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С. С. Єсімов, В. С. Боровікова

Адміністративно-правова реалізація прав суб'єктів підприємницької діяльності.....16

О. В. Кондратюк

Державні гарантії встановлення щомісячної надбавки за вислугу років науково-педагогічного працівника поліцейському, відрядженому до закладу вищої освіти зі специфічними умовами навчання для забезпечення освітнього процесу23

В. К. Грищук, Л. М. Палюх

Проблемні питання відповідальності за правопорушення проти правосуддя в доктрині кримінального права.....29

А. В. Баранкевич

Спеціальні способи захисту спадкових прав неповнолітніх осіб38

В. А. Яценко, О. М. Балинська

Вина та відповідальність громадян Росії за агресію проти України: сучасне прочитання Карла Ясперса45

В. І. Теремецький, О. Є. Аврамова

Дискримінація житлових прав окремих категорій осіб в Україні52

О. В. Батюк

Деокупація об'єктів критичної інфраструктури Автономної Республіки Крим.....60

Н. А. Праховнік, Н. Ф. Качинська, О. В. Землянська, О. С. Ільчук, А. І. Ковтун, А. М. Гусєв

Реалізація права на захист цивільних прав в умовах воєнного стану66

Ю. В. Цуркан-Сайфуліна, М. Г. Ступак

Психологічна готовність як складник професійної підготовки майбутніх юристів.....76

CONTENTS

Z. R. Kisil, O. S. Tarasenko International Experience in Preventing Corruption as a Vector for Creating a National Anti-Corruption Strategy in Ukraine.....	9
S. S. Yesimov, V. S. Borovikova Administrative and Legal Implementation of the Rights of Business Entities.....	16
Oleksandr V. Kondratiuk State Guarantees for the Establishment of a Monthly Long-Service Allowance of Academic Staff to a Police Officer Seconded to a Higher Education Institution with Specific Training Conditions to Ensure the Educational Process.....	23
V. K. Hryshchuk, L. M. Paliukh Problematic Issues of Liability for Crimes Against Justice in the Criminal Law Doctrine	29
A. V. Barankevych Special Ways to Protect the Inheritance Rights of Minors.....	38
V. A. Iashchenko, O. M. Balynska Guilt and Responsibility of Russian Citizens for Aggression Against Ukraine: Modern Reading of Karl Jaspers.....	45
V. I. Teremetskyi, O. Ye. Avramova Discrimination of Housing Rights of Certain Categories of Persons in Ukraine.....	52
O. V. Batiuk Liberation of Critical Infrastructure Facilities of the Autonomous Republic of Crimea.....	60
N. A. Prakhovnik, N. F. Kachynska, O. V. Zemlyanska, O. S. Ilchuk, A. I. Kovtun, A. M. Husiev Implementation of the Right to Protection of Civil Rights under Martial Law	66
Yu. V. Tsurkan-Saifulina, M. H. Stupak Psychological Readiness as a Component of Professional Training of Future Lawyers.....	76

Discrimination of Housing Rights of Certain Categories of Persons in Ukraine

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Abstract. This paper is devoted to the problem of housing discrimination. The relevance of the study is conditioned, on the one hand, by the presence of facts indicating the existence of discriminatory phenomena in the housing sector, and on the other – by the lack of modern research on this issue. In addition, researchers have not yet established a stable terminology on discrimination issues and have not revealed the characteristic features of housing discrimination as a civil category. The solution of these problems is important both for further theoretical and legal developments in this area, and for bringing national legislation in line with international standards as soon as possible. The purpose of the study is to define the essence and features of housing discrimination as a civil category, identify its facts and grounds. The research material includes statistical data on the number and situation of vulnerable persons in the housing sector in Ukraine, facts of discrimination in Ukrainian society; scientific publications on housing rights and housing discrimination; report of the Commissioner for Human Rights in Ukraine for 2020; national legislation; statistics of internally displaced persons in 2022, etc. The materials and objectives of the study determined the choice of research methods. The primary method is axiological, which allows substantiating the value of housing for a person. Methods of analysis and synthesis helped identify general approaches to the concept of discrimination, characterise its grounds, and formulate a definition of housing discrimination. It is established that housing discrimination is a restriction of the right to housing, as a result of which a person does not have the opportunity to purchase housing and live in it. It was found out that most often a vulnerable group of people (internally displaced persons, families with children, homosexual couples, etc.) face housing discrimination. It is noted that national legislation does not distinguish housing discrimination as an independent legal category. The paper describes the content and features of housing discrimination in Ukraine. The characteristics (gender, nationality, citizenship, age, sexual orientation, family residence without marriage registration, the presence of children and animals, internal displacement) that cause housing discrimination and inability to exercise the proper right to housing are established. It is proved that discrimination can manifest itself in refusal to conclude or extend a lease/rental agreement, unjustified rent increases, etc. The paper can be used for further scientific study by young researchers dealing with the problems of improving housing legislation

