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**Study on Homophobia, Transphobia and Discrimination on  
Grounds of Sexual Orientation and Gender Identity**

**Sociological Report: Ukraine**

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## **A. Executive summary**

1. The general attitudes towards LGBT persons in Ukraine are reported to be strongly negative. This negativity is often explained by the fact that being a homosexual is against Ukrainian moral standards and principles and therefore completely unacceptable. The church is also playing an important role, as the Ukrainian society is very religious and the views and opinions of the different churches are influential for a large segment of the population.
2. The cases of discrimination, reported by the Ukrainian LGBT NGOs, are mostly relating to the violations of the freedom of assembly, freedom of speech and discrimination at the workplace and in the education sphere. The areas of access to goods and services, social care, insurance and housing are on the other hand less covered.
3. There are accounts of several incidents of harassment and discrimination of LGBT persons from police officers and family members.
4. Freedom of assembly and freedom of expression for LGBT persons in Ukraine are reported to be under pressure due to the generally negative attitudes towards LGBT persons on the part of the majority, but also because of the activities of the National Commission for the Protection of Public Morality of Ukraine, which has closed down several LGBT related publications for the past couple of years. The Commission is established and operates in the structure of the Ukrainian Parliament and is financed by the state.
5. The Ukrainian NGO Insight has recently published a report on the situation of transgender persons in Ukraine. The report is based on a number of interviews with transgender Ukrainians and provides an in-depth analysis of the issues relevant and actual for this group. The issues related to transgender persons are therefore broadly represented throughout this report - the discrimination to a large extent mirrors that of LGB persons. The issues mostly highlighted are often disrespectful and incompetent treatment of transgender persons by medical personnel, forced self-medication and expensive treatment, as well as the obstacles related to change of ID-documents.

## **B. Data Collection**

6. Data have been collected for this report through:
7. A study of available online and print data on the situation regarding homophobia, transphobia and discrimination on grounds of sexual orientation and gender identity in Ukraine.
8. Data collection through interviews in Ukraine held in Kiev 17 - 18 May 2010 with:
9. Public Authorities:
  - Ministry of Justice
  - Ministry of Interior
  - Ministry of Health

- The State Department for Monitoring of Honouring of National Legislation on Labour in Ukraine

10. NGOs:

- NGO Insight
- NGO For Equal Rights, Kherson
- NGO Gay Forum Ukraine
- NGO Our World

11. National Human Rights Institutions and Equality Bodies:

- The Ombudsman Office

12. During the field trip, the project team was invited to the opening of the Ukrainian Film Festival on 17 May – the International Day Against Homophobia and Transphobia. Some of the events described in this report are therefore experienced first-hand.

## C. Findings

### C.1. Public opinion and attitudes towards LGBT people

13. In 2002, the Ukrainian NGO Our World conducted a poll among Ukrainian citizens on their attitudes towards LGBT persons and their views on equality between LGB and heterosexual citizens. The same poll was repeated in 2007. In 2002 42.5 percent of the respondents meant that everyone should have equal rights, while 33.8 percent meant that some restrictions must be in place. In 2007 34.1 percent answered that all persons must have equal rights, while the number of people against it increased to 46.7 percent. When asked whether same-sex couples should have the right to register their relationships 40.2 percent answered No, never in 2002, while in 2007 52.8 percent had the same opinion. These polls indicate that the level of general intolerance and homophobia in Ukraine is not only high, but has also increased in the past 5 years.<sup>1</sup> According to Our World, "only in Kiev it has decreased, but this is because people here travel more, are wealthier and have more personal acquaintances with LGB persons."<sup>2</sup>
14. It is important to underline that the survey in question exclusively deals with public attitudes towards homosexual persons. Transgender persons are not mentioned in the survey. According to the report on the situation of transgender persons in Ukraine for 2009, conducted by the Ukrainian NGO Insight, the issues of transgender persons are not on the Ukrainian public agenda. The report is conducted on the basis of qualitative, life-story interviews and does not provide any statistical data. According to the report, transgender persons are very much invisible in the Ukrainian society, which leads to the fact that no quantitative research, polls or surveys are conducted on the general public attitudes towards them. The report concludes as well, that the general ignorance of transgender issues leads to negative stereotyping of transgender persons by the society and therefore the general attitudes towards transgender persons (when visible) are mostly negative.<sup>3</sup>
15. One of the issues, which came up as important, when discussing general attitudes towards LGBT persons in Ukraine with NGOs, was the fact that the "opposition" to LGBT movement is quite visible and influential in the civil society. In September 2003 the organisation Love against Homosexuality was established and is now one of the leading forces against equality of LGBT persons in the Ukrainian society.<sup>4</sup> Love against Homosexuality organises public campaigns, is visible in the mass media and frequently directs their statements to the President, prime-Minister and other officials. The organisation has several times tried to initiate criminalisation of the "propaganda of homosexuality".<sup>5</sup> Here is a quote from their manifest:
16. "We have to abandon the myth that the LGBT community in different countries act differently. They all act the same: using democratic slogans, gays and lesbians are yelling about some kind of discrimination. Once they manage to get sympathy from the society, they try to change legislation to supposedly protect them in the future from this

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1 NGO "Our World", *Ukrainian Homosexuals and Society, A Reciprocation – Review of the Situation: society, Authorities and politicians, Mass-media, Legal Issues, Gay Community*, Kiev, 2007.

2 Joint interview with NGOs, Kiev, 18 May 2010.

3 NGO "Insight", *The Situation of Transgender Persons in Ukraine – a research report*, 2010, Kiev, Ukraine, 2010, p. 10.

4 Joint meetings with NGOs, Kiev, 18 May 2010.

5 Materials, made available and drafted by the NGO For Equal Rights, Kherson.

"discrimination". Gradually, radically changing the country's legal framework, they seek to establish homo-dictatorship, which does not accept any criticism in its address."<sup>6</sup>

17. Also here it is important to underline the fact that although the LGBT community is referred to in the beginning of the manifest, later on the terms "gays and lesbians" are used. The invisibility of the transgender community and general ignorance towards transgender issues is also at stake in anti-LGBT discourse.
18. Another important factor in understanding the increasing homophobia is the fact that, according to Our World, the Ukrainian society "is dominated by a patriarchal way of life, so-called traditional family values and norms, and settled or (more often) newly arrived religious morals."<sup>7</sup> This view was supported during the interviews with both civil society actors and officials. For example, the Ombudsman Office states:
19. "98-99 percent of population in Ukraine are against homosexuality... this is because they (LGBT persons – ed.) are showing their intimate side of life in public (primarily in relation to Gay Prides – ed.). This is not acceptable for a Ukrainian, we believe that this is something personal and cannot be displayed in public. The moral dimension is very important in Ukraine."<sup>8</sup>
20. One may say that the general discourse of the Ukrainians' perception of LGBT persons is dominated by the idea of so-called national moral standards and ethics, to which LGBT movement is assumed opposed. The idea of common ethic and moral standards is also supported by the fact that the Ukrainian government has in 2003 established a National Expert Commission for Protection of Public Morality in Ukraine. Although the Commission has an independent status, its activities are financed by the state. The Commission's main goal is to "protect" Ukrainian society from materials of pornographic and erotic nature, as well as materials promoting violence and aggressive behaviour.<sup>9</sup>
21. "Basically, they check all publications, films, TV, magazines etc. in order to find out whether they include elements of pornography and eroticism. They can close them down, if they find anything, through court."<sup>10</sup>
22. The terms national ethic and moral standards does therefore not only exist in the Ukrainian society, the term is institutionalised and legally operational.
23. Another important aspect of the widely spread negative attitudes towards LGBT persons in Ukraine are to be found in the significant role played by the Church and religion in general:
24. "After the Communist fall the religious society came to life again... religion had its renaissance, so to speak. This is a very important aspect in the former Soviet countries."<sup>11</sup>
25. The general view of the Church on LGB persons is rather negative. In 2006 the All-Ukrainian Council of Churches and Religious Organisations, representing mostly the Christian, Muslim and Judaic confessions in Ukraine, issued an open letter to the

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6 Official website of Love against Homosexuality, Manifest: <http://love-contra.org/index.php/about/manifesto/>, accessed 28 May 2010. Translated from Russian by the author of this report.

7 NGO "Our World", *Ukrainian Homosexuals and Society: A Reciprocation – Review of the Situation: society, Authorities and politicians, Mass-media, Legal Issues, Gay Community*, Kiev 2007.

8 Interview with the Ombudsman Office, Kiev. 17 May 2010.

9 Official website of the Commission/ "General Information": [www.moral.gov.ua/pages/2/](http://www.moral.gov.ua/pages/2/), accessed 28 May 2010.

10 Interview with the Ministry of Justice, Kiev. 17 May 2010.

11 Interview with the Ombudsman Office, Kiev. 17 May 2010.

Parliament (Verhovnaya Rada) urging to secure by law that same-sex marriages or partnerships never become legalised by the Ukrainian legislation:

26. "The experience of countries which register same-sex marriages or partnerships shows that the process of liberalising public morals by the state ends in the abyss. Where prostitution and drug-addiction, same-sex marriages and euthanasia are legalised, there is already a question of legalising paedophilia... Already in the near future, extinction threatens the native populations of these countries. We do not want Ukraine to go this way."<sup>12</sup>
27. In January 2010 the same Council issued an official request to the Ukrainian president, Prime-minister, Minister of Foreign Affairs, the Head of the Supreme Court, the Head of the permanent Ukrainian delegation at PACE and other officials, asking them to be against the proposal of legalisation of same-sex partnerships in Europe "not only at the current session of PACE, but also in the future, during voting for respective draft resolutions."<sup>13</sup> In the end of this open letter the Council underlines that "such a position(...) will indicate the high moral standards in our country and will protect the future of Ukraine from the self-will of dissipation, immorality, and destruction of the institution of family."<sup>14</sup>
28. The idea of Ukraine having its own moral standards and way of living came similarly to surface during the interviews with several state stakeholders and representatives of the civil society. The Ombudsman Office has above all stated:
29. "We are an independent State. We do not have to do everything as they do it in Europe. There are some things, which we will decide ourselves."<sup>15</sup>
30. According to several NGOs, interviewed for this report "there is this understanding that ... our civilisation is special... They (the policy-makers – ed.) want to be a part of Europe, but with no LGBT rights."<sup>16</sup>
31. There are therefore many different factors, which influence general attitudes towards LGB persons Ukraine. All in all one may say that the general views on LGB persons are strongly negative and the negativity is reported to be growing. As for transgender persons, the high level of ignorance of transgender related issues is reported, but when visible, the general view on transgender community is also mostly negative.

