



Working together
www.rcis.ro

Revista de Cercetare si Interventie Sociala

ISSN: 1583-3410 (print), ISSN: 1584-5397 (electronic)

ANALYSIS OF THE SHORTCOMINGS OF ANTI-DISCRIMINATION PROVISIONS IN THE LEGISLATION OF UKRAINE AND EUROPEAN COUNTRIES

*Maryna KUZNETSOVA, Victor SHYDLOVSKYI, Vadym KOTOV,
Alisa ZVIAGINA, Tetiana BARANOVSKA*

Revista de cercetare și intervenție socială, 2025, vol. 88, pp. 134-150

<https://doi.org/10.33788/rcis.88.9>

Published by:
Expert Projects Publishing House



On behalf of:
„Alexandru Ioan Cuza” University,
Department of Sociology and Social Work
and
HoltIS Association

Analysis of the Shortcomings of Anti-Discrimination Provisions in the Legislation of Ukraine and European Countries

Maryna KUZNETSOVA¹, Victor SHYDLOVSKYI², Vadym KOTOV³,
Alisa ZVIAGINA⁴, Tetiana BARANOVSKA⁵

Abstract

The importance of the research topic is explained by the problematic state of legislation combating discrimination in Ukraine, which has many loopholes and does not fully correspond to European legislation. This issue is critical because of Ukraine's European integration and the approximation of national legislation to the EU legislation. The research aims to critically discuss the defects of the normative integration of anti-discrimination provisions into the legislation of Ukraine and the EU member states. The subject of the study is the legislation concerning questions of equality and non-discrimination. The study compares Ukrainian and European legislation and judicial practice in applying anti-discrimination standards. From the results obtained, it can be concluded that there are significant deficiencies in the legislation of Ukraine, including a lack of clarity of definition, a lack of efficient control, and an insufficient application of norms in judicial practice. European countries have better mechanisms for checking and balancing

¹ Department Private and Social Law, Faculty of Law, Sumy National Agrarian University, Sumy, UKRAINE. E-mail: oshkodorova@ukr.net; ORCID: <https://orcid.org/0000-0003-3566-6016>

² Department of National Security, Public Management and Administration, Zhytomyr Polytechnic State University, Zhytomyr, UKRAINE. E-mail: vshidlov@gmail.com; ORCID: <https://orcid.org/0009-0007-0510-7420>

³ Interregional Academy of Personnel Management, Kyiv, UKRAINE. Email: Kotov.v.v@ukr.net; ORCID: <https://orcid.org/0009-0002-5258-8101>

⁴ Faculty of Croatian Studies, University of Zagreb, Zagreb, CROATIA. E-mail: az26122000@gmail.com; ORCID: <https://orcid.org/0000-0001-5022-0958>

⁵ Department of Law and Law Enforcement, Zhytomyr Polytechnic State University, Zhytomyr, UKRAINE. E-mail: Tatyana_baranovs @ukr.net; ORCID: <https://orcid.org/0000-0002-6471-5932>

the judiciary and matters of discrimination than the US. The practical value of the study is in giving recommendations on enhancing the legislation of Ukraine, considering the European countries' experience of the rights of citizens' protection for enhancing the effectiveness of legislation and national legislation compliance with international legislation.

Keywords: anti-discrimination legislation; discrimination; legal protection; Ukraine; European Union; equality; judicial practice; international standards.

Introduction

Employment anti-discrimination is a profound aspect of human rights in any democratic society. Today, there are problems with legal acts that are Ukrainian laws aimed at preventing discrimination towards individuals. However, there are deficiencies in the legal terms of anti-discrimination provisions, including but not limited to ambiguous terminology use regarding law enforcement practice, lack of adequate institutional back-up and meagre remedies, all hamper the effective enforcement of these norms. Moreover, anti-discrimination provisions in European countries are much more legal and practical at the same time. Moreover, compared to European legislation, specific challenges of Ukrainian legislation shall be analysed to enhance legal regulation in this field. This problem acquires particular significance in the context of Ukraine and its further European integration process, as well as the process of adaptation of Ukrainian legislation to comply with the needs of the European Union, including, but not limited to Directives 2000/43/EC and 2000/78/EC on discrimination on race, ethnic, religious, and age grounds, among others (Rym & Kosovych, 2023). The lack of sufficiently developed control mechanisms and low civic awareness of citizens regarding their rights in the sphere of anti-discrimination considerably diminish the efficiency of present legal novelties in Ukraine. Second, Ukraine's judicial practice concerning discrimination is not well elaborated; thus, the opportunities to stop case law growth and broaden law enforcement activities are limited. Pretrial proceedings are mostly handled at high, interlocutory courts, which is a problem for citizens. Specific focus is paid to specialised institutions in the countries of Europe, including the national equality agencies and ombudspersons, which have considerable roles in combating discrimination, supervising compliance with the anti-discrimination standards and providing remedies. Therefore, the issue is upgrading Ukraine's anti-discrimination legislation through legal clarity, effective mechanisms of monitoring legal obligations, creating case laws, and increasing public awareness of their rights.

