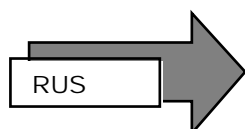


УКРАИНСКИЕ ГОМОСЕКСУАЛЫ И ОБЩЕСТВО: ВЗАИМНОЕ ПРОНИКНОВЕНИЕ

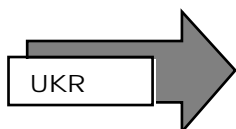
**Обзор ситуации: общество, государство и политики, СМИ,
правовое положение, гей-сообщество**



нòďàí èöù 1-30

УКРАЇНСЬКІ ГОМОСЕКСУАЛИ І СУСПІЛЬСТВО: ВЗАЄМНЕ ПРОНИКНЕННЯ

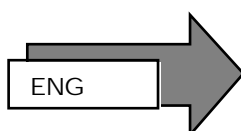
**Огляд ситуації: суспільство, держава і політики, ЗМІ,
правове становище, гей-спільнота**



нòí ð³í èè 31-60

UKRAINIAN HOMOSEXUALS & SOCIETY: A RECIPROCATION

**Review of the situation: society, authorities and
politicians, mass-media, legal issues, gay-community**



pages 61-88

Київ 2007 / Київ 2007 / Kyiv 2007



**ББК 60.54 (4УКР)
У45**

- UKRAINIAN HOMOSEXUALS & SOCIETY: a reciprocation:**
Y45 Overview of the situation: society, state and politicians, mass-media, legal position, gay-community / Nash Mir. – K.: Atopol, 2007. – 88 p. – Rus., Ukr., Eng.

This brochure contains various information reflecting the social, legal and political position of sexual minority citizens in modern Ukraine. Included are data determined by a sociological poll; speeches by state, political and public figures; and an analysis of publications on this subject that appeared in the mass-media. The reader will also find the results of our monitoring the observance of gay rights, as well as an overall picture of the life of homosexuals in our country.

The present brochure edition is prepared by Nash Mir (Our World) Gay and Lesbian Centre. It is intended for public figures, mass-media journalists, social workers – and, more generally, for everyone who is interested in the subject.

The brochure text has been prepared in Russian, Ukrainian, and English.

The brochure is disseminated free of charge.

NASH MIR (Our World) Gay and Lesbian Center

Postal address: P.O. Box 173, Kyiv, 02100, Ukraine
Telephone/fax: +380 (44) 573-54-24
E-mail: ourworld@gay.org.ua
Internet-site: www.gay.org.ua

The authors of the publication: Andriy Maymulakhin (editor of the Report and coordinator of the project), Olexandr Zinchenkov, Andriy Kravchuk.

Very special thanks to Stephen Hunt (Chicago, USA) for his proofreading of the English text.

The publication was prepared within the framework of the project "Monitoring and reporting about the situation of sexual minorities in Ukraine".
This project was supported by the Democracy Grants Program of the U.S. Embassy in Ukraine and European Department of International Lesbian and Gay Association (ILGA-Europe).
The views of the authors do not necessarily reflect the official position of the U.S. Government and/or ILGA-Europe.

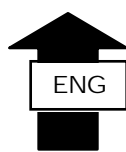
- © Nash Mir, Kyiv, 2007.
Photos by Nash Mir.
Drawings by: Olexandr Zinchenkov (p. 14), Costantyn Kazanchev (p. 48-55).
Use of materials from the publication is authorised, providing a reference accompanies it crediting Nash Mir as the source.

