



Ukraine



The fortunes of LGBTI people in Ukraine remained tied to political developments in the country in 2015. NGOs and individuals found it increasingly difficult to work in the occupied territories of Crimea and Southern Donbas. The right of freedom of assembly was severely undermined with the violent attacks on Kyiv Pride and the ban imposed on the march in Odesa. Far-right groups continued to attack LGBTI activists. After much political wrangling, an anti-discrimination provision protecting people on the basis of sexual orientation and gender identity was added to the labour law, motivated by the promise of visa-free travel within the EU. The country's first human rights strategy and action plan were published, while private companies' commitment to equality was also measured for the first time.

Asylum

- In September, Taras Karasiichuk stepped down as president of LGBT NGO Gay Alliance Ukraine, and together with his partner applied for political asylum in the U.S.A, citing threats from far-right groups. Their application had not been considered by the end of 2015.

Bias-motivated speech

- NGO Gay Alliance Ukraine, supported by the Dutch Embassy in Ukraine, launched the 'Say It Right' poster campaign in May. It encouraged people in five cities not to use stigmatising language when discussing minority groups, including the LGBT community.
- Before the Kyiv Equality March (see **Freedom of assembly**), then leader of far-right group Right Sector Dmytro Yarosh wrote on his Facebook page, "...the Ukrainian public are having the ideology of sexual perversion and the destruction of the family foisted on them...".
- Government coalition member Pavlo Unhuryan MP (People's Front) commented at a press conference on 12 August, "Both the [Odesa] oblast and the city do not support the parade of homosexuals and any other perversions in Odesa." At the same press conference, Bishop Mark of Odesa and Balty (Ukrainian Orthodox Church – Kyiv Patriarchate) and Yuriy Nahorny (canon of a Roman Catholic cathedral in Odesa) made homophobic comments.

Bias-motivated violence

- A bomb exploded at the LGBTI-friendly Libertine bar in Odesa on 20 July, injuring a security guard. Graffiti bearing the name of anti-equality group Right Sector was found nearby. The police investigation was on-going at the end of 2015.
- A flash mob took place in Odesa on 15 August in memory of the victims of the LGBTI community who were killed in homophobic attacks. Activists also picketed the Odesa city office to protest against the fact that Odesa Pride had been banned.
- On 16 August, a planning meeting convened by the organisers of Odesa Pride (see **Freedom of assembly**) was smoke-bombed by masked protestors.

- A private LGBT party at a café in the city of Kryvyi Rih was disrupted by a group of 20 masked men on 30 August. Revellers were beaten by men in t-shirts bearing insignia similar to the far-right group Right Sector. Police made no arrests.
- Activists at QueerHome Kryvbass were attacked by masked assailants on 30 August. Smoke bombs were thrown into the building and the community centre was destroyed. Six staff members were treated for smoke inhalation and one activist was hospitalised.
- In October, two men were found guilty of hooliganism for the arson attack on Kyiv's Zhovten cinema in 2014. An LGBTI-themed film was playing at the time but a homophobic motive was not mentioned as the men were sentenced to two and three years on probation.
- On 18 November, a court in Kharkiv sentenced a man to eight years in prison for the murder of a 26 year-old member of the LGBTI community. The sentence did not consider the homophobic motive.
- On 10 December, the Kyiv Equality Festival was smokebombed; no-one was injured and criminal proceedings were on-going at the end of 2015.

Data collection

- An LGBTQ NGO Insight research study concluded that trans people in Ukraine face challenges, including medical interventions, financial problems, emotional and psychological exhaustion and an unclear legal framework.

Employment

- The first Ukrainian Corporate Equality Index was published on 17 September. The index, compiled by NGO Fulcrum and other organisations, surveyed anti-discrimination policies of private companies and how LGBT employees are treated.

Equality and non-discrimination

- Following the ECtHR decision in *Oliari v Italy* (see **Italy**), two gay couples filed sexual orientation discrimination complaints to the Strasbourg court in August. They argued they cannot exercise the same

property rights as heterosexual couples as their relationships are not recognised by the state.

- International human rights organisations and US Congress members wrote to President Petro Poroshenko (independent) asking him to include protection from discrimination on the grounds of sexual orientation and gender identity in the constitution. The Constitutional Commission's human rights working group decided not to explicitly mention these grounds in Article 42. The group's chair, Professor Volodymyr Butkevych, stated that the issue would be considered in the anti-discrimination legislation process.

- *'In the Crosscurrent: Addressing Discrimination and Inequality in Ukraine'* was published by UK-based Equal Rights Trust and the LGBT Human Rights Nash Mir Centre in Kyiv, in August. The report concludes that the situation for LGBT people in Ukraine has become more dangerous since the Maidan protests began. Trans people are particularly at risk of unequal treatment, as they are less visible in Ukrainian society than LGB people.

- President Poroshenko approved the country's first National Human Rights Strategy on 25 August. The strategy came into force immediately and will run until 2020. The document contained a section entitled 'Ensuring the rights of indigenous peoples and national minorities' but does not make any specific reference to the rights of LGBTI people. On 23 November the government adopted an Action Plan for the implementation of the National Strategy. The action plan included references to registered partnership legislation, new rules for legal gender recognition, adding SOGI to the criminal code and researching intersex issues.