Keywords: discrimination, housing, right to housing, restrictions, vulnerable persons, residence, fundamental human rights

Introduction

Nowadays, housing discrimination in Ukraine is not perceived as an independent legal concept, and it does not stand out in the field of social security. Unfortunately, the state and society do not pay due attention to the cases of discrimination against the housing rights of vulnerable persons, in particular, persons with disabilities, persons with non-traditional sexual orientation, combat veterans, victims of domestic violence, large families, internally displaced persons (hereinafter – IDPs). At the same time, this category of persons is represented by a significant segment of Ukrainian society. Thus, as of the beginning of 2022, there were 2,725,800 people with disabilities in Ukraine, including 207.2 thousand people with disability group 1, 886.7 thousand people with disability group 2, 1,469.7 thousand people with disability group 3,

162.2 thousand children with disabilities, and 107,084 people with war-related disabilities [1]. As of 2020, 460,079 veterans of military operations in Eastern Ukraine were registered in Ukraine [2]. The number of vulnerable people increased in 2022 as a result of martial law. In particular, during the six months of the full-scale invasion of Ukraine by the Russian Federation (as of 08/23/2022), the number of IDPs has increased again and amounts to 6.9 million people [3].

Most of the social surveys conducted in Ukraine prove that these groups face discrimination, in particular, in the implementation of housing rights. Despite this, housing discrimination as a legal category is not regulated in the legislation of Ukraine. There is also no uniform solution in judicial practice. For example, in the report on the rights of the LGBT community in Ukraine for 2020, the issue of discrimination

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in the housing sector is ignored [4]. This only emphasises that Ukrainian society and the state are still in a state of non-highlighting the facts of housing discrimination against vulnerable persons.

Failure to recognise or lack of special studies on housing discrimination in Ukraine is not proof of its absence. This is one of the tendencies to ignore scientific research on housing rights, in particular, the right to adequate and affordable housing, and fair housing. At the same time, the scientific foundation for the development of a new democratic system of housing rights already exists. First of all, this is the study by V.P. Maslov, who in 1973 substantiated the existence of independent housing rights that arise in the sphere of meeting housing needs [5]. Among modern Ukrainian researchers, it is necessary to single out M.K. Haliantych, who refers housing rights to the homeowner rights [6, p. 143]. This scientific position of the researcher has become one of the negative factors in the development of the concept of modern housing rights aimed at overcoming discrimination in the housing sector, since it does not take into account the fact that housing rights are an independent legal entity.

Only in recent years has the problem of discrimination against housing rights begun to manifest itself clearly and formalise in the legal field of Ukraine. Thus, on 06/22/2022, a separate opinion of Judge of the Constitutional Court of Ukraine H.V. Yurovska was published regarding the decision of the Constitutional Court of Ukraine in the case of O.V. Abramovych's constitutional complaint regarding the compliance of Paragraph 2 of Part 2 of Article 40 of the Housing Code of Ukraine (regarding discrimination in the exercise of the right to housing) of 06/22/2022 No. 5-r(II)/2022, regarding discrimination at the place of residence when applying the contested provision of Article 40 of this Code [7]. Ukrainian researchers also address issues related to the protection of housing rights in their works. In particular, O.I. Chaikovskiy notes that, exercising their right to housing, citizens of Ukraine are increasingly faced with the problem of its protection [8, p. 160]. International legal sources also draw attention to discrimination against the right to housing. For example, J. Ondrich, A. Stricker, and J. Yinger investigated discriminatory phenomena in relation to the acquisition of the right to housing on racial grounds [9]. The importance of housing discrimination in Ukraine is also enhanced by the fact that the Ukrainian statehood is in a crisis situation caused by the military operations on a large territory of the country, the annexation of certain parts of the territory of Ukraine, the economic and social crisis that arose as a result of the COVID-19 pandemic and significantly worsened during the six months of war with the Russian Federation.

