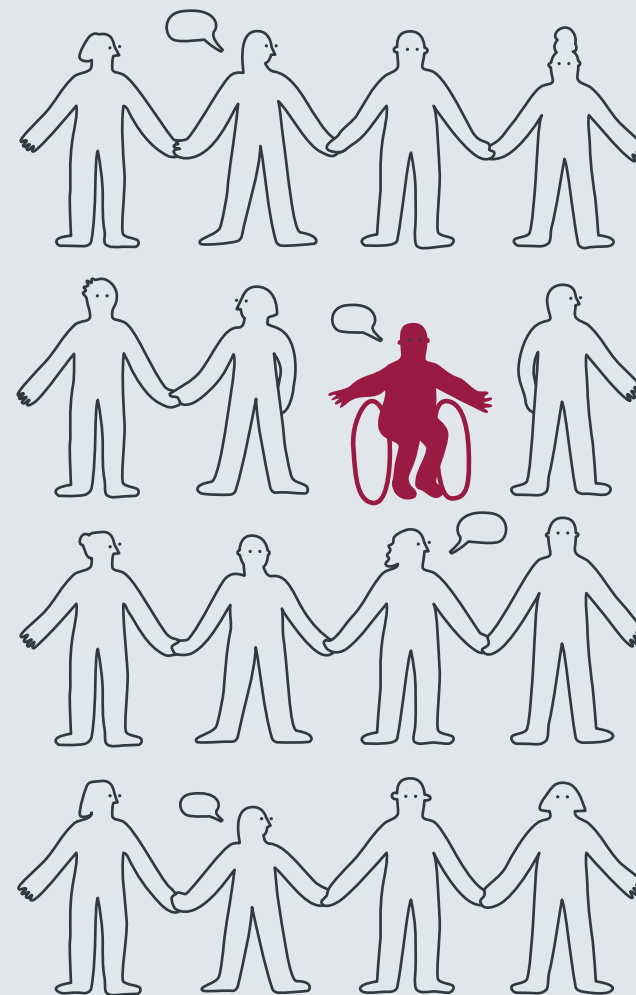
**Ukrainian Parliament Commissioner for Human Rights**

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# Direct discrimination

*Protect yourself against discrimination! series*



Discrimination is less favorable treatment of a person for being different from others in any way (having a particular characteristic).

## What is direct discrimination

This is a simplified definition of direct discrimination. According to the Law of Ukraine *On the Principles of Prevention and Combating Discrimination in Ukraine*, direct discrimination is a situation where a person and/or group of persons is treated less favorably than other persons and/or groups of persons in a similar situation on the grounds of their particular characteristics unless such treatment has a legitimate, objectively justified aim and the means of achieving that aim are appropriate and necessary.

## What are protected characteristics

Protected characteristics are the characteristics upon which it is unlawful to discriminate against a person or treat them less favourably than others. The Law contains a detailed, albeit not exhaustive, list of such characteristics including the following: race, skin colour, political, religious, or other beliefs, sex, age, disability, ethnic origin or social background, nationality, family and property status, place of residence, language, or other characteristics.

The expression *'other characteristics'* means that the list is open-ended and that persons with other characteristics similar to those specified in the Law also need to be protected against discrimination. Other characteristics include HIV-positive status, IDP status, the Anti-Terrorist Operation veteran status, sexual orientation and gender identity, health status, etc. The majority of these characteristics are specified in other laws of Ukraine.

## Examples of unlawful conduct

A private dentistry states on its website, *"We do not provide services to HIV-positive patients"* (i.e. discrimination on the grounds of health status).

During a job interview, an HR representative asks women whether they have a family and children (i.e. discrimination on the grounds of family status).

A gym network will not sell membership cards to persons with disability (i.e. discrimination on the grounds of disability).

An obstetrician refuses to admit a pregnant woman to labour and delivery on the grounds that she is Roma and has no ID (i.e. discrimination on the grounds of ethnic origin).

A bus driver denies a teenager of colour, with a multiple-child family discount card, a bus ticket discount stating that only Ukrainian nationals are eligible for discounts whereas he believes that the child is not a Ukrainian national (i.e. discrimination on the grounds of race).

Upon returning to work after maternity leave, a woman is assigned to a lower position and her former position is given to a man (i.e. discrimination on the grounds of sex).

A bank denies a blind woman a personal loan, or requests additional proof of income, while these documents are not otherwise required from other customers with the same income (i.e. discrimination on the grounds of disability).

**If you recognize yourself or a person you know in these or similar situations, this gives food for thought.**

## Ask yourself a few questions:



**Was I treated less favourably than others in the same situation?**



**Which of my protected characteristics could have been the reason for less favourable treatment?**



**Was there a legitimate reason for this different treatment?**