- On 12 November, Ukraine's parliament voted to add anti-discrimination measures to the existing labour code by 234 votes out of 333. These provisions protect people from discrimination in employment on the grounds of sexual orientation and gender identity for the first time in Ukrainian law. The law was required as part of the ongoing visa liberalisation process to achieve visa-free travel within the EU. The law came into force on 26 November.

- On 27 November, Opposition Bloc MPs introduced a bill calling for the repeal of the anti-discrimination

amendment. The draft law was distributed among MPs for examination but was not considered by parliament in 2015.

Family

- On 15 July, a trans woman and a gender non-conforming person married in Kyiv; the trans woman was treated as a male and her partner treated as a female by registrar staff.

Freedom of assembly

- Kyiv's 'Equality March' was scheduled to take place on 6 June. Far-right group Right Sector demanded that Kyiv mayor Vitalii Klychko ban the march and threatened to disrupt any parade by force. Mayor Klychko asked Pride organisers to consider abandoning the event as it was too dangerous and confrontational. The march went ahead and participants were brought by bus to the secret march location. Approximately 200-300 participants were protected by 1,000 riot police. The event was attacked by protestors who threw stones and smoke bombs; marchers and police officers were injured in the violence. 25-30 protestors were subsequently detained. LGBTI NGOs criticised the police for failing to prevent these attacks.

- A pride march, due to take place on 15 August as part of Odesa's Equality Festival, was banned at short notice by the Odesa District Administrative Court. The 'Equality March' was banned following court proceedings initiated by the city council, who cited concerns over public health, the threat of public disorder and the possibility of confrontation. The organisers appealed but were ultimately forced to cancel the march.

- LGBTQ NGO Insight and other LGBTI activists organised a protest and artistic performance entitled 'I will disappear soon' outside the Kyiv city administration on 30 August to highlight recent cases of discrimination including bias-motivated attacks, the disruption of Kyiv Pride and the cancellation of Odesa Pride.

Freedom of association

- In September, the NGO Fulcrum successfully challenged the Ministry of Justice's refusal to register

them as an information portal. The District Administrative Court of Kyiv City ordered the ministry to assess the organisation's application and cancelled the earlier refusal.

Freedom of expression

- An 'anti-propaganda'-style bill entitled *'On the prohibition of propaganda aimed at children'* proposing to limit freedom of expression was dropped by parliament in January.

Human rights defenders

- In May, the LGBT Human Rights Nash Mir Centre reported that many LGBTI NGO's in Crimea had shut down. According to Nash Mir, many activists have moved to Kyiv or have emigrated from Ukraine.

Legal gender recognition

- On 12 June, the Kyiv Administrative District Court ruled that sterilisation is not a requirement for legal gender recognition, overruling the earlier decision of the health ministry's Special Commission on the Issues of Sex Change/Correction.
- On 10 July, the Kyiv Administrative District Court found that requiring trans people to undergo forced surgical procedures was not compatible with national law. A trans woman, with the support of LGBTQ NGO Insight, had appealed against the decision not to recognise her female gender after some surgical procedures. The Court found that denying the women's request was unlawful and ordered the Commission on the Issues of Change of Gender Identification to issue a medical certificate. According to information from trans activists, the health ministry had started to work on updating the existing regulations at the end of the year.
- In August, the Ministry of Health set up a working group to review the existing gender recognition procedure. In November, the working group presented its first draft of a new protocol that would not require psychiatric hospitalisation or surgery.
- On 30 September, the Commission on Sex Change/Correction provided certificates confirming sex change to

two people who had previously taken legal challenges against the Commission; however the certificates were incorrectly filled in and were of no use. At the end of the year, both individuals were still waiting for the correct certificates.

- "Transgender issues in social and medical context", the first international conference of its kind in Ukraine, took place in Kyiv from 22-24 October. The event was co-organised by LGBTQ NGO Insight, the Coalition for Combating discrimination in Ukraine and the Office of the Ombudsperson.
- On 29 December, Kozelets District Court granted the application for recognition and enforcement of the decision of a Russian court to amend the birth record of trans man, who was a Russian citizen.

Participation in public, cultural and political life

- On 5 June, the day before Kyiv's Equality March, President Poroshenko told a news conference that he wanted it to go ahead. This was the first time that a president had spoken out in support of LGBTI rights.

"I will not participate in it but I don't see any reason to impede this march because it's a constitutional right of every citizen in Ukraine."

- President Poroshenko, press conference on 5 June 2015

- Svitlana Zalischuk and Serhiy Leshchenko (both Petro Poroshenko Bloc) attended Kyiv's Equality March; reportedly the first Ukrainian members of parliament to support an LGBTI march.

Police and law enforcement

- According to NGO Nash Mir's annual report, the centre received accounts of 10 cases where LGBTI people had their rights violated by police officers in 2015.