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SYSTEM OF AUTHORISED ACTORS RESPONSIBLE FOR COMBATING DISCRIMINATION AND A PLACE OF THE NATIONAL POLICE IN ITS STRUCTURE

Abstract. Purpose. The purpose of the article is to define the system and characterise powers of executive authorities, individual officials responsible for combating discrimination, as well as to establish police bodies' place in its structure. **Results.** The article describes the powers of executive authorities, officials in the field of prevention and combating discrimination. The relevant State entities are the Committee of the Verkhovna Rada on Human Rights, De-occupation and Reintegration of Temporarily Occupied Territories, National Minorities and Inter-ethnic Relations, the Parliamentary Commissioner for Human Rights, the Cabinet of Ministers of Ukraine, the Government Plenipotentiary for the Rights of Persons with Disabilities, the Government Plenipotentiary for Gender Policy, the Educational Ombudsman of Ukraine, and the Commissioner for the Protection of the State Language. The focus is on the specificities of implementing the legal status in the field of ensuring the principle of non-discrimination by the Ministry of Foreign Affairs of Ukraine, the Ministry of Justice of Ukraine, and the Ministry of Social Policy of Ukraine. **Conclusions.** The following groups should be included in the system of actors responsible for combating discrimination: 1) Authorised actors in parliamentary control in the field of anti-discrimination – the Committee of the Verkhovna Rada of Ukraine on Human Rights, De-occupation and Reintegration of Temporarily Occupied Territories in the Donetsk, Luhansk and Autonomous Republic of Crimea, the city of Sevastopol, national minorities and inter-ethnic relations; Commissioner for Human Rights of the Verkhovna Rada; Representative of the Commissioner for Equal Rights and Freedoms of the Secretariat of the Commissioner for Human Rights of the Verkhovna Rada of Ukraine; 2) Authorised actors in governmental control in the field of anti-discrimination – the Government Commissioner for the Rights of Persons with Disabilities, the Government Commissioner for Gender Policy, the Education Ombudsman of Ukraine, the Commissioner for the Protection of the State Language; 3) Actors authorised to exercise the general powers of central executive bodies in the field of anti-discrimination – the Ministry of Internal Affairs of Ukraine, the Ministry of Foreign Affairs of Ukraine, the Ministry of Justice of Ukraine, the Ministry for the Reintegration of Temporarily Occupied Territories of Ukraine; 4) Actors authorised to exercise special powers of central executive authorities in the field of anti-discrimination – the Ministry of Social Policy of Ukraine, the State Service of Ukraine for Labour Issues, the State Service of Ukraine for Ethnic Policy and Freedom of Conscience; 5) Local and regional authorised actors responsible for combating discrimination – regional, district state administrations and in Kyiv.

Key words: discrimination, prevention and combating discrimination, ministries, National Police of Ukraine, public authorities, Commissioner of the Verkhovna Rada of Ukraine for human rights, central executive authorities.

1. Introduction

A civilisational request for wide-scale development of international standards for effective prevention and combating discrimination on any grounds, the proper implementation and protection of subjective human rights at the national level has given rise to a lengthy domestic system of State bodies and officials with direct or indirect competence in this

field. They are the institutional component of the National Legal Mechanism for Preventing and Combating Discrimination, which also includes the National Police. A clear understanding of the competences of these authorities will allow a correct description of the key aspects of cooperation and the places of district police officers as actors of prevention of discrimination at the local level in such cooperation.

The purpose of the article is to define the system and characterise powers of executive authorities, individual officials responsible for combating discrimination, as well as to establish a place in its structure of police bodies.

2. Review of the functions of the Verkhovna Rada of Ukraine as an actor empowered to prevent and combat discrimination

The list of entities authorised to prevent and combat discrimination is defined in the Article 9 of the Law of Ukraine on Principles of Prevention and combating discrimination in Ukraine, including the Verkhovna Rada of Ukraine; the Commissioner of the Verkhovna Rada of Ukraine for Human Rights; the Cabinet of Ministers of Ukraine; other State bodies, local self-government bodies; public organisations, natural and legal persons (Law of Ukraine On Principles of Prevention and combating discrimination in Ukraine, 2012). In other words, in accordance with international human rights standards and domestic legislation, all public authorities and citizens are involved in combating this negative social phenomenon. Nowadays, State entities, such as the legislator, the executive authorities and the Ombudsman, as well as other relevant officials not specified in the special law but their competence to prevent violations of the principle of non-discrimination derives from the body of law, are of interest.

