



CONGRESSIONAL
LGBT EQUALITY CAUCUS

COUNTRY UPDATE: UKRAINE

September 17, 2014

Dear Friend:

As Co-Chair of the Congressional LGBT Equality Caucus and a member of the House Foreign Affairs Committee, and because we share an interest in human rights around the world, I write to update you on the challenges faced by lesbian, gay, bisexual, and transgender (LGBT) individuals in other countries.

As you know, across the world members of the **LGBT community face some of the most horrific human rights violation being reported today**. Over seventy countries and territories criminalize same-sex activity, with varied punishments including imprisonment, forced labor, forced psychiatric treatment, corporal punishment, banishment, and the death penalty. LGBT individuals around the world face homelessness, harassment, persecution, exclusion from society, lack of access to medical care, and a variety of other challenges, simply for being who they are. Despite these continued difficulties, in many countries LGBT communities are celebrating their first Pride events and governments are improving laws regarding the equal rights of LGBT people. I hope you will join me in supporting the fight for full equality around the world.

Ukraine, as we all know, has undergone great changes over the past 18 months and now faces the most serious threat to its existence since achieving independence in 1991 after the fall of the Soviet Union. As the country experiences political turmoil, the rights of some of its most vulnerable citizens should not be forgotten.

Ukraine Key Facts:

- LGBT individuals in Ukraine have no protections from discrimination, harassment, violence, or hate speech based on sexual orientation or gender identity.
- Homophobia is rampant and hate crimes occur frequently. One [survey](#) found that over half of Ukrainians oppose allowing “homosexuals” to enter the country. Kyiv’s second-ever pride parade, scheduled for July 5, 2014, was cancelled when the police rescinded their promise of protection.
- Similar to efforts in Russia, a number of legislative initiatives in 2013 sought to criminalize positive depictions of same-sex relationships, restrict freedom of speech and mass media, and potentially criminalize the work of LGBT human rights defenders.
- Ukrainians living with HIV/AIDS face harassment by law enforcement, discrimination in the workplace, social isolation and stigma, and poor access to testing and treatment. HIV/AIDS continues to [spread](#): from 2002 to 2012, the number of new HIV infections increased from just over 7,000 to nearly 17,000. Children with HIV are prohibited from attending school and are isolated from other children.

Below you will find an in-depth fact-sheet on LGBT individuals in Ukraine that I hope will be useful.

Sincerely,

David N. Cicilline
Member of Congress

Information current as of **September 17, 2014**



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OVERVIEW

Ukraine has undergone major political turmoil in the two and a half decades since achieving independence from the Soviet Union in 1991, including the Orange Revolution in 2004, the jailing of former Prime Minister Yulia Tymoshenko on political charges in 2011, and the Euromaidan Revolution of 2014 which overthrew Russian-backed strong-man Viktor Yanukovich. Following Euromaidan, Petro Poroshenko, an Independent interested in developing closer ties with the European Union (EU), was elected President. Despite an interest in increasing Ukrainian ties to the West, and expressions of seeking possible inclusion in NATO, Ukraine continues to experience significant human rights concerns, particularly when it comes to the rights of LGBT individuals.

Ukraine is a diverse country with 18 recognized languages and nearly 45 million people. Numerous LGBT organizations in the country fight a lack of protections and recognition. Under the rule of the Soviet Union, the criminal code banned non-heterosexual orientations. Ukraine obtained independence in 1991, but society has failed to shake off the anti-LGBT sentiments installed by Soviet propaganda. The new Ukrainian government has been in negotiations with the European Union to increase economic and political ties after the annexation of Crimea by Russia and armed conflict in the east of Ukraine. Unfortunately, the EU has [backed down](#) from requiring protections for LGBT Ukrainians in their negotiations. The Ukrainian LGBT community has responded bravely by calling for Ukraine and the EU to not ignore the human rights of LGBT Ukrainians.

LEGAL STATUS

LGBT people in Ukraine face legal challenges and discrimination not experienced by the rest of the population. There is no legal recognition for same-sex couples, and there are still no legal protections from discrimination, harassment, violence, or hate speech based on sexual orientation or gender identity. Same-sex couples are explicitly prohibited from adopting children in Ukraine, and there are restrictions on adoption by foreign same-sex couples. In sum, Ukraine scored 12% on the ILGA-Europe's report of human rights for LGBTI people. Though this is not inconsistent with the laws of many former Soviet satellite countries, Ukraine's lack of rights is low compared to most of Europe. In fact, Ukraine ranks in the lowest 30% for Europe in terms of number of rights for LGBT people, according to the Guardian.

