

ALL - UKRAINIAN UNION

COUNCIL OF LGBT-ORGANISATIONS OF UKRAINE

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Kyiv, Ukraine

To whom it may concern

The Ukrainian National Strategy on Human Rights: THE IMPORTANCE OF INCLUDING LGBT ISSUES

As is widely known, the Ukrainian authorities currently are drafting the National Strategy on Human Rights. Potentially and in general, this 5-7 year Plan can become a key document aimed at effective protection of human rights in Ukraine. However, we – Ukrainian LGBT community activists – invite the attention of all stakeholders to the necessity for this Strategy to explicitly include clear objectives ascertaining and accomplishing full realisation of human rights for lesbian, gay, bisexual and transgender people (LGBT).

Unfortunately, we as citizens have to face the fact that in Ukraine LGBT people still comprise one of the most vulnerable social groups – facing widespread prejudice, intolerance, discrimination, violence and other infringements of human rights. Our rights are routinely ignored and violated on the political, legislative and social levels. Homophobic rhetoric was actively used by politicians in the past, and we do not see any signs yet that the new government is somehow improving in their attitude towards LGBT issues. Recall that in May 2014 the government and the Verkhovna Rada (the Parliament) refused to include the prohibition of discrimination on ground of sexual orientation in labour legislation despite the fact that such prohibition is a direct obligation of Ukraine under the Association Agreement with the EU. The LGBT community and activists constantly face hate crimes – with the latest examples being the arson of Zhovten cinema in Kyiv, and an attack by right-wing extremists on another cinema during the screening of films on LGBT topics. It is quite typical that the police's viewpoint perceived only "simple hooliganism" occurring, while the attackers in fact explicitly declared their homophobic motives. During the previous year **all** gay clubs in Kyiv were attacked as well as LGBT venues and events in Lviv and Odesa. The level of homophobic aggression and discrimination in Ukrainian society shows no signs of decrease. This is no wonder, taking into account that almost all state institutions ignore any proposals and in-put of the LGBT community; they never denounce homophobic violence and discrimination, but they do try to avoid even the mere mentioning of these dire problems.

To our great concern and alarm, during the current discussion of the National Strategy on Human Rights, in draft we see obvious signs that the human rights of LGBT people will be ignored again. We cannot agree that the mentioning of "all protected grounds" in Article 9 "Overcoming discrimination" is enough to protect the rights and interests of LGBT people in Ukraine. First, neither sexual orientation nor gender identity are explicitly mentioned in the Ukrainian national legislation as protected grounds. Second, the dispiriting experiences during all of the only semi-democratic years since Ukraine gained independence evidently show that this problem needs particular attention. Homophobia is etched into the mass consciousness of Ukrainian society – in particular, due to the tireless efforts of our churches and politicians. Its amelioration and elimination will be a complex process that demands great effort and a whole complex of measures from the state. This problem already hinders the process of Ukraine's integration into modern Europe, and a solution to it becomes even more important for the future.

Thus, we appeal to the authors of the National Strategy document, the group working on the draft strategy, the representatives of Ukrainian and international human rights organizations, and all stakeholders who may have an impact on the Ukrainian authorities: **protection of LGBT people's human rights must be a separate article of the Ukrainian National Strategy on Human Rights.** The Strategy separately mentions overcoming gender inequality (Article 10) and the rights of such vulnerable groups as ethnic minorities (Article 12), people with disabilities (Article 18), children (Article 19), refugees, persons who need extra protection, stateless persons (Article 20), participants of the anti-terrorist operation (Article 21), IDPs (Article 22), persons who live in the occupied or uncontrolled territory (Articles 23 and 24). All these vulnerable groups have specific legislation that protects their rights and interests. Ukrainian LGBTs, who constantly suffer from the incitement of hostility towards them, social stigmatization, and related violence and discrimination, still have no document providing a state policy about their rights requiring to be thoroughly observed. The national legislation not just ignores LGBTs' rights but openly discriminates against them compared with the heterosexual majority. Such a situation was quite understandable in an underdeveloped post-Soviet country, but is absolutely intolerable in one becoming a modern European society.