## **C.2. Freedom of assembly and association**

32. There are several LGBT NGOs operating in Ukraine, both in the capital and in the regions. The first LGBT organisation registered was the Nikolaev Association for Gays, Lesbians and Bisexuals LiGA. The organisation was established in 1993, but was first registered on 26 December 1996. According to the organisation, the local authorities denied the

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12 The letter is quoted in English in the report by Our World: NGO "Our World", *Ukrainian Homosexuals and Society: A Reciprocation – Review of the Situation: society, Authorities and politicians, Mass-media, Legal Issues, Gay Community*, Kiev 2007, p. 69.

13 AUCCRO Calls the Ministry of Foreign Affairs and PACE Delegation to Object to Legalisation of Same-Sex Partnerships in Europe, [www.ilga-europe.org/home/guide/country\\_by\\_country/ukraine/auccro\\_calls\\_the\\_ministry\\_of\\_foreign\\_affairs\\_and\\_pace\\_delegation\\_to\\_object\\_to\\_legalization\\_of\\_same\\_sex\\_partnerships\\_in\\_europe](http://www.ilga-europe.org/home/guide/country_by_country/ukraine/auccro_calls_the_ministry_of_foreign_affairs_and_pace_delegation_to_object_to_legalization_of_same_sex_partnerships_in_europe), accessed 6 May 2010.

14 Ibid.

15 Interview with the Ombudsman Office, Kiev. 17 May 2010.

16 Joint interview with NGOs, Kiev. 18 May 2010.

registration several times, and the process was not easy.<sup>17</sup> Several other organisations report experiencing obstacles during their registration. One of them is abovementioned NGO Our World, which started its work with LGB issues in 1997, but first was registered in 30 November 1999.<sup>18</sup> On their website, the NGO comments:

33. "Nash Mir (Our World) was registered at the end of 1999. But this success was made possible only as the result of a determined battle by the members of the organisation for their legal rights, and the steadfast attention to this issue on the part of some international human rights organisations."<sup>19</sup>
34. As for the scope of work of Ukrainian NGOs, most of them are working with and for homo- and bisexual men and women. The transgender issues are covered to a less extent. One of the largest Ukrainian LGBT NGOs is the abovementioned Insight, who has recently accommodated "special task force" for transgender issues. The NGO has recently published the report on the situation of transgender persons in Ukraine, also mentioned above, and even has a coordinator working mainly with transgender issues.<sup>20</sup> The report also mentions the lack of sustainable civil society work among transgender persons in Ukraine:
35. "Unlike other stigmatised groups, transgender persons do not claim their rights and appreciation, they do not organise themselves into initiative groups or organisations. Mostly, they are taking up their silent battles individually, one-on-one with their problems."<sup>21</sup>
36. The report concludes that in order to activate and empower the Ukrainian transgender community to organise itself and actively claim their rights and freedoms, a serious awareness raising is needed, mostly among and by the already existing civil society organisations and professional association (especially among medical personnel).<sup>22</sup>
37. According to the Ministry of Justice, this goes for all Ukrainian LGBT organisation. During the interview, the Ministry has revealed that more effective and active lobbying on the side of LGBT persons would help them to understand the current difficulties, faced by the community, and draft relevant and more operation legislation accordingly:
38. "The problem is that we do not have any case law. The organisations are not very active... They are afraid to come out; they feel more comfortable inside their own groups. They are silent, this means that there are no problems, this means that we do not have to do anything. If they go to court, or they talk to us, we can address these issues."<sup>23</sup>
39. Practical initiative: During the interviews with NGOs and Ministry of Interior, it was revealed that up till now, there has been established a system of so-called public councils in all regions of Ukraine. Each police head quarters had a council, consisting of representatives from civil society and local police officers. The councils would discuss relevant human rights related issues and the NGOs would come with recommendations to the police on

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17 Official website of LiGA Nikolaev, About Association: [www.gay.nikolaev.ua/league.php](http://www.gay.nikolaev.ua/league.php), accessed on 24 August 2010).

18 *Legal Study on the Situation Concerning Homophobia, Transphobia and Discrimination on Grounds of Sexual Orientation and Gender Identity in the Council of Europe Member States – Ukraine*, Serhiy Ponomarev. 2010.

19 Information about Our World: [www.gay.org.ua/about/nashmir-e.htm](http://www.gay.org.ua/about/nashmir-e.htm), accessed 24 August 2010.

20 Joint interview with NGOs, Kiev. 18 May 2010.

21 NGO "Insight", *The Situation of Transgender Persons in Ukraine – a research report*, 2010, Kiev, Ukraine, 2010, p.5. Translated by the author of this report.

22 Ibid.

23 Interview with the Ministry of Justice, Kiev. 17 May 2010.



prevention of human rights violations<sup>24</sup>. The civil society members were represented by organisations working with different minority groups, among all LGBT. The Ukrainian NGO Our World was a member of such a Council in the Kiev district, and the NGO For Equal Rights, Kherson was a member in the Kherson district<sup>25</sup>. According to the Ministry of Interior, the new government is at the moment conducting a restructuring of the human rights monitoring system inside the Ministry of Interior, and the future of these councils has not been clarified yet<sup>26</sup>.

40. As for the freedom of assembly, the first open participation of the Ukrainian LGBT community in a public event took place in 2003 during the UN sponsored "Race for Life", aimed at HIV/AIDS prevention<sup>27</sup>. The event was attended by the NGOs Our World and Information and Education Centre Women's Network (registered on 17 April 2000). Women's Network has informed the coordinator of the event that the LGBT organisations, participating in the run, would carry a 10-metre long rainbow flag, which was positively received by the organisers. Five days before the event, the director of Women's Network was contacted by the city authorities and invited to a personal meeting. During the meeting, she was asked to inform the authorities in writing about the organisation's plans and intentions for participating in the event. The next day the organisation decided to carry a specially made Memorial Quilt instead of a rainbow one, in honour of LGBT persons, who died because of HIV/AIDS<sup>28</sup>. The authorities have later commented:
41. "usage of big rainbow flag and informational materials with gay symbols can create unpredictable situations and this can violate the rights of other citizens. this is why we ask you to refrain from your declared actions."<sup>29</sup>
42. The event went ahead on 21 September 2003. During the day, the information stand of the NGO Our World was subjected to a number of violent attacks from extremist groups and skinheads.<sup>30</sup> The run-participants, wearing LGBT symbols and carrying the Memorial Quilt were surrounded by a group of young men in black shirts and forced to leave the Quilt.<sup>31</sup> After the run went ahead, the participants, wearing LGBT symbols were chased by the "black shirted men" and were forced to throw LGBT symbols, drop out from the run and spread themselves in the streets of Kiev. According to Women's Network, a group of "men in black" were searching for LGBT participants at the finish line.<sup>32</sup>
43. The dramatic events of "Race for Life" 2003 did however not stop Women's Network from participating in the 2004 event. On September 19<sup>th</sup>, 2004 around 10 lesbian women wearing LGBT symbols finished the run together with other run-participants.<sup>33</sup>

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24 Interview with the Ministry of Interior, Kiev, 18 May 2010.

25 Joint interview with NGOs, Kiev. 18 May 2010.

26 Interview with the Ministry of Interior, Kiev. 18 May 2010. Also confirmed during the Join interview with the NGOs, Kiev. 18 May 2010.

27 ILGA-Europe, *LGBT Rights. Freedom of Assembly. Diary of Events by Country*, August 2008, 2008.

28 Chronology of Events, Laima Gaydar (Women's Network), Andrey Maymulakhin (Our World), Anton Shevchenko (Gay Alliance), Stas Naymenko (Your Life, editor of "One of us" magazine), Kiev, September 2003, [www.feminist.org.ua/news/hot/2003/hron.php](http://www.feminist.org.ua/news/hot/2003/hron.php), accessed 25 August 2010.

29 ILGA-Europe, *LGBT Rights. Freedom of Assembly. Diary of Events by Country*, August 2008, 2008, p. 52.

30 Chronology of Events, Laima Gaydar (Women's Network), Andrey Maymulakhin (Our World), Anton Shevchenko (Gay Alliance), Stas Naymenko (Your Life, editor of "One of us" magazine), Kiev, September 2003, [www.feminist.org.ua/news/hot/2003/hron.php](http://www.feminist.org.ua/news/hot/2003/hron.php), accessed 25 August 2010.

31 Ibid.

32 Ibid.

33 Our Gay Pride, Laima Gaydar, [www.feminist.org.ua/about/projekt/probeg2004/index.php](http://www.feminist.org.ua/about/projekt/probeg2004/index.php), accessed on 25 August 2010.