Transgender individuals are allowed to seek gender reassignment surgery after age 25 and are legally permitted to change their [gender](#) on official documents, although not without obstacles. In 1991, following Ukraine's independence, anti-LGBT laws were revised so as to better protect the right to privacy. One important result of this is that same-sex sexual activity was decriminalized. Today, the law only prohibits same-sex activity when it involves prostitution, persons under the legal age of consent, non-voluntary action, or public conduct.

STATE DEPARTMENT'S HUMAN RIGHTS REPORT

According to the Department of State's most recent Human Rights [Report](#), intolerance and stigmatization of LGBT individuals is widespread in Ukraine. Ukraine's two largest Orthodox churches have publicly stated opposition to any legislation that would extend protections for sexual minorities. LGBT individuals are frequently targeted for violence, discrimination and abuse in education, employment, and health care. Moreover, there has been no meaningful action by the government to combat discrimination based on sexual orientation or gender identity. LGBT activist group Nash Mir (Our World) documented 50 incidences of violence or discrimination based on sexual orientation or gender identity from fall 2012 to summer 2013, including 20 rights violations committed by law



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enforcement officers. Many state that incidents are underreported due to the stigma associated with identifying as an LGBT individual.

PUBLIC PERCEPTION

Societal acceptance of sexual minorities remains very low. A [survey](#) by the consumer information group, GfK, from May 2013 found that about 80% of respondents said they were against any type of sexual relations between people of the same sex, while over half of respondents said they would oppose allowing “homosexuals” to enter Ukraine. Older Ukrainians, as well as those in the rural and the western regions were more likely to have negative feelings towards LGBT persons. Reported incidences of discrimination and harassment of LGBT individuals is low, but NGOs in the country report that victims rarely report violence or harassment due to social stigma. In a 2013 survey, 65% of 499 gay men surveyed said they had faced at least one instance of homophobia.

Ukraine’s first ever pride march took place last year, though it was overshadowed in the media by opposing anti-LGBT protesters. This year’s pride event was [cancelled](#) after organizers faced numerous obstacles, including increased threats of violence against LGBT demonstrators by local anti-gay militants. As a result, LGBT activists planned to hold a march in a secret, suburban location with police protection. Kyiv [Mayor](#) Vitali Klitschko urged leaders to cancel the event because of “poor timing,” coinciding with the struggle with Russia and the beginning of President Poroshenko’s administration. Finally the Mayor told pride officials that police protection would not be provided, rescinding his previous promise and ending all hopes for the event. Though pride was cancelled, around 30 activists attended a flash mob at a park in Kyiv, demonstrating on behalf of “human rights for all.”

The centrist Democratic Alliance Party, which describes itself as Christian Democrat Party, has recently garnered political capital, winning two seats on the Kyiv council. The Party received some negative [press](#) after denying membership to a prominent LGBT activist. As explanation, leadership admitted that they believe a family is made up of one man and one woman.

CRIMINALIZATION OF LGBT PEOPLE

IGLA-Europe, an International Association for LGBTI people, noted in their 2013 [Annual Review of the Human Rights Situation of Lesbian, Gay, Bisexual, Trans and Intersex People in Europe](#) that 2013 was marked by negative developments in Ukraine. A number of legislative initiatives sought to ban the promotion of homosexuality. These laws would criminalize positive depictions of same-sex relationships, restrict freedom of speech and mass media, and potentially criminalize the work of LGBTI human rights defenders.

DISCRIMINATION AGAINST PEOPLE WITH HIV/AIDS

The International HIV/AIDS [Alliance](#) in Ukraine reports that there are 230,000 Ukrainians with HIV/AIDS. These Ukrainians continue to face harassment by law enforcement, discrimination in the workplace, social isolation, and stigmatization. They also face inadequate access to testing, limited treatment, and counterproductive government policies – all of which exacerbate the spread of HIV/AIDS and a mortality rate that continues to increase. Furthermore, children with HIV are at high risk of abandonment, neglect, and discrimination, notably being prohibited from attending school and being isolated from other children.