The originality of this study is conditioned by the fact that the authors of the study identified the facts of discrimination against housing rights on various grounds, focused on the existence of this phenomenon, and proposed legal mechanisms aimed at overcoming this negative phenomenon in the housing rights system of Ukraine.

The Right to Housing and its Relationship to Fundamental Human Rights

The basics of housing rights are consolidated in the Constitution of Ukraine [10], Article 47 of which proclaims the right of everyone to housing. The content of this right is reduced to the ability of everyone to purchase housing in ownership or rent or receive it in the form of social assistance. Forced

deprivation of housing is possible only on the basis of a court decision. The right to housing is supplemented by Article 30 of the Constitution of Ukraine, which guarantees the inviolability of housing. However, these constitutional norms do not provide for fair living conditions. They also do not contain provisions prohibiting discrimination in the housing sector, sufficiency and adequacy of housing. Most Ukrainian researchers who deal with housing law disclose the constitutional norm (Article 47) and the right to housing as the right to stable, permanent use of residential premises; the possibility of improving housing conditions; ensuring a healthy living environment, and a housing environment worthy of every civilized person, which is consolidated in the Universal Declaration of human rights [11, p. 12]. K. Wells described this approach as a minimal approach, complemented by the right of autonomy of living in a certain living space [12]. Ch.U. Schmid argues that the right to housing can be extended to the right to decent housing, which is ensured by judicial control, sufficient housing stock, various options for housing tenure, and stabilisation of social housing policy. He also notes that the study of the right to housing can mobilise society to resist the housing crisis [13, p. 177].

In general, it can be argued that the right to housing can be considered as a social right aimed at ensuring sufficient, minimum living conditions for a person. This right is directly related to the right to health protection. Bret Thiele draws attention to this feature by analysing General Comment No. 4. "Right to Adequate Housing" of the Committee on Economic, Social and Cultural Rights (Article 11, paragraph 1, of the Covenant) [14, p. 713]. In particular, this commentary includes six principles that point to the relationship between housing and the fundamental right to health: protection against infectious diseases; protection against injuries, poisoning, and chronic diseases; reducing psychological and social stress to a minimum; improving housing conditions; conscious use of housing; and protection of at-risk groups [15]. B. Thiele rightly emphasises that the first two principles are especially important for health. The first notes that the following conditions are necessary to ensure proper housing: safe water supply, sanitary disposal of faeces, solid waste disposal, surface water drainage, personal and home hygiene, safe food protection, and structural guarantees against disease transmission. The second concerns building materials and technologies, and structural safety, including ventilation and lighting, and suggests that physical housing should be such that residents are not exposed to dangerous conditions or harmful substances [14, p. 713]. It is worth noting that in the context of the COVID-19 pandemic, housing has become not only a place of residence, but also a place of self-isolation and treatment at home. Therefore, in the context of the socio-economic crisis in which most states found themselves as a result of the pandemic, the availability of housing has become particularly important, which is associated with the preservation of individual and collective health.

The right to housing can also be considered within the framework of private law. As a private legal category, this right is aimed primarily at meeting the housing need, that is, the need to live in housing. Accommodation in housing covers the following powers, such as the ability to use and manage housing, the obligation to maintain housing, maintain a balance of interests with neighbours, use housing for living and exercising family and private life. At the same time, the right to live in housing cannot be considered as a complete

analogy of the right to use, which is an element of property retention, since residence can arise both on the basis of real rights (property, easement) and obligations (lease agreement) [16, p. 55]. The right to housing covers such rights as: 1) the right to safe housing; 2) the right to affordable housing; 3) the right to manage housing; 4) the right to stable use of housing; 5) the right to protection of housing rights. In each of these groups of rights, it is possible to distinguish legal transactions [17, p. 6]. Thus, the right to housing has a direct connection with fundamental human rights.