44. According to ILGA-Europe, the events of 2003 have a major impact on the further attempts to organise an open large-scale demonstration by LGBT community.<sup>34</sup> However, in 2005 Our World has organised a picket in front of the Interregional Academy of Personnel Management on the occasion of the first International Day against Homophobia in Kiev.<sup>35</sup> The picket was arranged in protest against homophobia among management of the Academy,<sup>36</sup> following the expulsion of one of the students on account of his sexual orientation.<sup>37</sup> The City Hall prohibited that event on the grounds that another organisation was picketing at exact same time and place. The picket went ahead anyway and without any significant obstacles.<sup>38</sup>
45. In May 2008 the Nikolaev Association for Gays, Lesbians and Bisexuals LiGA was arranging an information campaign including a flash mob in Nikolaev; however the event was banned by the authorities. The event was supposed to take place on 17 May – the International Day Against Homophobia, under the frame of the Council of Europe programme “All Different – All Equal”.<sup>39</sup> As the event was planned as an informational action with elements of flash mob, there was no need to apply for official approval of the event by authorities. According to the current legislation, information campaigns, demonstrations and flash mobs do not require official approval by authorities. The local authorities must be informed about the event, in order to provide sufficient protection for the participants<sup>40</sup>. The Ministry of Justice and Interior have during the interviews elaborated that there local authorities would send a request to the Ministry of Interior whenever an information about a public event is passed on to them. The Ministry of Interior has special units evaluating the information and advising the local authorities on safety issues during public actions. The recommendations of these units are being carefully considered by local authorities in their approach to public actions and demonstrations.<sup>41</sup> If the local authority decides to ban the event though, it must be done through court decision.<sup>42</sup>
46. The night before the event, the organisation received a written notification from the Municipality informing them that:
47. "(...) there was an appeal form leaders of several religious denominations ... representatives of Orthodox, the Roman Catholics, Christianity of Evangelist belief, the Seventh Day Adventists, Eparchy of Christianity and Baptist, Union of Independent Orthodox churches... that represent almost ten thousand of parishioners with the demand to local authorities to forbid the conduction of the action by representatives of sexual minorities... Conduction of this action creates danger of civil order, disturb public peace and incite to mass riots and conflicts."<sup>43</sup>

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34 ILGA-Europe, *LGBT Rights. Freedom of Assembly. Diary of Events by Country*, August 2008, 2008.

35 Ibid.

36 NGO “Our World”, *Ukrainian Homosexuals and Society: A Reciprocation – Review of the Situation: society, Authorities and politicians, Mass-media, Legal Issues, Gay Community*, Kiev 2007.

37 ILGA-Europe, *LGBT Rights. Freedom of Assembly. Diary of Events by Country*, August 2008, 2008.

38 Ibid.

39 Nikolaev local authorities ban action commemorating International Day Against Homophobia! Oleg Alyokhnin, [http://ilga-europe.org/europe/guide/country\\_by\\_country/ukraine/nikolaev\\_local\\_authorities\\_ban\\_action\\_commemorating\\_international\\_day\\_against\\_homophobia](http://ilga-europe.org/europe/guide/country_by_country/ukraine/nikolaev_local_authorities_ban_action_commemorating_international_day_against_homophobia), accessed 1 June 2010.

40 *Legal Study on the Situation Concerning Homophobia, Transphobia and Discrimination on Grounds of Sexual Orientation and Gender Identity in the Council of Europe Member States*, Ukraine, Serhiy Ponomarev. 2010.

41 Interview with Ministry of Justice, Kiev. 17 May 2010. Interview with Ministry of Interior, Kiev. 18 May 2010.

42 *Legal Study on the Situation Concerning Homophobia, Transphobia and Discrimination on Grounds of Sexual Orientation and Gender Identity in the Council of Europe Member States*, Ukraine, Serhiy Ponomarev. 2010.

43 Nikolaev local authorities ban action commemorating International Day Against Homophobia! Oleg Alyokhnin, [http://ilga-](http://ilga-europe.org/europe/guide/country_by_country/ukraine/nikolaev_local_authorities_ban_action_commemorating_international_day_against_homophobia)

48. According to the Ombudsman Office the ban of the event is understandable, due to the fact that it was supposed to take place right before a religious holiday, and this would inevitably have lead to confrontations between the participants and religious groups:
49. "You have to understand... it was directly dangerous for the citizens... The police have said that they cannot secure the safety of the demonstrators... the clash between religious groups and LGBT persons will happen."<sup>44</sup>
50. LiGA Nikolaev has decided not to go ahead with the event. It comments:
51. "As law-abiding citizens of our country we obeyed the decision and cancelled all planned activities...But we consider this to be a serious infringement of freedom of expression and assembly (...) We consider actions of local authorities to be unlawful."<sup>45</sup>
52. In late May representatives of LiGA approached the Central District Court of the city of Nikolaev and to the Nikolaev Arbitration Court to appeal the local authorities' prohibition of the flash-mob. Both courts refused to process the appeal invoking "lack of jurisdiction."<sup>46</sup>
53. Most of the abovementioned events were organised by organisations working with and for LGB persons. According to the report on the situation of transgender persons in Ukraine, conducted by Insight and referred to above, the transgender community in Ukraine is currently not very active in the public life and does not actively participate in or conduct public actions, demonstrations etc. According to the report, the main reason for that is the fact that being transgender person in Ukraine is associated with so many negative experiences, negative stereotypes, misunderstanding and exclusion, that many transgender persons simply do not want to expose themselves as transgender "more than absolute necessary".<sup>47</sup> Another reason for lack of participation in public actions and events among transgender persons is reported to be the fear of aggressive confrontations and repressions. This is especially relevant for transgender persons living in rural areas, small cities where stigmatisation level is reported to be higher and people know each other better than in bigger cities.<sup>48</sup>

### C.3. Freedom of expression

54. All NGOs interviewed for this report state that there is a pressure on the LGBT community in terms of publication and dissemination of LGBT related information, from the side of the National Expert Commission for Protection of Public Morality.<sup>49</sup> In February 2008, the Ukrainian gay magazine "Gay.Ua" was sued by the Commission for dissemination of pornographic pictures under the article 301 of the Criminal Code of Ukraine – distribution of pornographic materials.<sup>50</sup> The magazine had already been classified as pornographic by

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europa.eu/europe/guide/country\_by\_country/ukraine/nikolaev\_local\_authorities\_ban\_action\_commemorating\_international\_day\_against\_homophobia, accessed 1 June 2010.

44 Interview with the Ombudsman Office, Kiev. 17 May 2010.

45 Nikolaev local authorities ban action commemorating International Day Against Homophobia! Oleg Alyokhnin, [http://ilga-](http://ilga-europe.org/europe/guide/country_by_country/ukraine/nikolaev_local_authorities_ban_action_commemorating_international_day_against_homophobia)

[europa.org/europe/guide/country\\_by\\_country/ukraine/nikolaev\\_local\\_authorities\\_ban\\_action\\_commemorating\\_international\\_day\\_against\\_homophobia](http://ilga-europe.org/europe/guide/country_by_country/ukraine/nikolaev_local_authorities_ban_action_commemorating_international_day_against_homophobia), accessed 1 June 2010.

46 Human Rights Violations Based on Sexual Orientation in Ukraine, Summary 2008. Prepared by Our World Gay and Lesbian Centre, downloaded from, [www.gay.org.ua/index-e.htm](http://www.gay.org.ua/index-e.htm), accessed 25 August 2010.

47 NGO "Insight", *The Situation of Transgender Persons in Ukraine – a research report*, 2010, Kiev, Ukraine, 2010, p.53.

48 Ibid.

49 Joint interview with the NGOs, Kiev. 18 May 2010.

50 A Part of National Report on Situation of LGBT in Ukraine for 2008-2009, by Aleksandr Zunchenkov, Kiev, 2010, downloaded from, [www.gay.org.ua/](http://www.gay.org.ua/), accessed 6 May 2010.

the Commission, a year before in 2007.<sup>51</sup> These cases got international attention and reactions from ILGA-Europe and IGLAHRC, who wrote a joint protest letter to the President of Ukraine, also addressed to the Prosecutor General of Ukraine, the Minister of Interior and the Ombudswoman of Ukraine. In the letter the international organisations state as follows:

55. "The criminal action against the staff of Nash Mir (Our World – ed.) Centre is discriminatory because it targets only the publisher of LGBT news and information, selectively employing the notion of public morality. The criminal action stand in contrast to the human rights commitments of Ukraine and to the country's opening towards the principles upheld in the rest of Europe, where governments increasingly take action to protect LGBT community from discrimination."<sup>52</sup>
56. The case went to court, but the fact of pornography dissemination was not proven in the court room. However, due to the exhausting process, which lasted for one year, the editor of Gay.Ua was forced to close down the magazine.<sup>53</sup>
57. Another case is from the same time period. In February 2008 the National TV Channel "Studia 1+1" broadcasted a famous movie Brokeback Mountain, which describes a relationship between two men. The Commission has drafted an expert opinion stating that the movie: "can be physically, intellectually, morally and mentally harmful, particularly to the youth and children."<sup>54</sup> According to the Commission the movie violated the law of Ukraine "On Protection of Public Moral". The movie was prohibited broadcasting, besides between 11 pm and 6 am.<sup>55</sup>
58. In October 2008 a religious group History Makers (Tvorcyy Istorii) have condemned screenings of gay and lesbian film programme Sunlight Spot (Solnechnyy Zaichik) during the 38<sup>th</sup> International Festival Youth (Molodost) in Kiev. The organisers stated that "the festival was not supposed to be a platform for pervert behaviour! We want this festival to remain cultural and important, as it represents the image of our country!"<sup>56</sup>
59. During the field trip to Ukraine, the project team was invited to an opening of the LGBT film festival, organised by the NGO Insight in cooperation with COC Netherlands and supported by UNDP Office. The film festival took place on 17 May – the International Day Against Homophobia. The day after the opening, Insight got a telephone call from the film theatre urging them to come, as the National Expert Commission had sent a lawyer to the theatre. One of the NGO representatives left for the meeting immediately. The meeting ended peacefully with no violent or rude confrontation. However, shortly after the meeting, the NGO received another phone call informing them that the Commission would now try to close the festival (which was supposed to last for a week) and had already sent the case to the Prosecutor's Office. The Commission stressed that the film shown during the opening was of an openly pornographic nature. The organisation was therefore informed that the investigators from the Prosecutor's Office would arrive to the office of Insight and search it

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51 Joint ILGA-Europe/IGLHRC Protest Letter to the Ukrainian Authorities on Prosecution of Nash Mir Activists, [http://ilga-europe.org/europe/guide/country\\_by\\_country/ukraine](http://ilga-europe.org/europe/guide/country_by_country/ukraine), accessed 1 June 2010.