The brochure is published on the Internet at: <http://www.gay.org.ua/2007/>



TABLE OF CONTENTS

FOREWORD.....	64
PUBLIC OPINION ABOUT HOMOSEXUALS.....	65
Results of sociological poll.....	65
Position of Churches.....	66
Homophobic public appearances.....	67
Conclusions	67
UKRAINIAN STATE AND POLITICIANS – VIEWS On GAYS & LESBIANS.....	69
Open letter – political demands of Ukrainian gays and lesbians.....	69
Answers received from the state bodies	71
Statements of politicians	72
COVERAGE OF THE TOPIC IN MASS-MEDIA.....	75
LEGAL SITUATION OF HOMOSEXUALS.....	78
The legislation.....	78
Gathering information about violations of the rights.....	78
The review of the situation with violations of the rights.....	79
Labour relations.....	79
Interaction with law enforcement bodies	79
Education sphere.....	81
Privacy and information rights.....	82
Army Service.....	82
Public health services.....	83
Sphere of services.....	83
Business.....	83
Interpersonal relations (hate motivated crimes).....	83
Same-sex partnership. Children	84
Transsexuals.....	84
Protection of the rights.....	84
UKRAINIAN LESBIAN AND GAY COMMUNITY.....	85
Number of homosexuals in Ukraine.....	85
The business directed at gays and lesbians.....	85
Public associations.....	85
HIV/AIDS.....	86
INFORMATION ABOUT NASH MIR.....	88



FOREWORD

Within the past ten years Nash Mir has gathered, documented, analysed and published information about various aspects of the life and social position of sexual minorities in Ukraine. This brochure provides the data on the topic that we collected during the period of the last several years.

The goal of the edition is to show through actual material the environment and mode of living that gays and lesbians experience in our country. Also, it conveys what the existing problems are, and tendencies toward further development of the situation. Thus the publication serves to acquaint the reader with the social, legal, and political situation of homosexuals in modern Ukraine.

In its preparation various sources of relevant information were used. At our request a sociological poll of the population was made. The results were used of our own monitoring of the violations of homosexuals' rights. We gathered and analysed mass-media publications and TV-programs; and we have critically assessed statements made by state bodies and politicians.

As the reader will see, Ukrainian homosexuals still very often face misunderstanding, isolation and aggression from fellow citizens. Despite these drawbacks, the lesbian and gay community continues to grow stronger – becoming more and more visible, making public declarations about itself, building its world larger than a niche, and struggling for equal rights and a worthy position in society.

We named this brochure, "Ukrainian homosexuals & society: a reciprocation" because this dynamic process is in play presently and will proceed. Gays and lesbians will become more and more visible in the eyes of ambient people, but also the society in turn will make powerful impacts upon them, even including hard pressure at times. By means of this publication we aim to show these interrelations.

Despite the reality that in the meantime the situation of gays and lesbians in our country is rather complex, we hope that in future, sooner or later, attitudes of misunderstanding and hostility will be left in the past. We hope that both our country and its wide society will in fact choose civilised values – democracy, respect for universal human rights, and the granting to minorities and every person the right to self-expression and harmonious development.

History shows that attempts to exterminate homosexuals have been made – including with public burnings during the Inquisition and with concentration camp methods during the time of 20th Century fascists. Notwithstanding such despicable persecutions, we have survived – we existed then, we are extant today, and we shall be alive in our numbers during the years to come. Business is not in someone's desire, but in the nature of human being.

Our common task is to build our world with civility and without enmity, to be kind neighbours, and to respect each other.



PUBLIC OPINION ABOUT HOMOSEXUALS

Results of sociological poll¹

In March 2007 at the request of Nash Mir, the TNS Ukraine sociological company took a national poll of the Ukrainian population about their attitudes towards equal rights of their homosexual citizens. The poll was representative of the age, and sex, of population of the country and types of settlements. 1200 respondents in the age 16-75 y.o. were questioned. Mathematic accuracy of the sample is $\pm 3\%$. A similar poll has been taken in March, 2002. Thus, we got the chance not only to learn the modern state of affairs, but also to reveal tendencies.

The received results have shown that for the last five years in Ukrainian society homophobia has increased: the number of people who oppose granting gays and lesbians the same level of rights which the heterosexual majority of citizens enjoy, has risen. Simultaneously the quantity of people supporting equality has fallen; and the number of fellow citizens who haven't any certain point of view on the questions put to them also has decreased.