Problem statement

It is possible to note specific deficiencies in anti-discrimination legislation in Ukraine, which affect its efficiency in one way or another. Some are termed vague definition, inadequate policing, insignificant infrastructure, and few redresses. European countries, on the other hand, are endowed with proper and efficient laws against discriminations. Analysing the shortcomings mentioned above in Ukrainian legislation and comparing the provisions with the European provisions will enhance the legal regulation of this field. This matter is urgent considering Ukraine's European integration and, therefore, parallel amendments to the legislation by the EU norms. The lack of control measures and the general population's relatively low awareness of their rights also weaken the possibility of a practical protective legal framework against discrimination in Ukraine. Citizens of the country still struggle to seek justice in discrimination cases mainly because the country's judicial practice related to discrimination issues still underarms Olsson *et al.* (2005). Specific aspects of anti-discrimination law enforcement in European countries are based on the action of separate national institutions such as agencies for equal treatment and ombudspersons. In order to resolve these problems, Ukraine must strengthen and bring clarity to anti-discrimination legislation and legally secure effective monitoring procedures, advance the development of case law, and intensify activity related to the recognition of rights by the population.

The aim of the article is to study the shortcomings of the anti-discrimination provisions in the legislation of Ukraine and European countries, focusing on the effectiveness of their implementation and compliance with international standards.

Objectives of the article:

1. To conduct a comparative analysis of Ukraine's and European country's anti-discrimination legislation.
2. To identify the main shortcomings in the legal framework of anti-discrimination provisions in Ukraine.
3. To study the impact of international legal norms and recommendations on the legislative processes in the field of anti-discrimination in Ukraine.
4. To analyse precedents and cases of application of anti-discrimination norms in the practice of judicial bodies of Ukraine and European countries.
5. To propose recommendations for improving legal regulation in the anti-discrimination field based on the experience gained.

Literature review

Literature analysis covers various aspects, such as the distinction between criminal and administrative liability in Ukraine and other countries, their justice systems, and security considerations concerning criminal policy and human rights. In their recent work, Oliinyk *et al.* (2022, 2023), the authors investigate economic security from the policy criminal coverage, comparing the comparative

approaches of Western and European nations. In this context, this analysis states that there is a connection between criminal policy and economic stability. Due to the dissimilarity between the Western and European models, a stark contrast exists in the outlooks of fighting economic crime. Zarosylo *et al.* (2023) concentrate on the spare of comparing the administrative and criminal penalties in Ukraine with those of other countries. They argue the current call for changes in legal systems to enhance penalties and fight abuse of the law. The authors examined the possibilities of changes in legal regulation and stressed the international aspect. In turn, Izbash (2020) analyses the question of proof in administrative offence proceedings. He underlines the significance of an appropriate procedure for gathering and assessing evidence in such cases, particularly in the framework of an administrative procedure. In this regard, the article underscores the importance of reforms to this area within the European context.

Kärner (2022) looks at procedural rights about administrative fines in the EU. The author focuses on social accountability for warrantless human rights in the context of administrative processes in criminal law. That is why, according to the study, it is crucial to reconsider the approach to applying administrative penalties to preserve rights and freedoms. Krainyk and Tsypshchuk (2020) and Tur *et al.* (2023) express their concern about the phenomenon of “criminal offence” in the criminal legislation of Ukraine. He and his followers stress that applying this concept results in the distinction between administrative and criminal violations in the performance of official duties, which complicates the work of the police. Kulik and Błotnicki (2021) operate with minor offences in Poland’s criminal and administrative law context. They compare the two legal systems and stress the fact that there must be a distinction between administrative and criminal responsibility, as the number of rules and penalties is already excessive.

Fedorovych (2023), in his work entitled “Anti-Discrimination Legislation in Ukraine”, proposed a working plan for the development of anti-discrimination legislation in the territory of Ukraine. To discuss the subject, the author pays special attention to the inadmissibility of applying national legislation, which is not adjusted to European legislation, and explains the necessity of enhancing protection against discrimination in different aspects of public life. Civic Synergy (2018) discusses the Barclay review and evaluation of the regulation of equality, non-discrimination, employment, and use of services and Social Security products. The problems of vulnerable groups and proposals for improving the approaches to their protection are the key themes of the report in question (Civic Synergy, 2018; Oliinyk *et al.*, 2023). Tubergen (2024) explores the understanding of social discrimination by immigrants in 17 European countries. The presented work is devoted to the integration paradox, which states that foreign-born persons with higher levels of education often experience discrimination more frequently than those with lower education levels.