52 Ibid.

53 A Part of National Report on Situation of LGBT in Ukraine for 2008-2009, by Aleksandr Zunchenkov, Kiev, 2010, p. 1, downloaded from, [www.gay.org.ua/](http://www.gay.org.ua/), accessed 6 May 2010.

54 Human Rights Violations Based on Sexual Orientation in Ukraine, Summary 2008. Prepared by Our World Gay and Lesbian Centre, downloaded from, [www.gay.org.ua/index-e.htm](http://www.gay.org.ua/index-e.htm), accessed on 25 August 2010.

55 Ibid.

56 The film programme "Sunlight Spot" during Festival "Youth" – the organisers say "Promoting tolerance!", October 2008, <http://palm.rus.newsru.ua/rest/22oct2008/molodist.html>, accessed 25 August 2010.

for further pornographic materials and publications.<sup>57</sup> At the time of the call, the project team was at the office of Insight conducting a joint interview with other NGOs. The interview was forced to end due to this phone call. No one showed up at the office of Insight that day, neither did they come the day after. The organisation has recently reported back:

60. "One of the films of the Festival programme was not shown as some activists from the "Committee on protection of public morale" under the International public organisation "Association for Development of National Leadership" filed a complaint on 18 May 2010 to the Prosecutor's office in Kyiv "on distributing pornographic products at the premises of Kinopanorama movie theatre." Namely the complaint referred to the film "Fucking Different San Paolo" that was shown at the opening of the Festival on 17 May 2010. To avoid potential problems with the police ...we decided not to show one of the programme films and to skip overtly sexual scenes in other films."<sup>58</sup>
61. The police investigation, referred to above, did indeed take place. However, it was limited to a formal interrogation by the Chair of the Commission and the case was closed.<sup>59</sup>
62. As this chapter has shown, the LGBT community in Ukraine experience rather heavy pressure on their freedom of expression due to the fact that the National Expert Commission of Protection of Morality is closely following their actions and publications. Besides, the current Ukrainian legislation makes it possible to classify a lot of written, audio and video LGBT related materials as illegal, according to the Act №1296-4, 20.11.20 on "Protection of Public Morals" and Art. 301 of the Criminal Code of Ukraine (against distribution of pornography). According to the Legal Study on Situation on Homophobia, Transphobia and Discrimination on Grounds of Sexual Orientation and Gender Identity, Ukraine 2010, conducted together with this report, both these legal acts are quite vague and do not include specific definition of pornography or materials, offensive to public moral standards.<sup>60</sup> The evaluation of LGBT related materials, published by civil society organisations, is therefore an arbitrary process and the organisations can never be sure whether their materials will be considered illegal or not. This puts LGBT organisations under a lot of pressure and limits their possibility to publish and disseminate materials on LGBT related topics.

#### C.4. Hate crime - hate speech

63. Although the Act Concerning Amendments to the Criminal Code of Ukraine in regards to Crimes Committed on the grounds of Racial, National or Religious Intolerance (No. 1707-17, 05 November 2009) classify "direct or indirect limitations on the rights and freedoms or establishing direct or indirect privileges for citizens on the grounds of race, colour of skin, political, religious and other convictions, sex, ethnic and social origin, material status, place of residence, linguistic or **other characteristics**"<sup>61</sup> as punishable, no case law is known in which the court actually interpreted this paragraph as concerning hate crimes or hate speech against LGBT persons. As in many other countries, which do not list sexual

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57 These events took place during the joint interview with NGOs and was witnessed by the project team, Kiev. 18 May 2010.

58 Personal email correspondence with the NGO Insight.

59 Ibid.

60 *Legal Study on the Situation Concerning Homophobia, Transphobia and Discrimination on Grounds of Sexual Orientation and Gender Identity in the Council of Europe Member States*, Ukraine, Serhiy Ponomarev, 2010.

61 Quoted in *Legal Study on the Situation Concerning Homophobia, Transphobia and Discrimination on Grounds of Sexual Orientation and Gender Identity in the Council of Europe Member States*, Ukraine, Serhiy Ponomarev, 2010, p. 15.

orientation and gender identity as an aggravating factor, this however does not mean that hate speech incidents and hate crimes against LGBT persons do not take place.

64. According to NGO Our World, a considerable amount of hate speech examples have appeared in the Ukrainian media since mid-2006, many of them coming from the Ukrainian politicians.<sup>62</sup> One of the issues, which “open the floor” to many homophobic statements, is the issue of same-sex marriages. In August 2007 Mr. Alexander Turchinov, the second person in the political force of the Block of Julia Timoshenko (BYuT), has declared: "We are categorically against! It is a big sin".<sup>63</sup> The journalist then told Mr. Turchinov that his views seemed to belong to a more conservative party, to which the politician answered: "I do not agree. If a man has normal views, then you label him a conservative, but those who use drugs or promote sodomy – you label them a progressive person. All of these are perversions".<sup>64</sup>
65. Another example from 2007, reported by Our World, is the debate on including the words "sexual orientation" in an anti-discrimination article of the draft of Labour Code of Ukraine. In the interview to “Kommersant – Ukraine” a member of the Parliament Committee on Social Policy and Labour Mr. Vasiliy Khara (Party of Regions), said:
66. "Personally I think that gays and lesbians violate all norms of morality. It is the physical failing which is necessary to hide, no to expose. On the other side what they demand – is European norm and probably it will remain in the draft of the Code, though I'm against that".<sup>65</sup>
67. One of the most aggressive homophobic positions, publicly expressed by a Ukrainian politician, is reported to belong to the head of the Committee on Human Rights, National Minorities and International Relations of Verhovna Rada of Ukraine, communist Mr. Leonid Grach. Our World quote his statements from November 2006 that "homosexuality is an anomaly, which is caused by the amorality and the depravity of man".<sup>66</sup> In 2007 Mr. Grach stated:
68. "Me and my colleagues in the Parliament have to protect the society from infringement upon morality, to prevent penetration into consciousness and souls of people of any age the idea that the state is on the side of people who sow debauchery, promote dissoluteness, sexual permissiveness, bringing abomination of corruption of morals into society (...) the state must protect the society from evil, from violence, including such evil as homosexuality, lesbianism, etc.."<sup>67</sup>
69. The examples of hate speech are found not only in the statements of the politicians, but also journalists. Our World quotes a Ukrainian magazine Personal Plus:

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62 NGO “Our World”, *Ukrainian Homosexuals and Society: A Reciprocation – Review of the Situation: society, Authorities and politicians, Mass-media, Legal Issues, Gay Community*, Kiev 2007.

63 NGO “Our World”, *Reference in Ukrainian Homosexuals and Society: A Reciprocation – Review of the Situation: society, Authorities and politicians, Mass-media, Legal Issues, Gay Community*, Kiev 2007: Interview to the Internet-newspaper *Ukrainska pravda*, 22 August 2007.

64 Ibid.

65 Reference in NGO “Our World”, *Ukrainian Homosexuals and Society: A Reciprocation – Review of the Situation: society, Authorities and politicians, Mass-media, Legal Issues, Gay Community*, Kiev 2007: Interview to the newspaper *Kommersant-Ukraina*, 16 February 2007.

66 Reference in NGO “Our World”, *Ukrainian Homosexuals and Society: A Reciprocation – Review of the Situation: society, Authorities and politicians, Mass-media, Legal Issues, Gay Community*, Kiev 2007: Interview to the newspaper *Kommersant-Ukraina*, 17 November 2006.