According to constitutional provisions, the Verkhovna Rada of Ukraine is the only legislative body in our country, which is of key importance in making anti-discrimination policy, in implementing parliamentary control (Hryshko, 2017) over the activities of the executive authorities through their committees. The Law of Ukraine on the Committees of the Verkhovna Rada of Ukraine stipulates that the Committee of the Verkhovna Rada of Ukraine is a body of the Parliament composed of the people's deputies to carry out legislative work, prepare and early consider relevant issues, perform monitoring functions. They perform the functions as follows (The Constitution of Ukraine, 1996):

1) Legislative function – development of draft laws, other acts; preliminary consideration and preparation of conclusions and proposals on draft laws submitted by actors of legislative initiative; finalisation of individual draft laws on the basis of their consideration in the first and subsequent readings; preparation of conclusions and proposals on draft State-level development, environmental protection programmes; as well as giving consent to be bound by or denouncing international treaties of Ukraine; summarizing comments and proposals submitted to draft laws; making proposals for further planning of draft work;

2) Organisational function – planning of work; holding of meetings and analysis of information on issues related to the powers of the committees, organisation of hearings on these issues; preliminary discussion of the candidates to be elected, appointed, approved or agreed to be appointed by the Verkhovna Rada of Ukraine; preparation of issues for consideration by the Verkhovna Rada of Ukraine in accordance with the subjects of their competence; participation in shaping the agenda of plenary meetings; adoption of decisions, conclusions, recommendations, clarifications; consideration of appeals submitted to the committee; participation in inter-parliamentary activities, interaction with international organisations; preparation of written reports on the results of their activities; media coverage of their activities;

3) Monitoring function – the analysis of the practice of applying legal regulations, preparation and submission of relevant conclusions and recommendations for consideration by the Verkhovna Rada of Ukraine; control over the implementation of the State budget of Ukraine; organisation and preparation of parliamentary hearings; preparation and submission to the Verkhovna Rada of requests to the President of Ukraine from the Committee; interaction with the Accounting Chamber of Ukraine; interaction with the Human Rights Commissioner of the Verkhovna Rada of Ukraine; sending materials for appropriate response to the bodies of the Verkhovna Rada of Ukraine, State bodies, their officials; consideration at its meetings of the reports and information of State bodies and officials engaged in preliminary preparation of issues with regard to the consideration of such materials at the plenary session of the Verkhovna Rada of Ukraine.

The Commissioner for Human Rights of the Verkhovna Rada of Ukraine, who exercises parliamentary control over the observance of constitutional human and civil rights and freedoms, plays a central role in preventing and combating discrimination, as well as the protection of the rights of the entire population on a permanent basis. According to Stasiuk, an important task at the current stage of Ukraine's development is the creation of an effective human rights system, the main elements of which are the relevant specialised institutions. As an independent and autonomous institution, the Ombudsman plays a significant role in ensuring State protection of human and civil rights and freedoms, their observance and respect by public authorities, non-governmental organisations. In the event of a violation of such rights, the Commissioner's priority objective is to intensify remedial pro-

cesses. Consequently, this gives reason to assert that the human rights function of the Ukrainian State is the most important in today's realities (Stasiuk, 2018, pp. 142-146).

Article 3 of the Law of Ukraine on the Commissioner of the Verkhovna Rada of Ukraine for Human Rights, in addition to the systematic provision of observance and protection of human and civil rights and freedoms, among the main powers of this official, provides for preventing any forms of discrimination in the exercise of one's subjective rights (Law of Ukraine On the Commissioner for Human Rights of the Verkhovna Rada of Ukraine, 1997). The Ombudsman operates independently of the public authorities and is accountable and supervised exclusively by the Parliament, which contributes to the establishment of sufficiently effective work in making the State anti-discrimination policy (Karpinska, 2015; Kosinov, 2015).

The combination of legal instruments provided for in constitutional and administrative legislation enables the Parliamentary Commissioner for Human Rights to thoroughly implement the principle of non-discrimination in all major sectors of public life in timely manner. First of all, these are acts of response (Constitutional Provision; Provision to public authorities, associations of citizens, legal entities regardless of the form of ownership, their officials and officers) concerning violations of the provisions of the Constitution of Ukraine, Laws of Ukraine, international treaties of Ukraine on human and civil rights and freedoms.

3. Review of the functions of the Cabinet of Ministers of Ukraine as an entity empowered to prevent and combat discrimination

According to the legislation in force, the Cabinet of Ministers plays an extremely important role in guaranteeing non-discrimination and is a State entity that implements the State's internal and external anti-discrimination policy, the implementation of all legal instructions to prevent and combat discrimination by the population and public authorities and the organisation of a system of measures to ensure human and civil rights and freedoms; and directs, coordinates and monitors the work of ministries and other executive bodies in this aspect.