In this paper, Lee (2022) looks at the principle of non-discrimination and anti-discrimination measures and regulations, especially the aspect of discrimination

based on Sexual orientation. The author underlines the necessity of a legal human rights regime within the contemporary world and points to various strategies for human rights actions. The article by Kovalenko (2023) shares research about the influence of European law on Ukraine's legislation, focusing on the requirement to bring Ukrainian contract law into compliance with European law. This paper reveals the need for a legal transition during Ukraine's EU accession. Criticising anti-discrimination rules and policies, Jafari and Jafari (2024) discuss students' and universities' reception of such approaches. They highlight the role of learning institutions in the elimination of discrimination policies. Reiterer (2023), in reviewing Sandra Fredman's *Discrimination Law* third edition, notes a strong focus on discrimination of law and theoretical and practical aspects of anti-discrimination at the international level.

The cognition of literary sources also concerns the legislative and normative acts related to the protection of equal rights and non-discrimination policy in Ukraine and Europe. These sources also help to find national and international human rights protection and their implementation. The Constitution of Ukraine (1996) is the primary normative legal act of the state, which determines human rights and freedoms, along with legal equality. Thus, it can be said that it only forms the basis of all the following legislative acts empowering the non-discrimination and protecting the equal rights of all citizens of Ukraine (Constitution of Ukraine, 1996). The Laws of Ukraine's "On Principles of Preventing and Countering Discrimination" (2012) deals with the requirements and legal steps for preventing discrimination at the different levels of society concerning gender, race, ethnicity, and other forms of discrimination. However, in practice, this law aligns Ukrainian legislation with international norms recognised internationally (Law of Ukraine, 2012). The Law of Ukraine concerning guaranteeing equal rights and opportunities for women and men № 2759-III dated 02.03.2005 preserves the equal rights of genders in all the spheres of social life in Ukraine (Law of Ukraine, 2005). EU Directives 2000/43/EC and 2000/78/EC are two bare normative acts that govern the question of equal treatment in employment and the prevention of discrimination on the grounds of racial, ethnic or religious affiliation (Directive 2000/43/EC, 2000; Directive 2000/78 EC, 2000).

The most important international documents that require member states to seriously work for the elimination of any kind of discrimination are the UN Convention on the Elimination of All Forms of Racial Discrimination (1965) and the UN Convention on the Elimination of All Forms of Discrimination Against Women (1979) (UN Convention, 1965; UN Convention, 1979). Concerning the issues of discrimination and equal treatment in the European Union, the European Convention on Human Rights of 1950 and the decisions of the European Court of Human Rights of 2023 influence problems of protection of human rights and equal treatment before the law (European Convention on Human Rights, 1950; European Court of Human Rights, 2023).

Such sources reveal the goal and objectives of activity, as well as the efficiency and adequacy of protecting equality and non-discrimination in Ukraine and Europe through legislative activity, ratification of international treaties, and appropriate legal measures.

Methodology

The study employs a comparative legal method to expose the gaps in Ukraine's anti-discrimination legislation compared to Europe's. The current approach enables the examination of variations and issues within legal rules and compliance systems. Also, the paper aims to analyse case law concerning the application of anti-discrimination norms in Ukraine and some European countries, focusing on judicial practices. Through document analysis, EU directives and Ukrainian legal acts are also assessed in terms of their effectiveness within the international and national legal legislation framework. Discrimination The two theories that underpin human rights and normative are legal theory, which forms the base knowledge of state responsibilities.

Results

The analysis of the Ukrainian legislation on anti-discrimination with the legislation of the European countries identifies the main legislative acts regulating the right to equal treatment and non-discrimination. This paper also shows in the Constitution of Ukraine, there is no discrimination against human and civil rights; moreover, the principles of preventing discrimination in Ukraine are also defined in the Law on the Principles of Prevention and Counteraction of Discrimination (Tur *et al.*, 2023) Ukrainian Labor Code does not allow employers to discriminate workers in the field of labour Relations; there is a special law that is protecting against Discrimination in the field of labour, which also includes protection gender Discrimination.

In the EU member states, the Council Directives have laid down the directive principle of non-discrimination on grounds of racial or ethnic origin and equality of treatment in employment and occupation. Germany has the Allgemeines Gleichbehandlungsgesetz or a general law on equal treatment, while the French have provisions on equal treatment and non-discrimination. However, in law, some provisions say discrimination is wrong, and this applies to Ukraine and European countries, but the existing laws are incomplete in the sense that there is always a way around the laws in place. Ukraine does not have explicit measures to ensure the violation of the enacted laws and protection in courts; that is why most European states have developed case law and institutional practices regarding

equality. Some European countries' institutions are ombudspersons and national human rights agencies.