The Concept of Housing Discrimination: Statement of the Problem in Ukraine

Only in recent years, there has been an increase in scientific interest in discrimination as a socio-legal phenomenon in Ukraine. According to the official surveys, 5% of people often experienced discrimination, 35% – only occasionally suffered from this problem, 78.5% – consider discrimination a serious problem, and only 13.6% – do not consider it such. At the same time, 52% of people have not personally experienced discrimination. Of these, 35.5% share this position, while 18% cannot answer this question. The position on the severity of the problem is shared by only 46.5% of people [18]. These figures indicate that a person who is discriminated against finds themselves in a situation that restricts the exercise of their fundamental rights, which is a threat to the development of civil society and statehood. For Ukraine, cases of discrimination can pose a threat to national security, as they undermine human confidence in a state that is in a crisis situation due to temporary occupation of part of its territory. Therefore, the definition of the concept and characteristics of various types of discrimination is an urgent issue for legal science.

The concept of discrimination in Ukraine is consolidated in the Law of Ukraine “On the Principles of Prevention and Counteracting Discrimination in Ukraine” dated 09/06/2012 No. 5207-VI [19]. This law provides for two types of discrimination: direct (referring to a situation where a person or group of persons is treated less favourably than another person or group of persons on certain grounds in a similar situation) and indirect (referring to a situation where a person or group of persons has less favourable conditions or a situation against other persons or a group of persons on certain grounds in a similar situation). At the same time, direct discrimination can be carried out on one of the following grounds: gender, nationality, citizenship, sexual orientation, living in a family without marriage registration [20]. And in case of indirect discrimination, as a rule, formally neutral legal norms, rules of claim, etc., are applied.

Article 4 of the Law of Ukraine “On the Principles of Prevention and Counteracting Discrimination in Ukraine” [19] states that the norms of legislation on preventing discrimination also apply to housing relations. However, the legislator did not single out such a category as “housing discrimination”. This general approach determines the housing discrimination as a situation when a person or group of persons on certain grounds (gender, age, race, disability, citizenship, social origin, property status, etc.) may be subject to restrictions on the recognition, exercise, or use of the right to housing, in particular, obtaining housing, living in it, staying in self-isolation, and exercising private life.

J.C. Benito Sanchez describes three discriminatory legal concepts: direct discrimination, indirect discrimination,

and discrimination through harassment. Direct discrimination includes cases of domestic violence against women, that is, when a woman is made dependent on the right to live in her husband’s house. Indirect discrimination occurs when a rule, policy, or practice that appears to be neutral creates a particular disadvantage for a group defined by a prohibited feature, without the measure being justified by a legitimate aim and implemented by appropriate and necessary means. Discrimination due to harassment occurs when rent increases or illegal evictions [21]. J. Ondrich, A. Stricker, and J. Yinger prove the existence of housing discrimination based on race and skin colour. [9] These types of housing discrimination are also supported by V. Roscigno, D. Karafin, G. Tester, complementing them with discrimination based on gender and family presence [22]. Modern researchers point to the existence of housing discrimination based on sexual orientation, emphasising the need for additional legal protection of the housing rights of transgender and cisgender LGBT people [23].

These types of discrimination were highlighted in the analysis of the US housing sector. At the same time, housing discrimination exists in a hidden form in Ukraine. It is not customary to discuss this issue in our society, because as a general rule, everyone in Ukraine has the right to housing. Official social studies of landlords’ preferences and the problems faced by vulnerable people are not conducted. However, sociological studies of housing discrimination are being conducted at the level of individuals and analytical organisations. Thus, in 2020, Ye. Khassai conducted a sociological survey on the topic “Discrimination of students in the course of seeking and renting housing”. According to its results, it can be argued that students in Ukraine face housing discrimination based on age (up to 25 years), gender (women spend more on housing and communal services), marital status (students who are in a traditional marriage are desirable), the presence of children and animals, nationality, internal displacement, appearance (non-standard dyed hair discourages tenants from entering into a lease agreement) [24].

In 2019, the CEDOS Analytical Center, while clarifying the state of the State Housing Policy of Ukraine, revealed the existence of bias in the purchase and use of housing. Thus, 18% of respondents-tenants of housing faced unfair and biased attitude towards them during the search and rental of housing. Half of them experienced a bias about having children (48%); a third – related to having pets (35%); almost a third (27%) experienced a bias related to territorial origin or registration. Age was also a common reason for biased attitudes – 15% of respondents reported this [25]. At the same time, bias is understood as a stable and systematic subjective assessment of a person or group of people mainly in an unfavourable perspective. Having such an assessment affects decision-making, especially when a person has certain benefits and decides how to dispose of them [25]. These figures on biased attitudes in the housing sector indicate that housing discrimination in Ukraine is most often manifested on the basis of age, gender, the presence of children and animals, nationality, and internal relocation.