Three questions were asked during poll-taking – the results are shown below.

In your opinion, should homosexual citizens of Ukraine have the same rights as the rest of the population?	March, 2002	March, 2007
Yes, everyone should have equal rights	42.5 %	34.1 %
No, some restrictions are needed	33.8 %	46.7 %
I am not sure	23.7 %	19.2 %

Thus, at present only 1/3 of Ukrainians are for equal rights for homosexual citizens, while 2/3 of the people are either against it, or don't have their viewpoint formed on this issue.

At the same time, even more Ukrainians are against the right to same-sex partnership or the bringing up of children by homosexuals. The answers to these two questions alone show the real scope of homophobia and preconceived attitudes towards gays and lesbians in the society.

Do you think that homosexual citizens should have the right to register their relations as a conventional couple?	March, 2002	March, 2007
Yes, they should have such a right	18.8 %	15.8 %
No, they should never, ever be given such a right	40.2 %	52.3 %
There should be exceptions (individually considered)	13.6 %	11.4 %
I am not sure	27.4 %	20.5 %

Do you think that homosexual citizens have a right to raise children?	March, 2002	March, 2007
Yes	21.5 %	17.1 %
No	49.2 %	60.2 %
I am not sure	29.3 %	22.7 %

Thus, the answers to the last two questions show that the number of our fellow citizens who treat gays and lesbians as well as all other inhabitants of the country – and who do not express any stereotypical thinking and prejudice – is at the level of 15-17 %.

Considering results of the poll on a gender basis one can see that women express in favour of equality for homosexuals more often than men. For women the quantity of affirmative answers was on a 1-3 % more-than-average level; for men, accordingly – on a 1-3 % less level; and for negative answers – the contrary was true. This research finding was seen in both 2002 and in 2007.

¹ More detailed analysis of obtained results is available at Nash Mir's website: <http://www.gay.org.ua/>



In both polls an accurate tendency, showing growth of tolerance towards homosexuals as correlating with the rise of educational level, was visible. The quantity of affirmative answers from people with high education was approximately two times more, in comparison with respondents having primary or incomplete secondary education. So, for example in 2007, equality for homosexuals was supported by 39.1 % of those with incomplete higher-, or complete higher-education – whilst at the same time, among this group 14.8 % of respondents express no point of view on the given question. Among people with primary / incomplete secondary education only 21.5% of respondents were for equal rights for gays and lesbians, whilst 32.7 % were at a loss to provide any answer of theirs.

Considering the results of answers from representatives of various age groups, it is seen that representatives of *all* age groups became more homophobic within the last five years' period. Despite this, those most tolerant towards homosexuals remain young people aged 16-29 years. However here are seen the most clearly negative tendencies: if in 2002 respondents favouring equality for homosexuals comprised 63.2 % among 16-19 y.o. people (19.5 % being against), then by 2007 we see that the quantity of positive answers for this age category has decreased to 40.0 % (42.0 % being against). This tendency is one of the most dangerous that the poll has uncovered.

Throughout Ukraine the attitude towards people of homosexual orientation is not homogeneous; accurately enough, the attitude towards gays shows visible regional specificity. So, the most tolerant towards gays and lesbians are inhabitants of Kyiv and Crimea; less tolerant are inhabitants of the East of the country; and the most homophobic are residents of the Western and Northern regions of Ukraine.

For example, respondents for equality for homosexuals are: in Kyiv – 58.2 %; in Eastern region – 25.4 %; in Northern – 15.6 %; and in Western – 27.2 %. Such results are to be expected, considering the level of urbanisation of the regions. In big cities "traditional values" are weakened, gender stereotypes are more nearly relaxed. On the contrary, Western and Northern Ukraine have conservative society members with a traditionally high level of religiousness and settled gender stereotypes.