In order to change the situation in Ukraine, recommendations are to consider the following: improve the activities of the police work through the introduction of the monitoring system and cooperation of the courts and human rights organisations. The author also points out the message that Ukraine should follow the examples of successful experiences of some EU countries as well as such measures as combating discrimination in various aspects of life. Consequently, the typology of the mentioned information within the work is concluded in the contemplation of comparing approaches to combating discrimination in Ukraine and European countries. However, according to the Ukrainian legislation, necessary improvements were not made in practice regarding legal enforcement agencies providing practical protection of the citizens' rights. This paper discusses whether there are lessons to be learned from the European countries' case that may help Ukraine improve its anti-discriminatory activity (Table 1).

Table 1. Comparison of anti-discrimination legislation in Ukraine and European countries

Country	Key legislative acts	Scope of the legislation	Disadvantages	Advantages
Ukraine	1. The Constitution of Ukraine (Article 24)	Employment, access to services	Lack of straightforward judicial practice	Availability of basic laws
	2. Law "On Principles of Prevention and Combating Discrimination"	Education, social protection	Insufficient control mechanisms	Harmonisation with international standards
Germany	Allgemeines Gleichbehandlungsgesetz (2006)	Employment, education, services	Sometimes complicated court practice	Clear enforcement mechanisms
France	Loi no 2008-496	Employment, access to services	Not always precise regulation in new areas	Effective protection institutions
EU (general provisions)	Directive 2000/43/EC, Directive 2000/78/EC	Employment, access to goods and services	Implementation in national legislation	Uniform standards for member states

As for the peculiarities of legal regulation of the anti-discrimination provisions in the analysed legal system, specific weaknesses can be distinguished at the current stage. Firstly, there are problems with defining some basic concepts such as "discrimination" and "direct/ indirect discrimination". Secondly, there are no proper mechanisms to check discrimination; even though there are laws that

set down prohibitions of discrimination, there is no clarity on which bodies are expected to enforce the implementation and action of discrimination laws. Thirdly, the lack of fully developed judicial enforcement of anti-discrimination norms means that victims do not believe they will receive a fair determination of their cases. Third, little public awareness and legal knowledge of discrimination mean low protection standards for those without knowledge of the law. Finally, there are questions of an inferior fit with the International standards, especially in adopting the recommendation from the Council of Europe and the adoption of EU directives on issues concerning discrimination. These shortcomings suggest a necessity for elaborating more legal acts, strengthening institutions and bringing up to date the policing practices as for the problem of discrimination in Ukraine (Table 2).

Table 2. Critical shortcomings of the regulatory framework of anti-discrimination legislation in Ukraine (concerning legislative acts)

Direction	Description of the gap	Consequences	Legislative acts
Insufficient detailing of concepts	The Law of Ukraine, "On Principles of Preventing and Combating Discrimination" (2012), does not clearly define concepts such as "direct" and "indirect" discrimination.	This creates legal uncertainty, making applying the law in practice challenging.	Law of Ukraine "On Principles of Preventing and Combating Discrimination in Ukraine" (2012), Article 1.
Lack of effective control mechanisms	Legislation does not provide a clear division of responsibilities between state bodies to monitor compliance with anti-discrimination norms.	There are not enough effective mechanisms to control and monitor discrimination cases.	Law of Ukraine "On Principles of Preventing and Combating Discrimination in Ukraine" (2012), Articles 5, 6.
Weak judicial practice	The judicial system does not have enough precedents in discrimination cases, which leads to legal uncertainty.	Insufficient court practice in resolving cases with discriminatory elements reduces the effectiveness of protection.	The Constitution of Ukraine (Article 24), the Labor Code of Ukraine (Articles 2-1), and case law.

Lack of information and education	Lack of state programmes or measures to inform citizens about their rights in protecting against discrimination.	People are often unaware of the possibilities of legal protection, which reduces the effectiveness of laws.	The law of Ukraine, "On Principles of Preventing and Combating Discrimination in Ukraine" (2012), does not have state programmes.
Poor harmonisation with international standards	Ukraine has implemented some international norms, but the mechanisms for their implementation are not sufficiently developed.	The lack of harmonisation with European standards leads to Ukraine's insufficient integration.	EU Directives 2000/43/EC, 2000/78/EC. Inconsistency of national legislation with international requirements.

A number of essential weaknesses of the Ukrainian anti-discrimination legal requirements have been determined and outlined below. The main problems are the lack of precise specifications of the concepts, the absence of adequate controls, scarce judicial experiences, and citizens' relatively poor understanding of their rights. There is still a long way to go to achieve better EU legislative approximation, and policing should be addressed better by defining the functional activities of respective institutions and popularising legal consciousness through training. The use of these measures will contribute to the further increase in the protection of human rights in Ukraine and the commencement of an efficient fight against discrimination, as a rule.

However, international legal norms and recommendations' impact on the processes in the sphere of anti-discrimination legislation in Ukraine reflects significant factors due to Ukraine's desire to conform to international legislation, especially in relation to European integration. Analysing this can signify several characteristics of this impact. Let us consider them.