67 Ibid. Message of the press-service of L. Grach to the news agency REGNUM, 09 February 2007.

70. "So in Germany in 1933-1945 homosexuals of male sex were imprisoned in prisons for female, and women – in prisons for men, and as a result those returned to normal sexual orientation during 1-2 years. Cruel, but obviously, correct!"<sup>68</sup>
71. There are reported many other examples of hate speech by various Ukrainian LGBT organisations, which are (due to the space limitations) not included in this report.<sup>69</sup> During the interviews in 2010, the NGOs reported that the amount of these incidents is growing:
72. "Even now each time there is an article on LGBT in media, it is not very likely to have any positive things...Even on the very respectable websites, there are very rude comments."<sup>70</sup>
73. One may say though, that while the LGB movement is getting bigger and persistently makes itself visible in the Ukrainian context, the LGB issues, points of view and life stories are also making their way into the public agenda. The transgender persons, on the other hand, remain in the shadows and their voice is much less heard in the Ukrainian media. The report made by Insight in 2009 was the first attempts to really channel the difficulties and problems, which transgender persons are dealing with in Ukraine. It is therefore crucial that the transgender community also makes its way to the media and its voice begin to be heard more often.
74. According to OSCE Annual report 2008 Hate Crimes in the OSCE Region - Incidents and Responses, in Ukraine the Ministry of Interior is reported to be responsible for collecting data on hate crimes, together with the Prosecutor's Office.<sup>71</sup> According to the report, Ukraine has not documented nor reported any cases of hate crimes towards LGBT persons.<sup>72</sup> A part of the explanation is the abovementioned fact that sexual orientation and gender identity is not listed as aggravating factor in the Ukrainian legislation. Another part of the explanation surfaced during the interview with the Ministry of Interior. According to the Ministry, the law enforcement bodies in Ukraine do not have any mechanisms and regulations for registration and handling of hate crimes, which are committed with sexual orientation or gender identity as aggravating factor. Besides, the police force, according to the Ministry, very often reflects the general attitudes and values of the population, which is why the level of homophobia, transphobia and non-acceptance of LGBT persons is high among police officers themselves. In their report from 2007, Our World reports that 61.5 percent of homosexual persons were faced with prejudiced attitudes, negative stereotyping and blackmail on the side of the law enforcement officers:<sup>73</sup>
75. "During contacts, legal procedures usually were violated (citizen was called to police without due summons, enforcement staff members refused to draw up reports, etc.). We were also informed of physical violence and sexual harassment towards homosexuals."<sup>74</sup>
76. Gay Forum Ukraine reports several incidents where LGB persons were subject to violence from law enforcement officials. Their report from 2010 states that Our World has in the

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68 Quoted in NGO "Our World", *Ukrainian Homosexuals and Society: A Reciprocation – Review of the Situation: society, Authorities and politicians, Mass-media, Legal Issues, Gay Community*, Kiev 2007: Personal Plus, Nr, 24, 15-21 June 2005

69 For more examples please see: NGO "Our World", *Ukrainian Homosexuals and Society: A Reciprocation – Review of the Situation: society, Authorities and politicians, Mass-media, Legal Issues, Gay Community*, Kiev 2007; *Human Rights Violations Based on Sexual Orientation in Ukraine*, Summary 2008. Prepared by Our World Gay and Lesbian Centre, downloaded from, [www.gay.org.ua/index-e.htm](http://www.gay.org.ua/index-e.htm), accessed 25 August 2010.

70 Joint interview with NGOs, Kiev. 18 May 2010.

71 Hate Crimes in the OSCE Region – Incidents and Responses. Annual report 2008. Warsaw, November 2009.

72 Ibid.

73 NGO "Our World", *Ukrainian Homosexuals and Society: A Reciprocation – Review of the Situation: society, Authorities and politicians, Mass-media, Legal Issues, Gay Community*, Kiev 2007, p. 83

74 Ibid.

period 2008 -2009 documented over 50 incidents of police violence, aggression and discrimination towards LGB persons from police officials. The report describes a case from May 2009, when over 300 LGB persons were interrogated during a police investigation of a murder of a homosexual man. About 10 persons had to seek medical help after the time they spent at the police station. One of them was arrested at his work place, while his partner was also taken into custody. They spent three days at the police station, and were systematically abused and beaten up.<sup>75</sup> Also according to the Ministry of Interior, in many cases the police officers become the offenders in hate crime incidents.<sup>76</sup> The reported police violence towards LGB persons has a major impact on the issue of tracking and documenting hate crimes on grounds of sexual orientation, because LGB persons often choose not to go to the police to report the incidents.<sup>77</sup> The same goes to reporting abuses on the side of police officers to the Prosecutor's Office:

77. "We are advising people to go to the Prosecutors' Office, but they refuse when they find out that it won't be anonymous."<sup>78</sup>
78. The awareness raising work on LGBT related issues is therefore crucial in order to increase the sensitivity of law enforcement towards the group. The NGO Our World, who is conducting seminars on LGBT issues for the police reports though that it is challenging to reach out to this audience:
79. "During a meeting with police officials, one of them said: "What do you want? Our police is the same as people. We live under the same law." I thought he meant Constitution, but then he said: "The Bible"<sup>79</sup>.
80. The Ukrainian NGO For Equal Rights, Kherson has reported a high level of violence towards LGB persons taking place inside their families. In all the cases, the victims refused to involve police:
81. "The cases are many: There was this lesbian girl who was raped by her sisters' husband. She doesn't want to go to police because of the family issues and because of the mistrust for the police. We were also in contact with two girls, who were beaten up in a café. They are afraid to tell anyone at all. There was also a boy, who was raped by eight men. He didn't go to the police either. People do not come out."<sup>80</sup>
82. Hate crimes towards transgender persons are also reported to be a serious issue in Ukraine. The hate crimes are taking place both inside the transgender persons' own families and in other contexts as well:
83. "There has been this man (FtM – ed.), when his family found out, his father started beating him up.... He made his son an invalid for life."<sup>81</sup>
84. The report on the situation of transgender persons, published by Insight, also documents a number of hate crime incidents, when transgender persons were subjected to violence because of their physical appearances during the transition:

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75 A part of National Report on Situation of LGBT in Ukraine for 2008-2009, by Aleksandr Zunchenkov, Kiev, 2010. (downloaded from, [www.gay.org.ua/](http://www.gay.org.ua/), accessed 6 May 2010).

76 Interview with the Ministry of Interior, Kiev. 18 May 2010.

77 Joint interview with NGOs, Kiev. 18 May 2010.

78 Ibid.

79 Ibid.

80 Ibid.

81 Ibid.



85. "It was before the hormone therapy, when people could still tell, I was already wearing women's dresses etc. I was on my way home from the cinema, and there were some teenagers who started to pick up on me. I went to the bus stop and wanted to get on a trolleybus, but they stopped me. They were calling me names, offending me, they started to beat me. I started to fight one of them, another one took my purse and started to run away. There were people around us, but no one interfered. They were just standing there watching and waiting for how it is going to end."<sup>82</sup>
86. According to the report, the "coming out" and transition processes is very often related to a high level of stress, loneliness and depression for transgender persons. The fact that transgender persons are often exposed to physical attacks and abuses makes it even harder to cope:
87. "I have started to have break downs, depression. Then it became even worse... I was at the hospital, because it was like... - I came to them and said: "Please send me to a psychiatric hospital somewhere, away from everybody, because I cannot keep living like this."<sup>83</sup>
88. Hate crime and hate speech are very serious matters. At the moment in Ukraine, the only organizations documenting hate speech and hate crime incidents are the LGBT NGOs and in most cases, they are not able to convince the victims to initiate cases on grounds of physical and verbal attacks. The efforts to conduct awareness raising on these issues are reported to be very challenging as well. In the meantime the hate speech and hate crime incidents have a huge impact on LGBT persons' well being and psychological health and need to be taken seriously by the police enforcement bodies, families and friends of the victims and the society as a whole.

### C.5. Family issues

89. Neither the Constitution nor the Family Code of Ukraine currently recognise the right of same-sex couples to get married. The Family Code of Ukraine explicitly define family as "created as a result of marriage, kinship, adoption, or other grounds not prohibited by the law and such do not contradict moral principles of the society... Marriage is a family union between a woman and a man."<sup>84</sup>
90. NGO Our World has since 2000 conducted research on the same-sex family patterns in Ukraine. In 2000 the organisation was primarily focusing on the legal issues relevant for same-sex couples in Ukraine and concluded that although existing, same sex families in Ukraine are very much invisible and legally excluded from the Ukrainian society<sup>85</sup>. In 2009, Our World conducted a similar study focusing on sociological and psychological aspects of same-sex families in Ukraine. The research is based on total sample of 527 questionnaires collected from homo- and bisexual men and women, mostly from Kiev and bigger cities in South and East Ukraine. The respondents' age varies from 17 to 72, though the majority of

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82 NGO "Insight", *The Situation of Transgender Persons in Ukraine – a research report*, 2010, Kiev, Ukraine, 2010, p. 49. Translated by the author of this report.

83 Ibid.

84 An investigation into the Status of Same-Sex Partnerships in Ukraine, Our World, 2009, downloaded from, [www.gay.org.ua/index-e.htm](http://www.gay.org.ua/index-e.htm), accessed 26 August 2010.

85 Ibid. p. 2.

the respondents fall into age group 20-29. 22 percent of the respondents are bisexual, and 75 percent of the respondents are lesbians and gay men.<sup>86</sup>

91. The study reveals that the older the respondents are, the more likely it is that they have been married to an opposite-sex partner. The numbers are: 36 percent for people 30-39 years old; 49 percent for those in 40-49 years group; and 64 percent for respondents who are 50 years old and above. 57 percent of the respondents report that they do not have children, while only 16 percent do. Slightly more than half of the respondents (57 percent) report though that they would like to have children.<sup>87</sup> According to Our World, there is a significant difference between bi- and homosexual persons and their marital patterns. While 45 percent of bisexual respondents report to have been in a heterosexual marriage, only 15 percent of homosexual respondents report to have been married.<sup>88</sup> What is also interesting about the figures is the fact that so many respondents in various age groups reported being married to an opposite-sex partner. One may say that the figures point out that heterosexual family life and marriage are important social institutions in Ukraine, and that this implies a pressure to engage in such relations. The report on transgender persons conducted by Insight reveals that this is also relevant for transgender persons in Ukraine. The survey conducted by Insight is qualitative and therefore lacks the figures, but the report tells a number of stories of transgender persons, who decided to marry in accordance to their biological sex in order “to please” their social settings.<sup>89</sup>
92. As for the same-sex families, the survey by Our World showed that 59 percent male respondents and 69 percent female respondents reported to be in a same-sex relationship at the time of the survey. The percentage is approximately the same for all age groups, and is slightly higher for lesbians and gay men than for bisexuals. 66 percent of homosexual respondents report to have a same-sex partner and 55 percent of bisexual respondents report the same.<sup>90</sup> Those who report not having a same-sex partner, usually explain it with the lack of “decent candidates” (54 percent) or unfavourable conditions (lack of time, place to meet etc. – 21 percent). Only 5 percent of all the respondents do not have a same-sex partner, because they are afraid of negative reactions on the side of their family and friends.<sup>91</sup> The results show that despite the high level of homophobia in the Ukrainian society, only minority of LGB respondents seem to be influenced by it in their choice of family life pattern.
93. The survey also describes different family patterns inside the same-sex families. The results show that same-sex couples are more likely to live together, when resident in big cities (60 percent), while same-sex couples in rural areas more often live separately, but see each other periodically (43 percent).<sup>92</sup> The survey also measures the level of satisfaction of LGB persons with their personal lives. The survey has shown that LGB persons having a same-sex partner are much more satisfied with their personal life than those without.<sup>93</sup> A similar correlation was established for those couples who live together and those who live separately.<sup>94</sup> When asked whether or not the respondents feel ready to register their relationship, if it was possible to do in Ukraine, 83 percent of the respondents

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86 An investigation into the Status of Same-Sex Partnerships in Ukraine, Our World, 2009, p.3-5. Downloaded from, [www.gay.org.ua/index-e.htm](http://www.gay.org.ua/index-e.htm), accessed 26 August 2010.

