

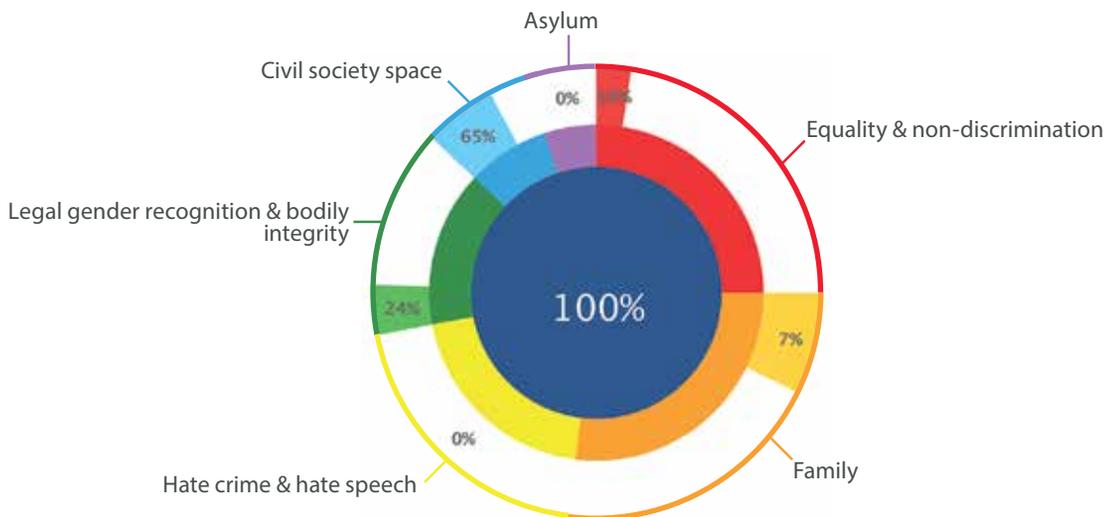
Ukraine



A series of public LGBTI events took place in Ukraine in 2016, many of which were memorable for a variety of reasons. The city of Odesa hosted its first ever Pride March, with participants marching with a sizable police presence for security reasons. Kyiv Pride, which had been violently disrupted in 2015, was also heavily policed. But, in a positive development, it attracted its largest ever attendance. LGBTI activists planning to take part in the Equality Festival in Lviv had a very different experience. The festival was ultimately banned by local authorities. Opposition groups issued threats, venues pulled out of hosting events, and counter-protestors surrounded the participants' hotel. LGBTI NGOs also experienced frustration with government ministries when following up on the contents of the human rights action plan. Specific anti-discrimination law references to sexual orientation and gender identity, envisaged in the action plan, appeared not to be a priority – despite the fact that protection for LGBTI people remains extremely limited outside the employment provisions of the 2015 labour law. In one particularly positive development, work on reforming the legal gender recognition procedure in Ukraine (that had started in 2015) brought its first results. The work of trans activists was not completely finished by the end of the year, but the revision did make essential changes to the gender recognition progress for the first time in several decades.

For more information on developments in 2016, visit www.rainbow-europe.org where you can read the full country chapter.

Legal and policy situation in **Ukraine** as of 31 December 2016



In order to improve the legal and policy situation of LGBTI people, ILGA-Europe recommend:

- ➔ Introducing laws and policies designed to tackle hate crime that contain express mention of all SOGISC (sexual orientation, gender identity, sex characteristics) grounds.
- ➔ Adopting legal measures to recognise and protect same-sex couples, such as civil unions or registered partnership.
- ➔ For public authorities take proactive and visible steps to protect the right of LGBTI people and their allies to freely assemble.

Bias-motivated speech

- On 3 December, the Synod of the Ukrainian Greek Catholic Church published their 'Message on the Dangers of Gender Ideology'. The senior church figures warned that so-called gender ideology is "...trying to destroy the perception of human sexuality as a gift of God that is naturally linked to the biological differences between men and women."

Equality and non-discrimination

- The European Parliament's resolution on the human rights situation in Crimea, adopted on 4 February, highlighted its "...grave concern regarding the situation of LGBTI people in Crimea, which has substantially worsened following the Russian annexation, and regarding repressive action and threats by the de facto authorities and paramilitary groups".

- Speaking at the Munich Security Conference on 13 February, President Petro Poroshenko (Poroshenko Bloc; centre-right) said that one of the biggest threats to Europe are "alternative values bringing isolationism, intolerance, lack of respect for people's rights, religious fanaticism and homophobia".

- A report on the 2015 situation for LGBT people in Ukraine was presented by LGBT NGO NASH MIR Centre at their international conference in Kyiv on 15 March. The report, entitled 'The Ice is Broken', found that while explicit homophobic rhetoric from public figures such as church officials was not as severe as in previous years, the level of aggression coming from right-wing groups increased significantly.