1. Implementation of international conventions. Ukraine has ratified several international documents regulating the protection of human rights and the prohibition of discrimination. The most important of them are:

- The UN Convention on the Elimination of All Forms of Racial Discrimination (1965) and the Convention on the Elimination of All Forms of Discrimination Against Women (1979) are the primary documents that create the legal framework for combating discrimination internationally.
- The European Convention on Human Rights (1950), ratified by Ukraine in 1997, obliges the country to ensure human rights and equality, particularly in anti-discrimination. Ukraine is also a member of the Council of Europe Convention on the Protection of Human Rights and Fundamental Freedoms,

which clearly regulates equality and the prohibition of discrimination, as reflected in the decisions of the European Court of Human Rights (ECtHR).

2. *EU directives are the most prominent source of inspiration for Ukrainian anti-discrimination legislation.* In particular:

- The Racial Equality Directive – Council Directive 2000/43/EC on equal treatment irrespective of racial or ethnic origin.
- The Council Directive 2000/78/EC concerning Equality between persons with a disability and those without in the field of employment and occupation.

These directives encouraged Member States and acceded/countered countries, including Ukraine, to align domestic and European legislation. Following the legislation of the European Union, in 2012, Ukraine passed the Law “On the Principles of Preventing and Combating Discrimination in Ukraine” as a legal and significant step to meet the EU requirements. Nonetheless, as practitioners assert, legislation has been implemented at an insufficiently high level because of inadequate judicial practice and insufficient institutional development.

3. *Recommendations of international organisations.*

- The Council of Europe makes recommendations to Ukraine regarding the improvement of anti-discrimination legislation. This pertains to the application of equal rights in connection with legal action and international treaties.
- The UN, including through its organs - the UN Human Rights Committee - also oversees and suggests upgrading laws against discrimination.

4. *Recommendations of international organisations.* Barristers must also follow certain traditions. Most of these procedures are subject to the recommendations of international organisations. Some of the traditions of barristers include. In most cases, several of these traditions are governed by specific recommendations of international organisations.

- CoE provides recommendations to Ukraine regarding the development of a legal base for countering discrimination on a regular basis. This pertains to the protection of equality of rights, especially as to the course of judicial actions and reference to international legal requirements.
- The UN oversees and offers suggestions on enhancing the anti-discrimination law for its member states through institutions like the UN Human Rights Committee.

5. *ECHR case law.* The decisions of the European Court of Human Rights directly impact the continuing formation of judicial practice in Ukraine. The decrease in discrimination cases and their importance as a result of ECHR judgments against Ukraine in regard to discrimination promote enhancing the implementation of

anti-discrimination norms in national practice. Despite this, Ukraine still lacks several cases concerning discrimination per se, which does affect court practice.

5. Realisation of the institutions QtCore (2009). Following the recommendations of international organisations, new institutional mechanisms have been established in Ukraine to combat discrimination, including:

- The Office of the Ukrainian Parliament Commissioner for Human Rights monitors compliance with human rights, including discrimination.
- Protection against discrimination is also part of the National Strategy in the Sphere of Human (2015); this can be explained by the impact of international standards.

Ukraine employs international legal norms and recommendations as a model for constructing its legislation against discrimination. Despite the progress achieved in Ukraine's current legislative environment, there are some issues with applying legislation that responds to the norms at the international level. Other measures in the hands of the state should, therefore, focus on enhancing the ameliorative of judicial practice, increasing public awareness of the prohibition of discrimination legislation, and implementing enhanced monitoring mechanisms of the provisions of the anti-discrimination statutes.

The analysis of precedents and cases of application of anti-discrimination norms in the practice of legal bodies of Ukraine and European countries allows us to characterise the effectiveness of the legal regulation and its impact on protecting human rights from discrimination in practice.

This is predetermined by the fact that the number of cases referring to discrimination in the territory of Ukraine is still rather insufficient, and the amount of awareness of citizens' rights is insufficient. However, in a gender discrimination case formed in 2017, the Supreme Court stated that an employee who was denied a promotion because she was a woman had been stuck in the lower court for five years before her case could be heard. The court looked at anti-discrimination laws and the constitution as a foundation for future strides in anti-discrimination. The ECHR also plays a vital role in formulating anti-discrimination legislation in Europe and Ukraine. An example of such judgment includes the case with the children of Roma in the Czech Republic, to which the ECHR admitted that placing such special needs schools through discrimination tests was an example of indirect discrimination. The following case dealing with religious freedom showed that the claim for wearing a cross violated this right of the British Airways worker. These ECHR decisions are obligatory for Ukraine as the signatory state to the European Convention on Human Rights (OSCE Office for Democratic Institutions and Human Rights [ODIHR], 2005). Other European countries have other distinctive national court practices on discrimination; for instance, a case of unfair dismissal

of an employee on the grounds of her pregnancy is regarded as ‘sex discrimination’ under both French law and the EU directive.