Comparing data of 2007 with results of the 2002 poll, it is significantly noticeable that for the last five years tolerance towards homosexuals increased only among inhabitants of Kyiv and the South-East region. Tolerance changed almost none in the Crimea, South, North-East and Central regions. It has decreased in other parts of Ukraine, especially in North-West region.

Position of Churches

In June, 2006 the meeting² of All-Ukrainian Council of Churches & Religious Organisations, representing the main Christian, Judaic and Muslim confessions of Ukraine, took place. Exceptionally, the question of "sexual minorities" was raised. A suggestion was made to develop a uniform position of churches in relation to sexual minorities. The head of the Ukrainian Greco-Catholic Church, cardinal Lubomir Huzar, then urged colleagues to submit for consideration in Verhovna Rada (the Parliament of Ukraine) a proposal regarding the legal definition of a married couple as "*a union exceptionally between a man and a woman*". From his point of view, this restrictive definition should be adopted to prevent same-sex marriages.

On November 30, 2006 an open letter³ written by the All-Ukrainian Council of Churches & Religious Organisations was presented to the public. In it the Council "*with deep anxiety notes the presence in our state of attempts to legislatively approve so-called same-sex marriages or register same-sex relations*" and calls for Verhovna Rada to "*clearly and unequivocally fix in the laws of our state that a family can only be established by a man and a woman*".

"The experience of countries which register same-sex marriages or partnerships shows that the process of liberalising public morals by the state ends in an abyss. Where prostitution and drug addiction, same-sex marriages and euthanasia are legalized, there is already a question about the legalization of paedophilia. At the same time such states suffer most from a demographic crisis and spiritual degradation. Already in the near future, extinction threatens the native populations of these countries. We do not want Ukraine to go this way" – the Council said in the address.

² Newspaper *Kommersant-Ukraina*, Nr. 92 of 05.06.06.

³ <http://www.invictory.org/>



Homophobic public appearances

Since 2003 in Kyiv an ultra-homophobic group has surfaced under the name Love Against Homosexuality⁴ (LAH). This group carries out public actions, appears with press statements, and promotes their ideas in other ways.

In 2006 LAH addressed political parties with their demand that homosexuality officially be blamed as a *phenomenon*. In particular, they actively advocate for removal of the words "sexual orientation" from the antidiscrimination article of the draft of the Labour Code of Ukraine.

On September 15, 2007 LAH came out with their initiative to establish criminal prosecution for propagandising and popularisation of homosexual behaviour. In their opinion, such actions threaten the national security of Ukraine. This appeal was sent to the institutions of legislative initiative: to the President, the Prime-minister and members of the Parliament of Ukraine. About 200 people were in on the meeting at which this appeal was adopted.

On October 5, 2007 in Kyiv a march occurred under the slogan "For moral cleanliness of the Ukrainian society", which was organised by Embassy of the Blest Kingdom Divine for All People. Nearby 500 persons marched from Kyiv's central square to the Administration of the President of Ukraine. There submitted to the head of state was their declaration⁵ demanding the legal limiting of public activities of the sexual minorities. "*The framework, in which messages about homosexuality, lesbianism and etc. are authorised, should pursue the aim of extermination of these shameful phenomena, instead of their popularisation*", – said the declaration.

Conclusions

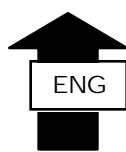
As results of the latest sociological poll of the Ukrainian population have shown, the level of tolerance towards people of homosexual orientation remains at its lowest level. It is possible to determine and lay out the following reasons for this situation:

- Though more than 16 years have passed since the moment of Soviet Union collapse and Ukraine's gaining independence, the processes of transformation of the social and economic system in our society still continue. Many Ukrainian inhabitants still do not have sufficient material well-being and confidence in tomorrow. This condition leads to popular animosity, and in this situation the blame is easily shifted upon supposed "enemies of the people", including minorities and marginalised groups of society. Other researches⁶ show the general growth of xenophobia and racism.
- Modern 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. It is difficult for the majority of our fellow citizens to perceive any "dissimilarity", any alternative styles of behaviour. Therefore, objectively necessary changes face misunderstanding of wide layer of the society, are denied by the critically adjusted public masses.
- Ukrainians are insufficiently informed about people of homosexual orientation. The majority harbour prejudiced stereotypic perceptions about sexual minorities. They judge gays and lesbians on the basis of scandalous images of performers in show-business, characters in foreign television movies or the few but visible types of homosexuals with affectations. The majority knows much less about ordinary gays and lesbians – relatives, neighbours, fellow workers – because most homosexuals still prefer to hide their sexual orientation.
- Certainly, the churches and such odious groupings as Love Against Homosexuality, are concerned with kindling hatred towards homosexuals. Recently such groups have developed an active anti-gay campaign. They are carrying out public actions, conducting wide propaganda via the Internet and mass-media, and expanding their numbers. Homophobic speeches of politicians also add oil to the fire.

⁴ <http://love-contr.a.org/>

⁵ <http://www.tvortci.com/>

⁶ Research by Natalia Panina (Institute of sociology of NASU) "Factors of national identity, tolerance, xenophobia and anti-Semitism in modern Ukraine", magazine *Public opinion bulletin*, 2006, Nr. 1.
Research by Vladimir Paniotto (Kyiv International Institute of Sociology) "Level of xenophobia in Ukraine", newspaper *Zerkalo nedeli*, October 1-7, 2005.



- Further, of course, against this censorious background the escalating visibility and social activity of homosexuals and their organisations – without intending to – in fact increase homophobia among the society. These days gay activists are more often appearing on newspaper pages and in TV broadcasts, whilst gay-community grows in big cities. All this focus on gays couldn't help but influence average Ukrainians, and causing a predictable counteraction and traditional resistance to 21 Century social evolution.

Noticeably, recent growth of homophobia is being seen in many corners of the world. These tendencies are visible in several non-EU countries: in Russia (especially exemplified by the dispersal of a gay march in Moscow in the spring of 2007), the USA (conservative legislative proposals by the administration of George W. Bush), and in Iran (execution of young gays).

Nevertheless, in conclusion we would express hope that this process has a mutable and evolving character. Along with the present growing young Ukrainian generation of rising expectations and consciousness, principles of democracy, respect for human rights and various minorities (including citizens of homo- and bisexual orientation) will prevail with the new Continental dynamics. We trust they will take worthy positions in society and righteously flourish through having attained equal rights.



"Королевы" в будуаре после гей-вечеринки, организованной Центром "Наш мир".
 МЫ ЕСТЬ, МЫ ДРУГИЕ, И ЭТО НАШ МИР ТОЖЕ!
 Донецк, 2005 г.

← Rus

"Королівни" в будуарі після гей-вечірки організованої Центром "Наш світ".
 МИ Є, МИ ІНШІ, І ЦЕ НАШ СВІТ ТАК САМО!
 Донецьк, 2005 р.

Ukr →

Drag-queens in boudoir after gay-party, organised by Nash Mir.
 WE ARE HERE, WE ARE QUEER, AND THIS IS OUR WORLD TOO!
 Donetsk, 2005.

← Eng

↑ ENG

UKRAINIAN STATE AND POLITICIANS – VIEWS On GAYS & LESBIANS

Up until a couple of years ago we knew almost nothing about the views of state and political leaders on homosexuals. This theme was touched upon very seldom in serious political debates.

One of the first to speak on this subject was Leonid Kravchuk (President of Ukraine, 1991-1994). In 1999 in an interview he stated⁷: *"We need to work in the independent state for 500 years, and I think that only then will we discuss the problems of sexual minorities. But now, when the country is going through hard financial and economic crises, when millions of people cannot make ends meet, who considers discussing such things in Parliament? If anyone put forward such a problem, the others would say that this person is mad. They would say: Well, you have found a theme... We have others! <...>*

For all my respect for human rights, I consider that IT [homosexuality] is a mental deviation. I have lived my life already, but I still cannot accept IT as something normal. It is either an illness or some sort of mental pathology... Or maybe the outcome of education by foreign movies... <...>

It's disgusting even to speak about it".