- A parliamentary vote on ratification of the Istanbul Convention had been scheduled to take place on 17 November. The president had submitted a draft bill on the convention's ratification to parliament on 15 November. After a debate where several lawmakers expressed support for "traditional values" and religious standards, the Ukrainian parliament announced that references to sexual orientation and gender would be removed from the bill. The Council of Europe's Istanbul Convention aims to prevent domestic violence and combat violence against women. At the end of 2016, it has still not been

ratified and no new parliamentary hearing date had been set.

- LGBT NGO Nash Mir submitted questions to the Ministry of Justice over the implementation of the action plan designed to initiate the National Strategy on Human Rights 2015-2020. The action plan stated that the basic anti-discrimination law would be amended to bring it in line with EU standards, specifically the prohibition of discrimination on grounds of sexual orientation and gender identity. Nash Mir were told, via a letter from the ministry on 29 March, that this would not be happening as LGBT rights were already sufficiently protected under the Code of Labour Law amendments carried out in November 2015. Nash Mir criticised the government's failure to fulfil this particular provision of the action plan.

Family

- Metropolitan Onufrii spoke out against the 2015 amendments to the Ukrainian Code of Labour Laws during a Bishops' Council meeting in Moscow. On 2 February, the current head of the Ukrainian Orthodox Church (Moscow Patriarchate) said that the provisions banning discrimination on the grounds of sexual orientation and gender identity were "...new for (the) Ukrainian legislative environment. Such innovations may become a first step towards propaganda of homosexual way of life and attempts of legalization of same-sex marriages in Ukraine."

- At a meeting between President Poroshenko and the Ukrainian Council of Churches and Religious Organisations on 23 April, the same Metropolitan of Kyiv spoke about the country's "traditional values" and the "danger" of introducing marriage equality for same-sex couples.

Freedom of assembly

- Following on from a successful event in Kyiv, LGBTQ NGO Insight planned to hold a similar Equality Festival in Lviv. Insight wrote to the city's mayor Andrii Sadovyy on 25 February, asking the office to officially support the event and also to invite the mayor to personally take part in the festival's opening. The letter was delivered on 29 February

but Insight received no response from the mayor. Deputy Mayor Marta Lytvyniuk subsequently told local media that “The City Council considers it inappropriate to hold such events in Lviv, in order to guarantee the safety of all residents and visitors of our city”. Information about the festival, planned for 19-20 March, was published online on 12 March. Over the following days, the programme was shared on social media and by regional media outlets. Groups who opposed the festival began to threaten the organisers and participants. The proposed venue for the festival, the Underground Museum of Ideas, pulled out on 15 March after it received anonymous threats. Insight then wrote to Lviv city hall and the police to request security support for the festival. On 18 March, the night before the festival was due to open, a court ruled that all public events planned for the weekend were banned. Approximately 70 participants had already arrived at a local hotel in preparation and, on 19 March, the Dniester hotel was surrounded by 200 armed protestors who shouted “kill, kill, kill”, according to activists. The police were called and a special forces unit arrived several hours later. The participants were evacuated from the hotel by bus. The US and Canadian ambassadors Geoffrey Pyatt and Roman Waschuk both condemned the disruption on social media. Minister of Foreign Affairs Pavlo Klimkin (independent) expressed similar condemnation and confirmed a police investigation was underway.

- An equality celebration in Kyiv, organised in solidarity with Lviv’s Equality Festival, was supported by the Kyiv City State Administration, who said in a statement dated 13 May, “Kyiv as the capital has to be an example in complying with democratic standards across the country” and that it considered “...unacceptable any manifestation of violence some individuals or social groups over others.”

- Equality Festivals were also organised in Odesa, Dnipro and Zaporizhzhia. The festival in Dnipro was moved from the central city library to a new location after the library refused, fearing homophobic aggression. Organisers in Zaporizhzhia had a similar experience, when the Max Grant Jewish Centre refused to host the event after receiving homophobic threats. Kyiv’s annual Equality

Festival was held from 8 to 11 December, without any reported incidents.

- On 16 May, the Kherson District Administrative Court heard a case involving an LGBT public event and the city council. Unlike the district courts in Lviv and Odesa, the Kherson court refused to ban the LGBT event.

- The chair of the Verkhovna Rada human rights committee Hryhoriy Nemyria (All-Ukrainian Union Batkivshchyna, “Fatherland”; centre-right) issued a statement marking IDAHOT, remarking that 17 May was “...another opportunity for Ukraine to demonstrate its strong commitment to the observance of human rights and non-discrimination on any grounds” and calling for a collective effort to overcome homophobia and transphobic intolerance. This was the first time that the committee had issued a public statement for IDAHOT.