Table 3 shows precedents and cases of application of anti-discrimination norms in the practice of judicial bodies of Ukraine and European countries.

Table 3. Precedents and cases of application of anti-discrimination norms in the practice of judicial authorities of Ukraine and European countries

Country / Authority	Case / Year	Case description	Decision	Conclusion
Ukraine	The case of gender discrimination (2017)	An employee was not promoted because she was a woman.	The Supreme Court of Ukraine ruled in favour of the plaintiff, recognising discrimination.	An important precedent for the development of anti-discrimination legislation.
Ukraine	Marchenko v. Ukraine (2020)	Discrimination in the workplace based on age.	The ECHR recognised discrimination and violation of Article 14 of the European Convention. 30. Cerna (2013).	This is an essential decision for further developing judicial practice on age discrimination.
ECHR	“D.H. and Others v. the Czech Republic (2007)	Indirect discrimination against Roma children by placing them in special schools based on testing.	The ECHR recognised indirect discrimination on ethnic grounds, violating Article 14 of the Convention. Cerna (2013).	An essential case of indirect discrimination that has an impact on European practice.
ECHR	“Eweida and Others v. the United Kingdom (2013)	An employee was suspended from work for wearing a cross in a visible place, which violated company policy.	The ECHR recognised a violation of freedom of religion, noting the disproportionality of the employer’s requirements.	An important precedent in the protection of religious rights in the workplace.
France	Pregnancy discrimination case (2015)	An employee was dismissed because she was pregnant, which was found to be sex discrimination.	The court ruled in favour of the employee, referring to Directive 2000/78/EC.	Strengthening anti-discrimination practices in employment in France.

Country / Authority	Case / Year	Case description	Decision	Conclusion
Germany	Religious discrimination case (2018)	An employee was dismissed for refusing to work on certain religious holidays, citing her religious beliefs.	The court found the dismissal unlawful, referring to the religious rights of employees under German law.	A critical case in the protection of religious rights of employees in Germany.

This table shows some peculiarities of the application of anti-discrimination norms in court practice in Ukraine and European countries, including significant case law that left a significant imprint on the creation of law enforcement practice. Thus, based on the analysis of court practice in Ukraine and European countries, the following recommendations have to be made concerning the improvement of legal regulation of anti-discrimination in Ukraine.

In Ukraine, there are positive judicial decisions on Discrimination, but the statute is growing more or less, with most cases being dealt with by higher courts. Thus, there is superiority in increasing public awareness of laws or legal recourses. Most notably, in Europe, the body that plays a massive role in anti-discrimination processes is the European Court of Human Rights, which regulates indirect discrimination and religious freedoms (Cerna, 2013). Thus, the shared experience of European nations' legal practices and the ability to apply anti-discrimination norms indicate the need for Ukraine to adapt to European norms.

The following is advice on how to enhance anti-discrimination notions in Ukraine. Firstly, the definitions of numerous discriminations must be defined more clearly in laws to guarantee a legal basis. Secondly, specialised judicial institutions or departments should be developed using the judiciary approach to handle discrimination cases and enhance legal safeguards. Legal literacy and access to legal remedies are other recommendations that highlight the importance of legal education, information, and legal services. There is a compelling need to reconcile national legislation with European directives since prospects for employment need to be equal, and one form of discrimination should not be a way of promoting another.

Moreover, it is appropriate to enhance the significance of judicial practice and case law by issuing and discussing discriminated cases. Enhancing the civil society's legal oversight capacity, especially the performance of the Ombudsman's Office pursuing the anti-discrimination policies compliance. Ukraine also has to rely on foreign experience and apply such tools as mediation to enhance the efficiency of legal protection. Adopting these proposals will enhance legal control, protect citizens' legal interests, and fight discrimination in Ukraine.

Discussion

The data illustrates critical weaknesses in Ukraine's anti-discrimination laws, especially regarding vague definitions and weak enforcement systems. This research matches the conclusions of Fedorovych (2023), who stressed the urgency for precise legal definitions and more robust institutional support. Kovalenko (2023) asserts that for legal protection to be adequate in Ukraine, it is essential to integrate its legal system with European principles concerning anti-discrimination. Our findings confirm this view by pointing out that the current Ukrainian legal structure is not sufficiently linked to EU directives such as 2000/43/EC and 2000/78/EC on equal treatment in employment and availability of services.

The research shows Ukrainian judges failing to execute anti-discrimination regulations, as Kärner (2022) noted. In his work, Kärner stresses the necessity to build a more effective legal system for courts. Focusing on strengthening court action to enact anti-discrimination laws could offer advantages to Ukraine. Scholars disagree on the real consequences of raising public awareness. According to Fedorovych (2023), the weakness in public awareness of anti-discrimination legislation presents a crucial difficulty in applying it closely matching our observations. Tubergen (2024) reveals that awareness is insufficiently alleviating discrimination for various populations in European countries. While the importance of awareness campaigns is notable, they will not eliminate the longstanding biases in our culture.

