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Annual Review

of the Human Rights Situation of Lesbian, Gay, Bisexual, Trans, and Intersex
People in Ukraine covering the period of January to December 2018

Ukraine

Equality and non-discrimination

A campaign appealing to authorities with demands to ban “homosexual propaganda” to “protect the traditional family” continued this year. In 2018, the campaign consisted of electronic petitions posted on the websites of the President, government, parliament, and local authorities. If a petition to the former three collects 25,000 votes, it must be considered by the corresponding institution, issuing a reply.

In April, Ukraine’s Ombudsperson had one of these petitions removed from the President’s official website. In addition to demanding a ban on propaganda, the petition also called adoption by same-sex couples “an act of violence” against children involved. The Ombudsperson affirmed that the petition was against Ukraine’s Constitution and the European Convention on Human Rights. The Ombudsman’s step was the first of its kind in protection of LGBT people in the country.

The rest of the petitions remained and received the necessary support to be considered. Petitions on the Verkhovna Rada’s (Parliament) website were reviewed by parliamentary committees, some of which issued homophobic opinions. The petitions on the Cabinet of Minister’s were also examined. The response to petitions on the President’s website stated that “any legislative initiatives to restrict constitutional rights are unconstitutional”. At the same time, the President promised to “examine the adoption of national strategies to protect and promote traditional family values and the institution of the family in Ukraine.”

Acting Minister of Health Ulyana Suprun stated that according to the law, an electronic petition may not include appeals to restrict human rights, and those who submit it could freely leave Ukraine. A lively public discussion started after the coming out of Viktor Pylypenko on 8 June, a veteran of the Anti-terrorist Operation in Donbas. The photo exhibition “We Were Here”, dedicated to him and other LGBT veterans and volunteers of the ATO, was held between 31 August and 7 October. Representatives of the Legal and Psychological Services of the Ministry of Defense attended the opening and assured the audience that the Ministry will apply the principle of non-discrimination and equality towards LGB military staff.

In July, the Ukrainian parliament adopted the law “On the legal

status of missing persons”, which prohibits discrimination of missing persons and their relatives (art. 7), particularly on grounds of sexual orientation. It also recognises same-sex partners of missing persons as relatives. This is the second Ukrainian law, after the Labour Code, explicitly prohibiting discrimination on grounds of sexual orientation.

Freedom of assembly

The biggest problem of the Ukrainian LGBT movement in 2018 remained the high level of aggression by right-wing nationalist groups, who consistently tried to disrupt LGBT events. Attacks took place on a training event for psychologists on LGBT issues on 31 March in Poltava and the Equality Festival by NGO Insight in Chernivtsi on 19 May.

On 18 November, Insight NGO wanted to hold Trans*march on the occasion of the Transgender Day of Remembrance (TDOR). The police requested that organisers changed the starting point of the event several times, due to threats and counter-demonstrations by far right groups. When participants moved to the new location at Universytet metro station, a group of radicals attacked them, using smoke bombs. The police did stop them, and instead violently pushed participants of the Trans*march inside the metro. Three people suffered injuries from the attack. No one of the perpetrators was arrested. MP Svitlana Zalizchuk made an official statement demanding a proper investigation.

On 19 July, the Dnipropetrovsk District Administrative Court dismissed a claim of the Metallurhiyna District Council in Kryvyi Rih city to ban the Equality March in the city. On 22 July, the march was held under strong police protection. In October, the Ombudsman’s Office made a request to the Chernivtsi City Council to reverse its ban on LGBT events and observe the principles of equality and non-discrimination.

Freedom of association

Civil society is facing increasing repression by the government, in the lead-up to the 2019 elections. Pending draft amendments to the tax code (No. 6675) and the law on public associations (No. 6674) require NGOs to submit detailed reports about their finances and staff, including any external partners they work with or fund. NGOs that fail to submit the documents can be fined or shut down.

Health

During the second international trans conference (see under **Legal gender** recognition), the Deputy Head of the Medical Department of the Ministry of Health, Andrii Havrylyuk stated that the Ministry is ready to approve the new trans healthcare protocol. Yet, no steps were taken so far.

Legal gender recognition

On 23-25 of April, Insight NGO, in cooperation with the Ministry of Health, the Coalition against discrimination in Ukraine, the Secretariat of the Ukrainian Parliament Commissioner for Human Rights, and the Post Soviet Trans*Coalition, hosted the second international trans conference “Transgender issues: challenges and perspectives in modern Ukraine and world” in Kyiv.

The conference focused on legal gender recognition and access to trans healthcare. It stressed that the current LGR procedure discriminates against trans people who cannot or do not want to access hormones, or want to get a psychiatric diagnosis.

Since the 2016 Order No. 972 of the Ministry of Health “On approval and implementation of the medical-technological documents on standardisation of health care for gender dysphoria”, there have been several cases where trans people were able to access LGR without undergoing sterilisation. Hormone replacement therapy and a diagnosis however are still requirements.

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