87 Ibid.

88 Ibid.

89 The Situation of Transgender Persons in Ukraine – a research report, 2010. NGO “Insight”, Kiev, Ukraine, 2010, p. 19.

90 An investigation into the Status of Same-Sex Partnerships in Ukraine, Our World, 2009, p.3-5. Downloaded from, [www.gay.org.ua/index-e.htm](http://www.gay.org.ua/index-e.htm), accessed 26 August 2010.

91 Ibid.

92 Ibid.

93 Ibid.

94 Ibid.

who have a same-sex partner answered Yes and 66 percent of the respondents without same-sex partner answered positively.<sup>95</sup> These figures show that not only do same-sex couples seem to feel more satisfied with their life in same-sex relationships; they also find it quite important to be able to register their relationships.

94. What is also important to underline is that 55 percent of the respondents have pointed out that the acceptance of their families is significantly affecting their relationships.<sup>96</sup> This issue was also mentioned as one of the most significant ones by several other LGBT NGOs, when talking about family issues for LGBT community in Ukraine. During the joint interview with the NGOs it was reported that many LGBT persons are met with the lack of understanding, offensive language and efforts “to cure” them from their families.<sup>97</sup> Our World and For Equal Rights, Kherson reported several cases on negative reactions from family members towards LGBT persons after their coming out:
95. “We know a case of two lesbians... One of the girls came out to her parents. They “prisoned” her at home and she was not allowed to come out of the house. Eventually she run away and started living with her girlfriend. Her parents traced her down and started to threaten her girlfriend's parents to burn their house down, if they won't let her go (...) There was another case, when a mother went to court in order to force her son to undergo psychological treatment because he was gay.”<sup>98</sup>
96. The coming out is also reported to be challenging for transgender persons, due to an enormous psychological pressure, which they are experiencing inside their families:
97. “I have decided to talk to my parents. It was a huge mistake. Very huge mistake. I decided to talk to my mother first. She was crying, shouting. The most offensive thing was what she was shouting: “Think, what people would say! This is a sin. This is against God.” She hasn't even asked me: “How are you?” She was just shouting: “Think, what people would say!” It was very offensive. The next day, my dad came in, took my modem and said that all this evil comes from the Internet. They made a huge scene and promised me that if I won't stop all this; they will submit me to a mental institution.”<sup>99</sup>
98. The support of the family is reportedly significant for LGBT persons' well being. Even if they find their significant other and start living together, as the Our World survey has shown, the lack of family support would remain a significant negative influence on their relationship. As mentioned many times above, being transgender person in Ukraine is often related to a lot of stress and psychological burden, which is why the support of the family is crucial for their well being, while the lack of it contributes to feeling of exclusion and non-acceptance.

## **C.6. Asylum and refugee issues**

99. The Legal Study on Homophobia, Transphobia and Discrimination on Grounds of Sexual Orientation and Gender Identity 2010, conducted for this study, refers to two cases of foreign citizens gaining asylum in Ukraine on basis of persecution on grounds of sexual orientation in native countries of asylum seekers. One case involves an asylum seeker from Turkmenistan and another one from Azerbaijan. The latter is though a controversial

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95 Ibid.

96 Ibid.

97 Joint interview with NGOs, Kiev. 18 May 2010.

98 Ibid.

99 NGO “Insight”, *The Situation of Transgender Persons in Ukraine – a research report*, 2010, Kiev, Ukraine, 2010, p. 18. Translated by the author of this report.

case, as the Azerbaijan citizen is on the list of “wanted” persons and is accused for committing a number of crimes in his native country.<sup>100</sup> The same study tells a story of a Congo citizen, who applied for asylum in Ukraine because of the fear of persecution on grounds of sexual orientation in her native country in 2008. The Kiev administrative and appeals courts have denied asylum in this case, due to the fact that homosexuality is decriminalised in Congo.<sup>101</sup>

100. During the drafting of this study, one case of Ukrainian citizen seeking asylum abroad was discovered. In this case a Ukrainian citizen seeking asylum in Netherlands claimed that his situation at the asylum seeking facility was life threatening because of his sexual orientation. Netherlands based organisation COC Netherlands has looked into the case and concluded that the situation of this particular asylum seeker was not life threatening and all relevant authorities and organisations, involved in this case, have treated this person’s rights, homosexuality and identity with due respect and sufficiency.<sup>102</sup>
101. The Ombudsman Office has also provided the author of this report with a story of a Ukrainian citizen living abroad with his same-sex partner. According to the Ombudsman Office, this person came to Ukraine some years ago to visit his family, but due to financial troubles could not return home. His partner was at the hospital during that period of time, and the Ombudsman Office had assisted him in his return. The Ombudsman Office could not verify though whether or not this person gained asylum abroad because of his sexual orientation.<sup>103</sup>
102. There is no statistical information on whether or not Ukrainian citizens seek asylum abroad on grounds of sexual orientation. There is though some anecdotal evidence of some Ukrainian homosexual citizens who fled to other countries.

### **C.7. Social security, social care and insurance**

103. According to The Legal Study on Homophobia, Transphobia and Discrimination on Grounds of Sexual Orientation and Gender Identity 2010, there are no case law, statistical or qualitative data on LGBT persons reporting discrimination on grounds of sexual orientation and gender identity in terms of social security, care and insurance. According to the same study nor there are legislation in Ukraine stipulating sexual orientation and gender identity as grounds for differential treatment of LGBT persons in these areas.<sup>104</sup> However, the fact that same-sex partnerships are not legally recognised in Ukraine, deprives LGBT persons of benefits, which they would have gained in heterosexual marriages. These benefits concerns adoption, inheritance, sick leave in order to look after a sick child/partner, social welfare benefits, tenancy, state aid to low income families, pension compensation etc.<sup>105</sup> According to the study on same-sex families in Ukraine conducted by Our World in 2009, 17 percent of the respondents report that inability to apply for a bank loan jointly with their partners or obtain joint permission to own property significantly affects their partnership. 11 percent report that the same goes for inability to legally settle division of property in case of separation. 10 percent of the respondents have answered that inability to refuse to testify against a partner and inability to inherit after a

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100 *The Legal Study on Homophobia, Transphobia and Discrimination on Grounds of Sexual Orientation and Gender Identity*, Ukraine. Serhiy Ponomarev, Mykolayiv, Ukraine, 2010.

101 Ibid.

102 The information was shared with the author of this report by email.

103 Interview with the Ombudsman Office, Kiev. 17 May 2010.

104 *The Legal Study on Homophobia, Transphobia and Discrimination on Grounds of Sexual Orientation and Gender Identity*, Ukraine. Serhiy Ponomarev, Mykolayiv, Ukraine, 2010.

105 Ibid.

deceased partner has a significant impact on their partnership. 8 percent has said that inability to get free from work in order to look after a sick partner and inability to adopt children significantly affect their family life.<sup>106</sup>

104. As the survey by Our World showed, the lack of legal recognition of same-sex partnerships in Ukraine has significant consequences for LGB community and prevents LGB persons from enjoying the same privileges as opposite-sex families have in terms of social services, care and insurance.

## C.8. Education

105. According to the Legal Study on Homophobia, Transphobia and Discrimination on Grounds of Sexual Orientation and Gender Identity, 2010, the lack of educational programmes for school teachers and students on human sexuality is one of the most controversial issues in Ukraine.<sup>107</sup> The NGOs interviewed for this report also argue that sexual orientation and gender identity are not being properly introduced in Ukrainian schools. In some cases, when homosexuality is talked about in a classroom, it is often introduced as a deviation of sexual behaviour and an illness.<sup>108</sup>
106. Bullying and harassment towards transgender persons in schools is reported to be a significant challenge:
107. "I was something like the local "sightseeing" attraction. Each time I went by a group of children, they'd start to discuss something very loudly, shout at me; somebody even tried to throw stones at me... No one would ever touched me, because I've beaten some of them before, so everything was like (...) on a distance. Continuous jokes, teasing etc."<sup>109</sup>
108. Transgender persons are also reported to be discriminated when trying to change their diplomas etc. during or after transition:
109. "In 2000 I called the Institute of Boichyk<sup>110</sup> to ask them about the procedure of entering their University. They told me (I think because of the voice) that 'they do not obtain homosexuals.'<sup>111</sup>
110. The same report mentions incidents of discrimination against transgender students on the side of teachers:
111. "They won't let me enter the school building, they'd made me to go home and change(...) It was the principal of the school, who checked every morning what the students were wearing to school and she would always let me through. But then another teacher told her

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106 Our World, *An investigation into the Status of Same-Sex Partnerships in Ukraine*, 2009, p.16, [www.gay.org.ua/index-e.htm](http://www.gay.org.ua/index-e.htm), accessed 26 August 2010.

