

Briefing Note: **Ukraine war: LGBTI people in the context of armed conflict and mass displacement**

Prepared by ILGA-Europe

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The ongoing war in Ukraine has resulted in need for immediate action to address the needs both of a significant population of Ukrainians fleeing the armed conflict as well as for those who are staying in Ukraine. LGBTI people are often amongst vulnerable groups in crisis situations and specific attention is needed to ensure that they have the same opportunities and support as other forcibly displaced persons, to exercise the full range of their human rights without discrimination, including access to asylum procedures and humanitarian programmes. The purpose of this briefing is to describe specific needs of LGBTI people, who remain in Ukraine and who are on the move and LGBTI human rights defenders and organisations.

While emergency situations make everyone vulnerable to the same human rights violations, existing discrimination and violence against LGBTI people can put them in disadvantageous position and heightens their risk to be left in the blind spot of international protection and humanitarian relief programmes. Therefore, it is important that international and European institutions, governments and the humanitarian sector carefully consider the specific vulnerabilities and needs of the community and to ensure humanitarian assistance is LGBTI inclusive and appropriate, addresses specific practical and strategic needs. Working with LGBTI organisations in country of origin and host countries wherever possible, is important in ensuring a human right centred approach.

Situation of LGBTI people and organisations in Ukraine and their needs

Due to ongoing war, large numbers of people, including LGBTI people, are fleeing and take refuge in bordering countries, as well as then move on to other EU countries. Within the Ukraine, a large number of LGBTI people are leaving urban areas to flee to suburban areas and the western part of the country.

LGBTI activists and organisations support the community in ensuring their safety and needs, both in the Ukraine and outside.

Those staying in Ukraine are facing specific challenges, including

- Many trans and intersex people in the Ukraine do not have identification documents with gender markers matching their gender identity. So trans women and intersex people often have a male gender marker. In this situation, they have been refused to pass internal check-points and to leave the country as due to their identity documents, they fall under the martial law and military mobilisation of men between 18-60. In addition, any trans and intersex person with not-matching gender markers are constantly exposed to being outed as trans and/or intersex and exposed to discrimination and violence, especially due to internal check points.
- Trans and intersex people fear losing access to crucial hormone replacement therapy and other necessary medications. For more information, please, see briefing note on [Medications needed by trans and intersex people](#).
- People living with HIV are experiencing difficulties in accessing medications;
- Due to pre-existing precarity and discrimination, many LGBTI people cannot leave the country because of financial hurdles in addition to safety or logistic limitations. There is a need for setting up safe shelters for LGBTI people in safer and transit cities.
- Local organisations point to narrowing opportunity for LGBTI people to leave the country or move to safer part of the country.

- Some cases of attack against LGBT activists, human rights defenders and shelters by government security forces and their militias were reported;

Situation of LGBTI people displaced in the EU

According to the UNHCR, over 2 million people have already crossed into neighbouring countries, with more expected to flee the country in the nearest future. LGBTI activists and organisations in neighbouring countries and beyond are mobilising to provide direct support to LGBTI people who manage to leave Ukraine. Shelters are being set up and humanitarian support is being provided.

On 3 March 2022, the European Commission invoked the Temporary Protection Directive to provide safeguards for the rights of Ukrainian nationals and nationals staying long-term in Ukraine, who are fleeing to the EU. In coming days, Member States are expected to release further clarification on the implementation of the Directive.

Challenges that LGBTI people on the move might face in EU countries:

- LGBTI people are at higher risk of facing LGBTI-phobia from border controls and upon arrival, and might therefore not have access to services that are available for all refugees, such as shelters.
- LGBTI refugees as vulnerable group may require specific additional assistance such as:
 - safe and appropriate reception or care arrangements for trans and intersex people that respect the self-determination and privacy of the person seeking protection;
 - protection from harassment, physical harm or Gender based violence in mass accommodation centres.
- Trans and intersex people might face issue in continuing ongoing hormone treatment in host countries, due to lack of insurance coverage, pre-existing waiting times or shortages of medication;
- Same sex couples might face discriminatory application of the Temporary Protection Directive, namely denied access to humanitarian assistance, including access to safe and affirming shelters and long-term housing as a same-sex couples and families.

Recommendations:

- Facilitate border and internal check point crossings for trans and intersex people for whom documents may not match their gender to ensure trans, intersex and gender non-conforming people are allowed to cross internal check point and borders;
- Operational guidelines for external border management to facilitate border crossings at the EU-Ukraine borders should include clear guidance against any discrimination, including against LGBTI people. These guidelines should pay specific attention to trans and intersex people crossing border from Ukraine;
- Any humanitarian aid to Ukraine needs to include hormones and HIV/Aids medication as indicated by the WHO essential medication list;
- In order for humanitarian aid to reach most vulnerable LGBTI people, cooperation with LGBTI organisations operating in Ukraine is crucial;
- Transposition of TPD needs to be inclusive of experiences of LGBTI people and rainbow families;
- Humanitarian actors managing refugee shelters need to adhere to the principles of non-discrimination, including specific guidance on respecting the specific needs of LGBTI people and ensuring a safe space free of LGBTI-phobia.

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