Therefore, in our opinion, the Strategy must contain a separate article on equal rights for LGBT people, including these particular components:

- 1) Explicit legislative prohibition of discrimination on grounds of sexual orientation and gender identity in all spheres of life regulated by the law. Deleting of provisions discriminatory towards LGBTs from the current legislation. Introduction of the legal institution of registered partnership, in general terms similar to marriage but open for family couples of any gender (both different-sex and same-sex).
- 2) Crimes based on homophobia or transphobia should be identified and defined by law as *hate crimes*, properly investigated and punished. The Ukrainian legislation must explicitly prohibit incitement of hostility and hatred on grounds of sexual orientation and gender identity.
- 3) Basic modern scientific knowledge of sexual orientation and gender identity issues must be included in the curricula of all secondary schools in Ukraine as well as in higher education and advanced training courses in specialties that provide educational, pedagogical, psychological, medical, social work and law enforcement.

If these vital issues are bypassed in silence again, in Ukrainian society LGBT people will remain second-class citizens, and Ukraine risks being a part of the "post-Soviet space" (or "Russian World", "Eurasian civilisation" – you may call this phenomenon by various names but it does not alter its regressive essence). Solutions to LGBT problems in Ukraine may not be delayed anymore. It is time to start procedural but immediate reformation of the Ukrainian state and society under modern European standards. The final version of the National Strategy on Human Rights alone will demonstrate what core standards the Ukrainian authorities in fact are to follow – European or Soviet-Russian ones.

Andriy Maymulakhin,
Coordinator on LGBT Human Rights;
Council of LGBT Organisations of Ukraine

For additional information please contact: coordinator@gay.org.ua

Additional information is available at the website of Nash Mir Center:

This letter: *The Ukrainian National Strategy on Human Rights: THE IMPORTANCE OF INCLUDING LGBT ISSUES*

http://www.gay.org.ua/documents/letter_03-03-2015-e.pdf

Proposal of Council of LGBT Organisations of Ukraine to include the article “Ensuring Equal Rights for LGBT People” into the National Strategy on Human Rights

http://www.gay.org.ua/documents/lgbt_draft_strategy-e.doc

Proposal of Council of LGBT Organisations of Ukraine on Action Plan for the implementation of the National Strategy on Human Rights to ensure human rights and freedom measures for LGBT people

http://www.gay.org.ua/documents/lgbt_draft_actionplan-e.doc

Annual Report “From Despair to Hope. LGBT situation in Ukraine in 2014”

http://www.gay.org.ua/publications/lgbt_ukraine_2014-e.pdf

More information about the situation of LGBT people in Ukraine in English is available at <http://gay.org.ua/>

Please support demands of the Council of LGBT Organisations of Ukraine by sending letters to:

| <i>Authority</i> | <i>Postal address</i> | <i>E-mail</i> |
|---|---|--|
| President of Ukraine Mr. Petro POROSHENKO | 11, Bankova Str. Kyiv, 01220, Ukraine | |
| Prime Minister of Ukraine Mr. Arseniy YATSENYUK | 12/2, Grushevskogo Str. Kyiv, 01008, Ukraine | |
| Director, Government Office on European Integration Ms. Nataliya GNYDUK | 12/2, Grushevskogo Str. Kyiv, 01008, Ukraine | gnydiuk@kmu.gov.ua |
| Ukrainian Ombudsman Ms. Valeriya LUTKOVSKEYA | 21/8, Instytutska Str. Kyiv, 01008, Ukraine | omb@ombudsman.gov.ua |
| Chairman of Verkhovna Rada of Ukraine Mr. Volodymyr GROYSMAN | 5, Grushevskogo Str. Kyiv, 01008, Ukraine | bielashova@rada.gov.ua |
| Chairman, Human Rights Committee of Verkhovna Rada Mr. Hryhoriy NEMYRIA | 5, Grushevskogo Str. Kyiv, 01008, Ukraine | chihrin@rada.gov.ua |
| Minister of Justice of Ukraine Mr. Pavlo PETRENKO | 13, Gorodetskogo Str. Kyiv, 01001, Ukraine | receptmin@minjust.gov.ua receptmin1@minjust.gov.ua |
| Responsible officers for drafting National Strategy in the Ministry of Justice | | sugak.minjust@gmail.com iorg@minjust.gov.ua orendivska@gmail.com |
| Minister of Foreign Affairs of Ukraine Mr. Pavlo KLIMKIN | 1, Mykhaylivska Sq. Kyiv, 01018, Ukraine | zsmfa@mfa.gov.ua |

NB: For your alternative convenience, if you prefer you can instead send letters of support to Nash Mir's e-mail: coordinator@gay.org.ua where they will be printed out and posted to Ukrainian government authorities promptly for you.

Please be aware that the **deadline** for drafting the National Strategy on Human Rights is

→ **March 31, 2015** ←