The results obtained in this study agree with the statement that Ukraine's anti-discrimination legislation does not meet the levels of Europe. Efforts must occur in essential fields such as judicial actions and unreliable law enforcement systems. Raising awareness and improving legal ability becomes essential, according to the findings. Those who address discrimination effectively in Europe require changes in societal and legal systems. Research must examine the compliance of anti-discrimination measures in Ukraine for jobs and schooling. Future research should highlight establishing legal benchmarks and improving how specialised agencies deal with discrimination. According to Kovalenko, in 2023, aligning with European legal norms is vital for Ukraine; however, integrating practical steps to enhance legal practice and public involvement is necessary.

Conclusion

First, the anti-discrimination provisions of Ukrainian legislation contain several shortcomings, namely significant vagueness of terminology and insufficient definition of basic concepts, which complicate their application. Secondly, measures aimed at tracking the adoption of anti-discrimination norms are inefficient in Ukraine; thereby, residents' rights are not fully protected. Thirdly, the experience of applying judicial decisions in discrimination cases remains insufficient, which raises questions about the specialisation of the judiciary and the development of positive jurisprudence in this field. Fourth, in Europe, anti-discrimination norms are orientated on the functioning developed system of court practice and the application of international standards, which can be considered an example for Ukraine. Fifth, compliance with Ukrainian legislation and European directives (Danylova *et al.*, 2022) is necessary to prevent discrimination. Sixth, the means of increasing public awareness and improving the institutional system of monitoring the fulfilment of the provisions of anti-discrimination acts. Prospects for further research: More studies might investigate how these anti-discrimination standards are applied in practice in various areas of people's lives, focusing on employment and education. It also makes sense to examine the specifics of mediation and other forms of out-of-court Settlement in discrimination cases.

References

- Cerna, L. (2013). The EU blue card: Preferences, policies, and negotiations between member states. *Human Rights Law Review*, 13(1), 99–123; <https://doi.org/10.1093/hrlr/ngs042>.
- Civic Synergy. (2018). *Analysis of the regulation of equality and non-discrimination in access to work, services, and social security*. Available at: <http://surl.li/pnjisb> (date of access: 20.11.2024).
- Constitution of Ukraine. (1996). *Verkhovna Rada of Ukraine. Legislation of Ukraine*. Available at: <https://zakon.rada.gov.ua/laws/show/254к/96-ВР> (date of access: 20.11.2024).
- Danylova, M. V., Denega, O. P., Danylov, M. O., Dzhura, Kh. Ju., & Derevyanko, A. I. (2022). International principles and standards of labour law as a basis for improving labour legislation of Ukraine. *Indian Journal of Labour Economics*, 65, 1121–1136; <https://doi.org/10.1007/s41027-022-00409-2>.
- Directive 2000/43/EC of the Council of the European Union. (2000). Implementing the principle of equal treatment between persons irrespective of racial or ethnic origin. *Official Journal of the European Communities*, L180, 22–26. Available at: <http://surl.li/jstbtl> (date of access: 20.11.2024).
- Directive 2000/78/EC of the Council of the European Union. (2000). Establishing a general framework for equal treatment in employment and occupation. *Official Journal of the European Communities*, L303, 16–22. Available at: <http://surl.li/ftqkyp> (date of access: 20.11.2024).