To verify these facts, the authors of this study conducted a survey in January-February 2022 in Kyiv: 10 landlords (7 women, 3 men) and 10 tenants (2 IDPs, 2 families with children, 6 international students). The survey was conducted in the form of an interview during a face-to-face meeting. It turned out that landlords prefer families without children and without pets. According to landlords, unwanted tenants

are IDPs and students who come from Indian or Arab origin. This situation is conditioned by the fact that IDPs and international students require official registration at their place of residence. In addition, there may be a conflict of interest when evicting IDPs and families with children. Foreign citizens quite often violate the rules of living in housing, which leads to conflicts with neighbours. The tenant's sexual orientation is not a common ground for housing discrimination. Tenants noted that they had faced discrimination in housing rights related to the use of housing. It concerned cases when the rent increased during their stay and, as a result, they were required to be immediately evicted.

Summing up the above, it can be argued that housing discrimination actually exists in Ukraine. However, unlike in the United States, it is not sufficiently discussed in society and is almost not investigated at the scientific level. Housing discrimination can be represented as a situation when a person or group of persons on certain grounds (gender, age, race, disability, citizenship, social origin, property status, etc.) may experience restrictions on the recognition, exercise or use of the right to housing, in particular, obtaining housing, living in it, conducting self-isolation in it, and exercising private life. The basis for housing discrimination is bias, that is, a negative, systematic, stable subjective assessment by the landlord of the future tenant mainly in an unfavourable perspective on the basis of gender, age, beliefs, internal displacement, nationality, race, the presence of children and animals, etc. The existence of housing discrimination can be established if a person cannot exercise the right to housing on one of the following grounds: gender, nationality, citizenship, sexual orientation, living as a family without marriage registration, having children and animals, internal displacement, age, etc. Discrimination can manifest itself in refusal to enter into a lease/rental agreement, renewal of this agreement, unjustified rent increases, etc.

Housing Discrimination Against Internally Displaced Persons

Most Ukrainian sociological studies on the rights of IDPs from the Donbas and Crimea for 2016-2021 prove that displaced persons most often face discrimination in two cases: when looking for work and housing. According to researchers, restricting access to housing according to a person's income is discriminatory. Thus, according to the State Statistics Committee of Ukraine in 2019, the average monthly rent for a one-room apartment in Ukraine was 3,700 UAH. In every second family of displaced persons, the monthly income does not exceed UAH 7,000 [26]. Discrimination against the housing rights of IDPs was indicated in the special report of the Verkhovna Rada Commissioner for Human Rights (hereinafter – the Commissioner) on the implementation of the right of IDPs to housing. The report notes that over 7 years of Russian aggression in Eastern Ukraine, more than 500,000 people from Donetsk and about 300,000 people from Luhansk oblasts have become IDPs and moved to Ukrainian-controlled territory. Most of them registered as IDPs in Kyiv (more than 160,000 people) and Kyiv Oblast (almost 63,000 people) [27]. At the same time, the Commissioner's report states that housing, permanent income and employment are the defining conditions for successful integration of IDPs. At the same time, approximately 60% of IDPs live in rented housing, at least 27% of them indicate the risk of being evicted from their current housing due to

inability to pay rent. However, the lack of monthly targeted financial assistance to IDPs, its insufficiency to cover living expenses encourages IDPs to return to territories where they may potentially be in danger [27]. In 2016, Kharkiv Human Rights Group published data on the revealed facts of housing discrimination against IDPs. In particular, IDPs pointed out the existence of discrimination. The survey identified the main areas of discrimination: 30% of respondents noted that they were refused to rent housing precisely because of the status of IDPs; in 22% of cases, landlords overestimated the cost of renting housing due to the fact that they were approached by IDPs [28]. Consequently, housing discrimination against IDPs is a modern reality of Ukrainian society and the state.