- On 12 June, the largest Pride march to date took place successfully in Kyiv. According to police estimates, 1,500 participants marched while being marshalled by 5,500 police officers. 57 people were detained and released, as some protestors attempted to break through the police cordon. The 2015 event had been held in a secret location and was still disrupted by violent counter-protestors.

- The first ever Pride March in Odesa went ahead on 13 August. Local authorities had banned the march on 14 August, citing security concerns and the possibility of clashes with far-right groups opposing the march. The organisers then submitted another event notification, stating a new time and location for the march; this notification was not disputed by the City Council. Over 50 participants took part in the march itself, with approximately 700 police officers protecting the area around the city’s Potemkin Stairs (a different location than was originally planned). People from a nationalist group known as Sokol (or ‘Falcon’) attempted to disrupt the event but were stopped by the police cordon; 20 protestors were detained by police and later released.

- On 14 August, a march organised in Odesa in response to Pride attracted approximately 100 participants. The Odesa march in support of “traditional values” was organised by nationalist groups and members of the clergy.

- In September, the Spiritual Council of Christian Churches in Zaporizhzhia wrote to the city's mayor, asking that all LGBT-related activities carried out there by equality NGOs be banned. The Council announced plans to hold a march in Kyiv on 2 October to promote traditional family values; similar marches also took place in Khmelnytskyi, Lutsk, Chernivtsi and Ivano-Frankivsk.
- The Culture-Art LGBT Maidan event hosted by LGBT NGO LIGA was relocated to a new location following threats made to the venue owner from nationalist and ring-wing groups. The event went ahead with extra security in a new location on 9 September.
- 'This is gay propaganda', a documentary film about the Maidan revolution in the context of the LGBT community in Ukraine, was screened on 18 October in Chernivtsi. The event was disrupted when supporters of the right-wing Pravyi Sektor ('Right Sector') and Azov groups threatened attendees with physical violence. Two participants were beaten up after they left the screening by unknown people in masks and camouflage. Oleksiy Kaspruk, the mayor of Chernivtsi, later apologised and called the attack a "shameful incident". A complaint was filed but it was not initially registered by the police; an investigation started following a court decision. On 29 November, the screening was held again, by invitation only and with police outside. A right-wing group protested with placards in front of the venue.
- On 22 October, LGBTQ NGO Insight organised a public street action in Kyiv, dedicated to International Day of Action for Trans Depathologisation. The action was held as legislative reform was being conducted by Ministry of Health (see **Legal gender recognition**). Entitled "Trans March", it became the first publicly announced trans public action in the country. About 50 trans people and allies marched under police guard provided by the Kyiv city authorities. No incidents were reported during or after the march.

Human rights defenders

- NGO Memorial released their "Violations of the rights of LGBT people in Crimea and Donbas" report on 14 June. The report, prepared in cooperation with the Centre for

Civil Liberties, analyses the existing legal situation in Crimea and eastern Ukraine and also includes information on the social situation from eyewitness interviews. It concludes that "...the position of LGBT people in Crimea and eastern Ukraine has deteriorated greatly in the past two years, and activists of the movement have been forced to leave or abandon their work in organising the community."

Legal gender recognition

- On 8 June, the Kyiv Administrative District Court ruled that a trans man and a trans woman who had not undergone sterilisation must have their gender identities recognised by issuing them medical certificates of sex change by the Commission on Sex Change/Correction. In September 2015, the Commission had issued certificates that were incorrectly filled out and could not be used to obtain new ID documents. After the new decision, both trans people received correctly completed certificates, were legally recognised, and obtained new passports.
- On 15 September, the Ministry of Health published a unified clinical protocol to improve the health care system for trans people. This protocol had been developed by a ministerial working group and introduced three levels of health care, ranging from general practitioner services to highly specialised professionals. It also proposed eliminating the existing central commission, enabling any qualified psychiatrist to give a diagnosis on an outpatient basis (removing the need for compulsory hospitalisation). The new protocol also proposed opening access to assessment for children and adolescents (under 14 required the consent of both parents; those aged 14-18 required parent and child consent) as well as access for trans people to reproductive technologies and adoption. However, LGBTI groups stated that the text of the new protocol still contained problematic aspects, such as irreversible surgical intervention and required psychiatric assessment for at least two years. Acting Minister of Healthcare Ulana Suprun met with LGBTQ NGO Insight on 30 September and promised remove the requirements urgently. At the end of 2016, they remained in the protocol text. A new order, which came into force on 30

December, revoked Order No 60 of the Ministry of Health which regulated trans healthcare procedures and prerequisites for legal gender recognition. This order also introduced a new form of medical certificate of sex change and new indications for it based on definition of "Transsexualism" diagnosis in ICD-10. Being married or having children under the age of 18 are no longer limitations for legal gender recognition. NGOs, trans activists and acting Minister Ulana Suprun also agreed to create an international working group to further improve the unified clinical protocol to bring it into line with modern European standards.