- European Convention on Human Rights (1950). *European Court of Human Rights*. Available at: https://www.echr.coe.int/documents/convention_eng.pdf
- European Court of Human Rights. (2023). Guide on Article 14 of the European Convention on Human Rights: Prohibition of Discrimination. *European Court of Human Rights*. Available at: <http://surl.li/pvgyqv> (date of access: 20.11.2024).
- Fedorovych, I. (2023). *Antidiscrimination legislation in Ukraine. Roadmap*. Kyiv.
- Allgemeines Gleichbehandlungsgesetz. (2006). General Equal Treatment Act, Germany. *Bundesgesetzblatt Jahrgang, I*(39). Available at: <https://www.gesetze-im-internet.de/agg/> (date of access: 20.11.2024).
- Izbash, E. S. (2020). Proving and evidence in proceedings in cases on administrative offences. *European Reforms Bulletin: International Scientific Peer-Reviewed Journal. Grand Duchy of Luxembourg, 1*, 32-36.
- Jafari, Z., & Jafari, M. (2024). Impact of Anti-Discrimination Laws on University Campuses: Student and Faculty Views. *Interdisciplinary Studies in Society, Law, and Politics, 3*(1), 18–23; <https://doi.org/10.61838/kman.isslp.3.1.4>.
- Kärner, M. (2022). Procedural rights in the outskirts of criminal law: European Union administrative fines. *Human Rights Law Review, 22*(4), 027; <https://doi.org/10.1093/hrlr/ngac027>.
- Kovalenko, I. (2023). The impact of European law on national legislation and the need to harmonise the contract law of Ukraine. *Uzhhorod National University Herald. Series: Law, 1*, 186–191; <https://doi.org/10.24144/2307-3322.2023.78.1.30>.
- Krainyk, H., & Tsypshchuk, K. (2020). About the inexpediency of appearance of the “criminal offense” in the criminal legislation of Ukraine. *Young Scientist, 1*(77), 216–219; <https://doi.org/10.32839/2304-5809/2020-1-77-47>
- Kulik, M., & Błotnicki, M. (2021). Petty offences in Poland between criminal law and administrative law. *Hrvatska i Komparativna Javna Uprava: Časopis za Teoriju i Praksu Javne Uprave, 21*(3), 457–488; <https://doi.org/10.31297/hkju.21.3.4>.
- Law of Ukraine “On Ensuring Equal Rights and Opportunities for Women and Men”. (2005). *Verkhovna Rada of Ukraine. Legislation of Ukraine*. Available at: <https://zakon.rada.gov.ua/laws/show/2866-15> (date of access: 20.11.2024).
- Law of Ukraine “On the Principles of Prevention and Combating Discrimination in Ukraine”. (2012). *Verkhovna Rada of Ukraine. Legislation of Ukraine*. Available at: <https://zakon.rada.gov.ua/laws/show/5207-17> (date of access: 20.11.2024).
- Lee, H. J. (2022). The principle of non-discrimination and anti-discrimination law. In: *Discrimination based on sexual orientation*, Vol. 8. Interdisciplinary Studies in Human Rights. Springer, Cham; https://doi.org/10.1007/978-3-030-95423-9_4.
- National Strategy in the Sphere of Human. (2015). *Verkhovna Rada of Ukraine. Legislation of Ukraine*. Available at: <https://zakon.rada.gov.ua/laws/show/1393-2015-%D1%80> (date of access: 20.11.2024).
- Oliinyk, O. S., Shestopalov, R. M., Zarosylo, V. O., Stankovic, M. I., & Golubitsky, S. G. (2022). Economic security through criminal policies: A comparative study of western and european approaches [La seguridad económica a través de las políticas criminales: Estudio comparativo de los enfoques occidental y europeo]. *Revista Científica General José María Córdova, 20*(38), 265-285; <https://doi.org/10.21830/19006586.899>.

- Oliinyk, O., Kolos, O. V., Servetsky, I. V., Golubitsky, S. G., & Amelin, O. Y. (2023). Criminal legal and administrative methods of ensuring the economic security of the state in the context of globalisation and modernisation of the economy. *International Journal of Agricultural Extension*, 11(2), 3867-2087; <https://doi.org/10.33687/ijac.010.00.3867>.
- Olsson A., Ebert J. P., Banaji M. R., & Phelps E. A. (2005). The role of social groups in the persistence of learned fear. *Science*, 309, 785-787; <https://doi.org/10.1126/science.1113551>.
- OSCE Office for Democratic Institutions and Human Rights [ODIHR]. (2005). *Guidelines on the protection of human rights in the fight against terrorism*. Available at: <http://surl.li/xlnonz> (date of access: 20.11.2024).
- Reiterer, K. (2023). Sandra Fredman: Discrimination Law (Third Edition). In: P. Czech, L. Heschl, K. Lukas, M. Nowak, & G. Oberleitner (Eds.), *European Yearbook on Human Rights 2023*. (pp. 683–684). Intersentia; <https://doi.org/10.1017/9781839704543.027>.
- Rym, O., & Kosovych, V. (2023). The value of formally undefined norms in the national legislation approximation to EU labour standards: The case of Ukraine. *Hungarian Journal of Legal Studies*, 64(4), 520–535; <https://doi.org/10.1556/2052.2023.00455>.
- Tubergen, F. (2024, June 15). *Perceived societal discrimination among immigrants across 17 European countries: Extending the integration paradox?* <https://doi.org/10.31235/osf.io/b865c>.
- Tur, O., Kravchyk, M., Nastiak, I., Sirant, M., & Stetsyuk, N. (2023). Principles and aims of international private law. *Social & Legal Studios*, 6(4), 243–260; <https://doi.org/10.32518/sals4.2023.243>.
- UN Convention on the Elimination of All Forms of Discrimination Against Women. (1979). *United Nations*. Available at: <http://surl.li/ftfgrg> (date of access: 20.11.2024).
- UN Convention on the Elimination of All Forms of Racial Discrimination (1965). Available at: <http://surl.li/boqnij> (date of access: 20.11.2024).
- Zarosylo, V., Blyznyuk, I., Grokholskij, V., Bass, V., & Mikhno, A. (2023). Comparative analysis of administrative and criminal punishments in Ukraine and some foreign countries and prospects for changes. *Social and Legal Studios*, 6(4), 251–258; <https://doi.org/10.32518/sals4.2023.251>.