On March 13, 2022, the government of Ukraine began the process of registering IDPs, the number of which increased significantly due to the invasion of Russian troops in Ukraine, expanding the use of the existing system of the Unified Register of IDPs, which was launched in 2016 [29, p. 6]. According to an estimate made by the International Organisation for Migration, the number of people who received IDP status as of the beginning of May 2022 was approximately 7.1 million. At the same time, the Ministry of Social Policy reported more than 2.7 million people who properly registered and received an IDP certificate. 55% of the total number of IDPs came from the eastern regions, and 13% – from the southern ones. At the same time, their number is constantly increasing. However, in contrast to the first month of the full-scale war, the share of IDPs from Kyiv and the northern regions significantly decreased. Today it is 16% and 12%, respectively [30, p. 2]. IDPs have also faced cases of housing discrimination. Thus, the legislation does not provide for the possibility of renting apartments for IDPs from private owners by the state. The problem is also the lack of available apartments for rent in cities. This indicates a significant shortage of housing in cities. According to official data, a certain number of vacant apartments and outdated private houses exist only in non-urban localities (more than 470 thousand) [31].

This situation is also taking place in other countries. For example, the UK faced IDPs and migrants immediately after the Second World War. The problem of housing discrimination remains relevant to this day. Thus, according to the 2011 census, it turned out that imperfect housing policies led to the emergence of migrants, and subsequently a part of the population in an unfavourable housing situation, which is evidence of the presence of housing discrimination [32]. Housing discrimination against refugees also exists in Germany [33]. Researchers state existing problems with the fundamental rights of internally displaced persons in India [34]. Notably, housing discrimination exists for both IDPs (internally displaced persons) and external migrants. This situation is caused by subjective and objective factors, since the housing problem can be solved both through the implementation of property rights, and on the basis of the right to ownership or use of someone else's housing [35]. Subjective factors are associated with the appearance of a new person in a traditionally formed settlement, that is, difficulties arise for both IDPs and the host party. Objective factors are related to material difficulties that arise due to the abandonment of housing in the occupied territory and the lack of housing stock designed to receive internal and external migrants. In general, it can be assumed that housing discrimination against IDPs is a situation when IDPs due to actual displacement within

the country, lack of permanent income, loss of property, or change of life traditions may experience restrictions in the recognition, exercise, or enjoyment of the right to housing, in particular, in obtaining housing and stable residence in it.

Housing Discrimination Against Persons Who Live as a Family

The development of civil society in Ukraine is directly related to the establishment of the institution of the family. The concept of family in Ukrainian legislation is defined in Part 2 of Article 3 of the Family Code of Ukraine [36]. This code applies a broad approach to the term “family”, and the analysis of its provisions allows distinguishing the following forms of family life: marriage, cohabitation of a man and a woman, LGBT family, family with children, concubinage, etc. At the same time, the homosexual union in Ukraine is regulated by the norms of morality, not law. Definitely, marriage relations are versatile, because they include both various aspects of the conclusion or dissolution of marriage, and the legal norms intended to regulate these relations. For example, they are used to consolidate the property rights and obligations of spouses, provide for the possibility of entering into a prenuptial agreement, and determine the possibility of separate residence of spouses [37]. Given the variety of forms of family life, it can be stated that situations of housing discrimination may arise in relation to persons living with a family, which restricts some families in the exercise of the right to housing.

The legislation of Ukraine does not recognise the existence of housing discrimination against the family. However, in American law, families are classified as vulnerable categories [38]. This issue is relevant, because not every landlord provides housing for families with children. This is conditioned to the fact that children can create additional noise, which affects the comfort of neighbours, they can spoil furniture and home interior. In addition, children pose additional risks to living conditions. For example, sometimes children fall out of windows. Families with children may be charged a higher rent. This approach puts families with children in a more vulnerable position when looking for housing than families without children. Gay couples may also face housing discrimination due to the landlord’s homophobic beliefs.

Thus, housing discrimination against persons living in a family is a situation in which families, due to non-conventional forms of family life, the presence of children, may be subject to restrictions in the recognition, exercise or enjoyment of the right to housing, in particular, obtaining housing and stable living in it.

Conclusions

The conducted study of housing discrimination in Ukraine allows for the following conclusions. Housing is of paramount

importance for the realisation of fundamental human rights, in particular, the right to life and health, the exercise and protection of private life, and the creation of a family. At the same time, housing in the context of the COVID-19 pandemic has become not only a place of residence, but also a place of self-isolation and treatment at home. Therefore, the availability of housing has become particularly important, which is associated with the preservation of individual and collective health. Consequently, the facts of housing discrimination should be identified and characterised so that the legislator can avoid a situation with restrictions on the exercise of the right to housing.