107 *The Legal Study on Homophobia, Transphobia and Discrimination on Grounds of Sexual Orientation and Gender Identity*, Ukraine. Serhiy Ponomarev, Mykolayiv, Ukraine, 2010.

108 Joint interview with the NGOs, Kiev. 18 May 2010.

109 NGO "Insight", *The Situation of Transgender Persons in Ukraine – a research report*, 2010. Kiev, Ukraine, 2010, p. 45. Translated by the author of this report

110 State University of Design and Fine Arts – ed.

111 NGO "Insight", *The Situation of Transgender Persons in Ukraine – a research report*, 2010. Kiev, Ukraine, 2010, p. 45. Translated by the author of this report

that I am a girl, and then it started. I was never allowed through, and even in the 9<sup>th</sup> grade, they didn't let me attend my history exam."<sup>112</sup>

112. The NGOs interviewed for this report argues that many school students are hiding their sexual orientation at school in the fear of bullying and harassment from their peers and teachers. It is though much harder for the transgender persons to stay unrevealed, which leads to continuous harassment and exclusion.<sup>113</sup>

### C.9. Employment

113. The State Department for Monitoring of Honouring of National Legislation on Labour in Ukraine reports that although the scope of work of the department is quite extensive, no cases of discrimination on grounds of sexual orientation and gender identity has been documented by it.<sup>114</sup>
114. The State Department has, however, been organising a number of seminars on HIV/AIDS issues among different companies in Ukraine. The seminars were conducted in cooperation with various Ukrainian HIV/AIDS NGOs. Over 200 employers all over the country have shown interest and participated in the seminars.
115. Gay Forum Ukraine reports about five incidents, where the applicants were denied positions because of their sexual orientation during 2008-2009. One of them is the incident from April 2008, when a gay-club Androgin was raided by the police. Right after this incident, one of the "witnesses", taken into custody during the raid, was called into his employer's office. His employer informed him that the police sent him a request for his personal characteristics. This request contained detailed information on where and how this person was arrested. The person in question was forced to leave the workplace shortly after the incident.<sup>115</sup>
116. Another case, described in the report, tells a story of a gay man, who was diagnosed as HIV/AIDS positive in one of the hospitals in Donetsk. The nurse called his employer and informed him about the diagnosis, which was followed by his immediate dismissal.<sup>116</sup>
117. The NGO Insight reports a number of cases of transgender persons experiencing challenges on the workplace. Most of the cases are related to the fact that the person's physical appearance does not correspond to his/her ID-documents:
118. "There were cases when I passed all three main steps of the interviews, and then right before the contract-signing I came out. After that the employers turned me down. They were telling me that my documents cannot be approved by the security department or something else. And this happened more than once."<sup>117</sup>

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112 NGO "Insight", *The Situation of Transgender Persons in Ukraine – a research report*, 2010. Kiev, Ukraine, 2010, p. 45. Translated by the author of this report

113 Joint interview with the NGOs, Kiev. 18 May 2010.

114 Interview with the State Department for Monitoring of Honouring of National Legislation on Labour in Ukraine, Kiev, 17 May 2010.

115 ynchenkov, A., *A part of National Report on Situation of LGBT in Ukraine for 2008-2009*, "Gay. Org.Ua", Kiev, 2010, downloaded from, [www.gay.org.ua/](http://www.gay.org.ua/), accessed 6 May 2010.

116 Zynchenkov, A., *A part of National Report on Situation of LGBT in Ukraine for 2008-2009*, "Gay. Org.Ua", Kiev, 2010.

117 NGO "Insight", *The Situation of Transgender Persons in Ukraine – a research report*, 2010. Kiev, Ukraine, 2010, p. 45-46. Translated by the author of this report

119. The Ministry of Health also confirmed that almost every transgender person finds a new job after gender reassignment. According to the Ministry, the transgender persons, who keep their "prior-gender reassignment" jobs, experience problems at the workplace after gender reassignment.<sup>118</sup>
120. It is also important to mention that in some cases the obstacles of keeping the job after transition or finding a new one, forces transgender persons to find affiliation without the contract, which means that their new employer does not hold any legal obligations or duties before them.<sup>119</sup>

#### **C.10. Housing**

121. No cases are reported.

#### **C.11. Health care**

122. Health care issues are reported very significant for transgender persons. The report on the situation of transgender persons from 2009, conducted by Insight, underlines several obstacles, which transgender persons meet in the health care sector. First and foremost, the lack of proper awareness and sensitivity towards transgender persons on the side of medical personal is reported to be very widespread in Ukraine. The report contains a number of examples of disrespectful and indecent treatment of transgender persons by doctors:
123. "I contacted a sexopathologist and started telling her about my feelings, my thoughts that I need the operation... She told me to stop... The two other doctors entered the room, (they were not sexopathologists) and sat down too. She told me to continue "It is just my colleagues, please continue". They started to laugh... I was very ashamed... I just got up and left, and as I was leaving I could hear the sexopathologist laughing as well."<sup>120</sup>
124. According to Insight there are no professional sexopathologists and endocrinologists, who are specifically trained to deal with transgender issues in Ukraine. These specialists are though the most key ones, as they play important role during the transition process, and conduct necessary testing before the transgender persons face the Commission on Gender Reassignment in order to be approved to undergo surgery. The absence of qualified and properly trained medical personal lead to lack of trust and confidence in the professional medical help among transgender persons and eventually to self-medication, which can be very dangerous for one's health without proper medical attendance:
125. "I tried to start taking hormones. But, to tell the truth, I didn't know a lot back then... my blood pressure was jumping up and down, it was never below 140, most often 190, and I cannot even remember how many times I fainted. This went on for more than a month. I was forced to stop, when some days started to fall out of my memory, some days I couldn't even remember. It took me half a year to rehabilitate after this."<sup>121</sup>

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118 Interview with the Ministry of Health, Kiev. 18 May 2010.

119 NGO "Insight", *The Situation of Transgender Persons in Ukraine – a research report*, 2010. Kiev, Ukraine, 2010, p. 45-46. Translated by the author of this report.

120 Ibid p. 44.

121 Ibid p. 39.

126. The Ministry of Health has informed the authors of this report during the interview that the trainings of medical personnel are prioritised by the Ministry as an important part of medical training, especially for the sexopathologists. At the moment the chairman of the Commission on Gender Reassignment (based in the structure of the Ministry) is working on special trainings for medical staff on transgender issues. The Ministry has also reported to conduct a number of conferences over the past years on transgender issues.<sup>122</sup>
127. The report, conducted by Insight, also underlines the costs of the procedures as an important factor and obstacle for many persons to complete gender reassignment. According to the report, transgender persons have to pay considerable amounts of money in order to complete the transition, especially in the cases of self-medication.<sup>123</sup> According to Insight, the gender reassignment surgery is included in the list of free medical services. However, the organisation has not yet heard of any gender reassignment surgeries conducted without the patient paying. According to the organisation, the total costs of such surgeries vary hospital to hospital. The whole “package” (including hospital bed, anaesthesia etc.) can vary from two to three thousand dollars.<sup>124</sup> The organisation furthermore reports that prior to the meeting with the Commission on Gender Reassignment, the transgender persons have to undergo extensive testing (with psychologist, endocrinologist, sexopathologist etc.). The overall costs of these tests are about one thousand dollars<sup>125</sup>. Hence the whole process of gender reassignment (without hormone therapy) can cost up till four thousand dollars.
128. Moreover, the gender reassignment is related to travel and accommodation expenses, as the Commission on Gender Reassignment, which issues a permission for gender reassignment, is based in Kiev. Transgender persons from rural areas and other cities are therefore forced to travel to the capital for their appointment with the Commission.<sup>126</sup>
129. During the interview, the Ministry of Health has informed that at the moment a number of modification are being added to the already existing Order of the Ministry of Health of Ukraine “On providing medical assistance to persons who require change/correction of sex” (№ 57, 15 March 1996).<sup>127</sup> The Ministry has read Insight report 2009 and has taken the concerns, raised by the report, into consideration.<sup>128</sup> Insight has also informed that the new draft law was open to discussion and comments on the Ministry’s website until recently, so civil society organizations were able to post their recommendations to the new modified law.<sup>129</sup> According to the Insight, the new draft has been under drafting for the past three years and it is very hard to say when it will be published and approved.<sup>130</sup> For the time being, the new modified law has not yet been made accessible for review, and it is therefore not possible to find out whether or not the recommendations provided by Insight are included in it.

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122 Interview with the Ministry of Health, Kiev. 18 May 2010.

123 NGO “Insight”, *The Situation of Transgender Persons in Ukraine – a research report*, 2010. Kiev, Ukraine, 2010.

124 Information is provided by NGO “Insight” in personal conversation.

125 Ibid.

126 NGO “Insight”, *The Situation of Transgender Persons in Ukraine – a research report*, 2010. Kiev, Ukraine, 2010.

127 Interview with the Ministry of Health, Kiev. 18 May 2010.

128 Ibid.

129 Information is provided by NGO “Insight” in personal conversation.

130 Ibid.



### **C.12. Access to goods and services**

130. According to the report, conducted by Our World in 2007, 22.5 percent of respondents reported to experience discrimination in the sphere of goods and services.<sup>131</sup> The NGO describes a case from 2007:
131. “For more than a year the Liverpool bar in Donetsk was a favourite recreational spot for local gays and lesbians. After an incident with a drunk lesbian, which occurred in the bar in the winter of 2007, its management began in every possible way to prohibit the appearance of the homosexual public in the bar. As a result, Donetsk homosexuals had to search for another place for meetings and recreation.”<sup>132</sup>
132. According to Our World and other NGOs interviewed for this report, access to goods and services is not highly prioritised in their documentation work at the moment due to the fact that other issues as freedom of assembly, freedom of expression and hate crimes are being mostly monitored upon. The information on this topic is therefore rather limited.

