

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!



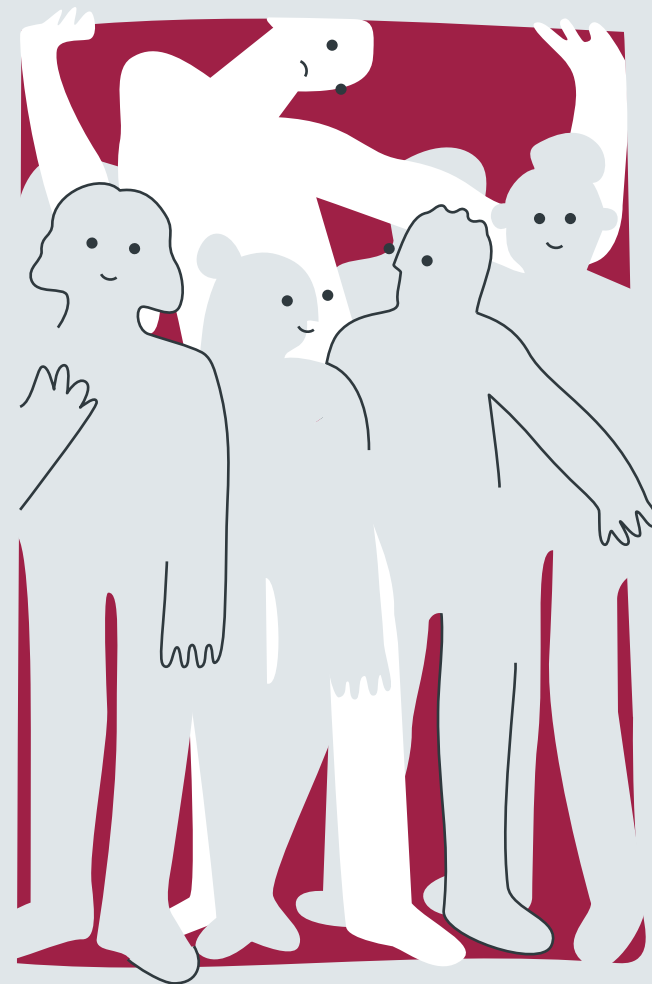
Ukrainian Parliament Commissioner for Human Rights

Address: 21/8 vul. Instytutska, Kyiv 01008
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Indirect discrimination

Protect yourself against discrimination! series



Indirect discrimination is a situation where practices, rules, or criteria equally applied to all people have a more adverse impact on certain people than on others (due to their protected characteristics).

What is indirect discrimination

Below is a simplified definition of indirect discrimination. According to the Law of Ukraine *On the Principles of Prevention and Combating Discrimination in Ukraine*, indirect discrimination is a situation where implementing or applying nominally neutral legal provisions, assessment criteria, rules, requirements, or practices creates less favourable conditions or situations for a person and/or group of persons due to their particular characteristics compared to other persons and/or groups of persons 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 him/her less favourably than others. The Law contains a detailed, albeit not exhaustive, list of such characteristics including the following: race, skin color, 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 kindergarten does not offer individual meal plans for allergic children. Therefore, lactose- and gluten-intolerant children have no access to special diets (i.e. **discrimination on the grounds of health status**).

– There is no statutory requirement for providing sign language interpretation and the ratio of sign language broadcasting on national TV channels. Consequently, the majority of TV channels do not provide interpretation nor subtitles, making the service inaccessible to people with hearing impairments (i.e. **discrimination on the grounds of disability and health status**).

– A vacancy announcement requires at least ten years of work experience, which may lead to **discrimination on the grounds of age**, particularly where an employer is unable to justify the minimum experience requirement for the job concerned.

– A delivery service makes changes in its operating procedures and stops delivering items at people's door, instead asking its customers to come downstairs and pick up their deliveries outside the house. As a result, customers with reduced mobility are unable to use delivery services (i.e. **discrimination on the grounds of disability and health status**).

– Stringent employee dress codes may infringe on the rights of people who must wear certain religious clothing, such as Muslim women who wear headscarves (i.e. **discrimination on the grounds of religious beliefs and sex**).

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?