The Government Plenipotentiary for the Rights of Persons with Disabilities and the Government Plenipotentiary for Gender Policy and their offices are included in the structure of the Cabinet of Ministers of Ukraine (Resolution of the Cabinet of Ministers of Ukraine On approval of the structure of the Secretariat of the Cabinet of Ministers of Ukraine, 2016). These officials have a legal status, which enables to effectively implement certain key areas

of State anti-discrimination policy in relation to a certain category of the population. For example, the issue of gender equality is significant to modern democratic society in any country, which has not lost its practical and theoretical-legal relevance in Ukraine for 10 years. The Government Plenipotentiary for the Rights of Persons with Disabilities is responsible for promoting compliance with international obligations to respect the rights and legitimate interests of persons with disabilities in Ukraine and monitoring their observance; participation by the Prime Minister of Ukraine in international meetings and forums to protect the rights and legitimate interests of persons with disabilities and to fulfil Ukraine's international obligations in this field; taking measures, within the limits of its powers, to eliminate violations of the rights and legitimate interests of persons with disabilities, the causes that led to their occurrence; promoting public awareness of the rights of persons with disabilities (Resolution of the Cabinet of Ministers of Ukraine On approval of the Regulation on the Government Commissioner for the Rights of Persons with Disabilities and amendments to the Resolution of the Cabinet of Ministers of Ukraine of January 3, 2013 № 5, 2017).

Two officials, appointed by this executive body, in the system of State actors responsible for preventing and combating discrimination are of special interest – the Commissioner for the Protection of the State Language and the Educational Ombudsman of Ukraine. The main objectives of the latter are: to promote public policy on the human right to a high-quality and accessible education; to implement measures to comply with educational legislation; to take measures to ensure adequate conditions for equal access to education; promotion of an inclusive form of education; promotion of Ukraine's international obligations to respect human rights to education, etc. (Resolution of the Cabinet of Ministers of Ukraine Some issues of the educational ombudsman, 2018).

The novelty of the domestic legislation was the introduction of the institution of the so-called "language ombudsman", which performs an extremely important function in the State to restore the historical significance of the State language as the most important basis of the Ukrainian identity. Moreover, in recent years, public policy has recognised the problem of linguistic discrimination in the country, which is unacceptable and requires immediate improvement.

The next group of relevant authorities is represented by the entire system of central and local executive authorities that, within the limits of their powers, must ensure an ade-

quate level of prevention and combating discrimination. On the one hand, they guarantee the observance of the principle of non-discrimination in daily internal organisational activities, on the other hand, they implement State anti-discrimination policy in the areas of the exercise of their competence. At the same time, such work is not specialised, so the system of these actors should include executive authorities, which are basically authorised by law in force to exercise general or special powers in human and civil rights and freedoms, combating of manifestations of discrimination, etc. The list of central executive bodies responsible for combating discrimination includes the following:

1) The Ministry of Internal Affairs of Ukraine and the National Police of Ukraine – ensuring the protection of human and civil rights and freedoms, the interests of society and the State, combating crime, maintaining public safety and order, and providing police services;

2) The Ministry of Foreign Affairs of Ukraine – the protection of the rights and interests of citizens and legal entities of Ukraine abroad; measures for the protection, evacuation of citizens of Ukraine, documents and property of foreign diplomatic institutions of Ukraine from States, which are in a state of armed conflict or an emergency;

3) The Ministry of Justice of Ukraine examines draft legal regulations subject to state registration, on consistency with the Convention for the Protection of Human Rights and Fundamental Freedoms and the practice of the European Court of Human Rights; promotes the development of legal services for the rights, freedoms and legitimate interests of citizens and legal entities; participates in the development and dissemination of educational programmes for the protection of rights, freedoms and legitimate interests of citizens; conducts a gender and legal analysis of legal regulations;

4) The Ministry for the Reintegration of the Temporarily Occupied Territories of Ukraine promotes the rights and freedoms of Ukrainian citizens living in the temporarily occupied territories of Ukraine adjacent to them; collects and systematises information on violations of the rights of Ukrainian citizens, foreigners and stateless persons in the temporarily occupied territories of Ukraine; takes measures to protect the rights, freedoms and legitimate interests of natural and legal persons violated as a result of the armed conflict and/or the temporary occupation of part of the territory.

The executive authorities in the field of anti-discrimination should include a number of important authorised actors responsible for State anti-discrimination policy according to

specific vectors, as well as with regard to a certain category of citizens, such as: 1) the Ministry of Social Policy of Ukraine – prevention and combating of gender-based violence; ensuring equal rights and opportunities for women and men; provision of social services and social work; protection of the rights of children; protection of the rights of persons deported on ethnic grounds to Ukraine; ensuring the subjective rights of persons with disabilities; 2) the State Labour Service of Ukraine – prevention of discrimination of workers with certain diseases in the workplace; State control over compliance with the legislation on employment of persons with disabilities; 3) the State Service of Ukraine on Ethnic Policy and Freedom of Conscience – the implementation of State on inter-ethnic relations, religion and protection of the rights of national minorities in Ukraine.