### **C.13. Media**

133. According to Our World the visibility of LGBT persons and activities related to LGBT groups increased significantly in the period 2006-2007. According to the NGO, the main action attracting the media coverage was the picket in front of the Interregional Academy of Personal Management, described above (chapter 3.2 Freedom of Assembly and Association). According to the organisation, the reason for media attention was that fact that the picket was a counter-reaction to the dismissal of a homosexual student, and the journalists were there more in a hope of the confrontation and not just to cover a public action of an LGBT organisation.<sup>133</sup>
134. The grown interest of the Ukrainian media towards LGBT related issues is furthermore explained by the discussion on same-sex marriages and registration of partnership for same-sex couples between the LGBT community representatives and the All-Ukrainian Council of Churches and Religious Organisations (mentioned earlier in this report). Again, the intensified attention from the media was motivated by the conflict between the LGBT community and its opponents.<sup>134</sup>
135. According to the NGOs, interviews for this report, the attention of the media is currently decreasing. There are not many journalists who are interested in LGBT related issues and the NGOs report that even the 17 May (the International Day Against Homophobia and Transphobia) press-conference did not succeed in attracting media attention.<sup>135</sup>

### **C.14. Transgender issues**

136. Besides the transgender issues, already covered in other chapters of this report, a significant matter of consideration is the ability of transgender persons to change their gender marker in the ID documents. According to the Civil Code of Ukraine, any person

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<sup>131</sup> NGO “Our World”, *Ukrainian Homosexuals and Society, A Reciprocation – Review of the Situation: society, Authorities and politicians, Mass-media, Legal Issues, Gay Community*, Kiev 2007, p.87

<sup>132</sup> Ibid.

<sup>133</sup> Ibid.

<sup>134</sup> Ibid.

<sup>135</sup> Joint interview with the NGOs, Kiev. 18 May 2010.

who reaches age 16 and is not subjected to a criminal investigation, administrative supervision or court order, can change his/her name.<sup>136</sup> This however, does not apply to changing sex in the birth certificate, passport and other ID-documents. The sex-change certificate, which serves as a ground for changing the ID-documents for transgender persons, can only be issued after a gender reassignment surgery.<sup>137</sup> This creates many obstacles for transgender persons going through hormone therapy prior to the surgery and those transgender persons, who choose not to undergo the surgery. One of the respondents in the 2009 Insight report comments:

137. "I am in a relationship, have a family and feel very good. My sex-life is also good. And I do not need the surgery that much as so many others... I just want to be able to change the documents. I believe that would be enough for me."<sup>138</sup>
138. Some respondents report that they have changed their names and surnames in their documents, however they cannot change their middle name:
139. "I went to the registration office, but it appeared that according to the new legislation one can only change the name and surname... One cannot change the middle name by his/her own wish... So now I still have my middle name with male-ending. The same with the section "sex" – it still states male."<sup>139</sup>
140. In Ukraine a middle name or family-name is an important part of a person's name, usually used to address people in formal settings (work place, education facilities, health sector etc.). The middle names or family-names are gender-related and correspond directly to the gender of the person. It makes therefore no sense to change person's name and surname without changing the middle name or family name as well.
141. The Ministry of Justice has confirmed that the only opportunity for transgender persons to change their gender marker in ID-documents is to undergo a gender reassignment surgery. The Ministry was genuinely surprised to learn that in some countries the ID-documents can be changed without the surgery.<sup>140</sup>
142. "The reason why it is already in place in some West European countries, is that they realised the problem earlier and that their NGOs have fought for this. Here no one is fighting to change this."<sup>141</sup>
143. According to the Ministry, the more active participation of transgender NGOs in the political discussion of these issues could lead to change of legislation and improvement of current procedures.
144. The Ministry of Health was not able to answer on whether or not the procedures for ID-documents' change is going to be included in the new version of the law on gender

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136 *The Legal Study on Homophobia, Transphobia and Discrimination on Grounds of Sexual Orientation and Gender Identity*, Ukraine. Serhiy Ponomarev, Mykolayiv, Ukraine, 2010, p. 39

137 Ibid and NGO "Insight", *The Situation of Transgender Persons in Ukraine – a research report*, 2010. Kiev, Ukraine, 2010.

138 *The Situation of Transgender Persons in Ukraine – a research report*, 2010. NGO "Insight", Kiev, Ukraine, 2010, p.37. Translated by the author of this report.

139 Ibid.

140 Interview with the Ministry of Justice, Kiev. 17 May 2010.

141 Ibid.

reassignment.<sup>142</sup> As mentioned earlier, the law is still under drafting, so at the time being it is not possible to establish whether it would in deed be the case.

145. Another issue, mentioned in the report by Insight, is the schedule of the meetings of the Commission on Gender Reassignment. According to the report, the Commission is obliged by law to meet at least once in three months.<sup>143</sup> For the time of Insight's report drafting, two and a half years have passed between the two last meetings of the Commission. The report states, that the meetings of the Commission were postponed due to the discussion of law modifications, described above (chapter 3.11 "Health care").
146. "The result is that many transgender persons are now "hanging in the air", as the former Commission members do not wish to look into their cases, while the new Commission has not been established yet."<sup>144</sup>
147. According to the Ministry of Health, the Commission used to meet when there were enough cases to consider, which is why the meetings have not been so regular.<sup>145</sup> As mentioned above, the new modified law is still on its way, which is why it is not possible at the time being to find out whether the new commission will be meeting more often.
148. Another important issue, which the report 2009 reveals, is the lack of information on transgender issues. As mentioned many times above, the transgender community is rather invisible in the Ukrainian society and information on transgender issues is therefore almost absent. Many transgender persons, interviewed for the Insight's report, point out that although they started having "strange feelings about their gender identity and sexuality" rather early in their lives, they could not explain what was going on with them, which lead to even higher level of frustration and stress.
149. "I realised that I cannot live in a normal society. Especially since I could not explain what was going on with me, even to myself. Until I was 20, I thought that either I am sick or this is some kind of abnormality of nature. I realised that people won't be able to understand."<sup>146</sup>
150. According to the report, the most common source of information for transgender persons in Ukraine is mass media. Unfortunately though (and as many of them also underline) these sources of information are neither accurate nor reliable:
151. "Many people are hearing about things from mass media, which covers these topics very arbitrary and say that this is a personal problem of some few persons (...) Moreover, they would anyways cut the important stuff out, but would leave what is interesting for the viewers, which is usually not true anyway."<sup>147</sup>
152. Another important source of information is Internet. According to the report, the initiatives, chat forums and websites on transgender issues, which began to appear during the past years, are of significant assistance for transgender persons. The internet based forums and chat rooms allow them to meet other persons in same situation (both nationally, but also regionally), share the experiences, get advises and consultations etc. Internet based

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142 Interview with the Ministry of Health, Kiev. 18 May 2010.

143 NGO "Insight", *The Situation of Transgender Persons in Ukraine – a research report*, 2010, Kiev, Ukraine, 2010, p.5

144 Ibid.

145 Interview with the Ministry of Health, Kiev. 18 May 2010.

146 NGO "Insight", *The Situation of Transgender Persons in Ukraine – a research report*, 2010, Kiev, Ukraine, 2010, p. 49. Translated by the author of this report.

147 Ibid p. 50.

sources of information and networking are therefore crucial for transgender persons, however it goes without saying that more systematic awareness raising and publishing comprehensive and professional information on these issues is needed.<sup>148</sup>

#### **C.15. Other areas of concern**

153. According to the Report to the Ukrainian Government on the visit to Ukraine carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from September 2000, the committee raises a concern of ill-treatment of homosexual inmates by other prisoners:
154. “The fact that in certain establishments visited in 2000, members of vulnerable groups (more particularly, prisoners known to be homosexual) were still placed in separate cells for their own protection (and consequently stigmatised by the rest of the inmates), serves to highlight the need for such a comprehensive strategy. Therefore, the CPT reiterates its recommendation that a strategy to combat inter-prisoner violence and intimidation throughout the Ukrainian penitentiary system be developed.”<sup>149</sup>
155. No NGOs, interviewed for this report, have reported any concrete cases or figures on ill-treatment of homosexual inmates. However, this issue must be mentioned and taken seriously, when dealing with discrimination on grounds of sexual orientation and hate crimes towards LGB persons.

#### **C.16. Data availability**

156. Some topics of this report remain uncovered due to the fact that neither civil society nor state stakeholders were able to provide information on these issues. Thus, the issues related to social security, insurance, social care, access to goods and services and housing are the ones without any or very few pieces of information. The issues as freedom of assembly, freedom of expression and hate crimes are on the other hand broadly covered, due to the fact that most NGOs, interviewed for the report, have experiences and knowledge of these particular issues. Besides, the transgender issues are very well represented throughout the report, due to the fact that the Ukrainian NGO Insight works with transgender issues actively and has recently published a report on the situation of transgender persons in Ukraine.

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148 Ibid.

149 Report to the Ukrainian Government on the visit to Ukraine carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), September 2000, [www.cpt.coe.int/documents/ukr/2002-23-inf-eng.htm](http://www.cpt.coe.int/documents/ukr/2002-23-inf-eng.htm), accessed on 27 August 2010.