It was found out that housing discrimination actually exists in Ukraine. However, it is not sufficiently discussed in society and is not investigated at the scientific level. Housing discrimination is a situation where a person or group of persons on certain grounds (gender, age, race, disability, citizenship, social origin, property status, etc.) may be subject to restrictions when recognising, exercising, or using the right to housing, in particular, obtaining housing, living in it, staying in it in self-isolation, and exercising private life. The basis for housing discrimination is prejudice – this is a negative, systematic, stable subjective assessment by the landlord of the future tenant mainly in an unfavourable perspective on the grounds of gender, age, beliefs, internal displacement, nationality, race, the presence of children and animals, etc. The existence of housing discrimination can be established if a person is unable to exercise their right to housing on one of the following grounds: gender; nationality; citizenship; sexual orientation; living in a family without marriage registration; presence of children and animals; internal displacement; age, etc. Discrimination can manifest itself in refusing to enter into a lease/rental agreement, extension of this agreement, or unjustified rent increase. The paper highlights housing discrimination against vulnerable individuals. Thus, housing discrimination against IDPs is a situation in which IDPs, due to actual displacement within the country, lack of permanent income, loss of property, and change of living traditions, may be subjected to restrictions in the recognition, exercise or enjoyment of the right to housing, in particular, obtaining housing and stable residence in it. Housing discrimination against persons living in a family is a situation in which families, due to non – traditional forms of family life, the presence of children, may be subject to restrictions in the recognition, exercise or enjoyment of the right to housing, in particular, in obtaining housing and stable living in it. It is seen that in the future, promising areas of scientific study are problems related to discrimination in the housing sector during the operation of various types of special legal regimes: martial law, state of emergency, state of war, state of defence, state of siege, state of public danger, etc.

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Дискримінація житлових прав окремих категорій осіб в Україні

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Анотація. Статтю присвячено проблемі житлової дискримінації. Актуальність роботи зумовлено, з одного боку, наявністю фактів, що вказують на існування дискримінаційних явищ у житловій сфері, а з іншого – відсутністю сучасних досліджень із цієї проблематики. Крім того, науковці й досі не сформували сталого понятійно-категоріального апарату з питань дискримінації та не розкрили характерних ознак житлової дискримінації як цивільно-правової категорії. Вирішення вказаних проблем є важливим як для подальших теоретико-правових розробок у цій сфері, так і для якомога скорішого приведення національного законодавства у відповідність до міжнародних стандартів. Метою статті є визначення сутності й особливостей житлової дискримінації як цивільно-правової категорії, виявлення її фактів та підстав. Матеріал дослідження – статистичні дані про кількість та становище вразливих осіб у житловій сфері в Україні, факти дискримінації в українському суспільстві; наукові публікації, присвячені проблематиці житлових прав та житловій дискримінації; звіт уповноваженого з прав людини в Україні за 2020 рік; національне законодавство; статистика внутрішньо-переміщених осіб у 2022 році тощо. Матеріали та завдання дослідження зумовили вибір методів наукового дослідження. Первинним методом обрано аксіологічний, який дає змогу обґрунтувати цінність житла для людини. Методи аналізу та синтезу допомогли виявити загальні підходи до поняття дискримінації, охарактеризувати її підстави та сформулювати визначення житлової дискримінації. Встановлено, що житлова дискримінація – це обмеження права на житло, внаслідок чого особа не має змоги придбати житло та стабільно в ньому проживати. З'ясовано, що найчастіше із житловою дискримінацією стикається вразлива група осіб (внутрішньо переміщені особи, сім'ї з дітьми, гомосексуальні пари тощо). Зазначено, що національне законодавство не виокремлює житлову дискримінацію як самостійну правову категорію. Охарактеризовано зміст та виявлено особливості житлової дискримінації в Україні. Визначено ознаки (стать, національність, громадянство, вік, сексуальна орієнтація, проживання сім'єю без реєстрації шлюбу, наявність дітей та тварин, внутрішнє переміщення), які стають причиною житлової дискримінації та неможливості реалізувати належне право на житло. Доведено, що дискримінація може виявлятися у відмові укласти чи продовжити договір оренди/найму, безпідставному підвищенні орендної плати тощо. Дослідження може бути використано для подальших наукових розвідок молодих науковців, які займаються проблематикою удосконалення житлового законодавства

Ключові слова: дискримінація, житло, право на житло, обмеження, уразливі особи, проживання, фундаментальні права людини

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