4. Conclusions

In view of the above, the following points should be mentioned in the system of authorised actors responsible for combating discrimination:

1) Authorised actors on parliamentary control in the field of anti-discrimination – the Committee of the Verkhovna Rada of Ukraine on Human Rights, De-occupation and Reintegration of Temporarily Occupied Territories in the Donetsk, Luhansk and Autonomous Republic of Crimea, the city of Sevastopol, national minorities and inter-ethnic relations; Commissioner for Human Rights of the Verkhovna Rada; Representative of the Commissioner for Equal Rights and Freedoms of the Secretariat of the Commissioner for Human Rights of the Verkhovna Rada of Ukraine;

2) Authorised actors on governmental control in the field of anti-discrimination – the Government Commissioner for the Rights of Persons with Disabilities, the Government Commissioner for Gender Policy, the Education Ombudsman of Ukraine, the Commissioner for the Protection of the State Language;

3) Actors authorised to exercise the general powers of central executive bodies in the field of anti-discrimination – the Ministry of Internal Affairs of Ukraine, the Ministry of Foreign Affairs of Ukraine, the Ministry of Justice of Ukraine, the Ministry for the Reintegration of Temporarily Occupied Territories of Ukraine;

4) Actors authorised to exercise special powers of central executive authorities in the field of anti-discrimination – the Ministry of Social Policy of Ukraine, the State Service of Ukraine for Labour Issues, the State Service of Ukraine for Ethnic Policy and Freedom of Conscience;

5) Local and regional authorised actors responsible for combating discrimination – regional, district state administrations and in Kyiv.

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СИСТЕМА СУБ'ЄКТІВ ВЛАДНИХ ПОВНОВАЖЕНЬ У СФЕРІ ПРОТИДІЇ ДИСКРИМІНАЦІЇ ТА МІСЦЕ НАЦІОНАЛЬНОЇ ПОЛІЦІЇ УКРАЇНИ У ЇЇ СТРУКТУРІ

Анотація. Мета. Метою статті є визначення системи та характеристика повноваження органів виконавчої влади, окремих посадових осіб у сфері протидії дискримінації, а також з'ясування місця у її структурі органів поліції. **Результати.** У статті здійснено характеристику повноважень органів виконавчої влади, посадових осіб у сфері запобігання та протидії дискримінації. До відповідних державних суб'єктів віднесено Комітет Верховної Ради України з питань прав людини, деокупації та реінтеграції тимчасово окупованих територій, національних меншин і міжнаціональних відносин, Уповноваженого Верховної Ради України з прав людини, Кабінет Міністрів України, Урядового уповноваженого з прав осіб з інвалідністю, Урядового уповноваженого з питань гендерної політики, Освітнього омбудсмена України, Уповноваженого із захисту державної мови. Особливо увага звернута на особливостях реалізації правового статусу у сфері забезпечення принципу недискримінації Міністерством закордонних справ України, Міністерством юстиції України,

Міністерством соціальної політики України. **Висновки.** До система суб'єктів владних повноважень у сфері протидії дискримінації варто віднести такі ланки, як: 1) суб'єкти владних повноважень з питань парламентського контролю у сфері протидії дискримінації: Комітет Верховної Ради України з питань прав людини, деокупації та реінтеграції тимчасово окупованих територій у Донецькій, Луганській областях та Автономної Республіки Крим, міста Севастополя, національних меншин і міжнародних відносин; Уповноважений Верховної Ради України з прав людини; Представник Уповноваженого з дотримання рівних прав і свобод Секретаріату Уповноваженого Верховної Ради України з прав людини; 2) суб'єкти владних повноважень з питань урядового контролю у сфері протидії дискримінації: Урядовий уповноважений з прав осіб з інвалідністю, Урядовий уповноважений з питань гендерної політики, Освітній омбудсмен України, Уповноважений із захисту державної мови; 3) суб'єкти владних повноважень з питань реалізації загальних повноважень центральних органів виконавчої влади у сфері протидії дискримінації: Міністерство внутрішніх справ України, Міністерство закордонних справ України, Міністерство юстиції України, Міністерство з питань реінтеграції тимчасово окупованих територій України; 4) суб'єкти владних повноважень з питань реалізації спеціальних повноважень центральних органів виконавчої влади у сфері протидії дискримінації: Міністерство соціальної політики України, Державна служба України з питань праці, Державна служба України з етнополітики та свободи совісті; 5) суб'єкти владних повноважень місцевого та регіонального рівнів у сфері протидії дискримінації – обласні, районні державні адміністрації та у м. Києві.

Ключові слова: дискримінація, запобігання та протидія дискримінації, міністерства, Національна поліція України, органи публічної влади, Уповноважений Верховної Ради України з прав людини, центральні органи виконавчої влади.

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