However during the last two years we have learnt much that politicians think about this theme. In 2006 public and charitable organisations of gays and lesbians, with the purpose of declaring our political demands, made public an open letter addressed to the President of Ukraine, and legislative and executive powers.

Open letter – political demands of Ukrainian gays and lesbians

We, the leaders of non-governmental and charitable organizations⁸ working for gays and lesbians in Ukraine, appeal to you with this letter in response to the recent initiative of His Excellency Lubomir Huzar, Head of the Ukrainian Greek Catholic Church, which was put forward by him on June 2nd this year at the session of the All-Ukrainian Council of Churches & Religious Organisations. Cardinal Huzar proposed to elaborate and adopt amendments to current legislation, which would entrench the concept of a "married couple" as a union exclusively between a man and a woman, and which would legislatively define the concept of "sexual minorities". This would allegedly serve to prevent the creation of same-sex families in Ukraine, legalisation of same-sex marriage and up-bringing of children in such families.

We treat all religious organizations, registered in Ukraine, with respect and tolerance. Undoubtedly, both the Ukrainian Greek Catholic Church and other religious organizations have the right to formulate and publicly express their opinion on homosexuality and homosexual behaviour. However, it is necessary to consider that any intolerant statements can provoke incitement of hate towards homosexual citizens and can lead to violence against them.

Some Members of Parliament from the newly elected Verkhovna Rada believe that "the representatives of sexual minorities are not active on the issue of same-sex marriage and do not pose appropriate demands to the society". This view is, obviously, quite false. On the contrary, we adhere to a consistent, active and open pro position on this issue.

The number of gays and lesbians in our country reaches at least one million people; the state and non-governmental organizations must not neglect this fact. Same-sex families existed, exist and will continue to exist in Ukraine, and homosexual citizens give birth to children and bring them up.

Ladies and gentlemen, families are created not as a result of registration of marriage in the registry offices and not as a result of church ceremonies: families are born through love and are a form of living together on the basis of mutual help and mutual respect. Children are born into this world regardless of whether their parents have a marriage certificate, as well as regardless of their parents' sexual preferences. But some substantial differences distinguish a same-sex couple from a traditional one: homosexual family doesn't exist de-jure in our country, it exists only de-facto; homosexual family is absolutely not protected by the Ukrainian legislation, and as such does not receive any state support, although gays and lesbians pay the same taxes to the state and must have the same rights as their heterosexual co-citizens.

⁷ Magazine *Polityka i kultura*. Nr. 12. 1999.

⁸ Letter signed by heads of following organisations: Gay Forum of Ukraine, Women's Network, LiGA, Nash Mir, Gay Alliance, Chas Zhyt'tya Plus.



People of homosexual orientation are born and are raised, for the larger part, in "traditional" families. The birth of children in heterosexual families is not at all an obstacle for the formation of their homosexuality. At the same time, abundant research, conducted in the Western countries, has proved that the children in homosexual families grow up heterosexual – approximately in the same percentage as in the case of opposite-sex parents.

We emphasise that homosexuality is neither a disease, nor a personality disorder, nor, moreover, a criminal offence, and demand a civilized attitude to the people of homosexual orientation, following the example of most countries of the free democratic world. Fully qualified same-sex marriages or a registered partnership for same-sex couples became a standard for developed Western countries. Out of 15 "old" EU member states marriage or registered partnership are introduced in nine countries; out of ten "new" EU member states the institution of registered partnership for same-sex couple is introduced in two countries. These are current data, but every year the number of countries, which grant their homosexual citizens support and the right to fully qualified family relationships, is increasing.

The introduction of the institution of marriage for same-sex couples took place in such very religious countries as Belgium and Spain, but this did not lead to negative economic or social consequences. Even in Catholic Italy the new government promises to adopt a law on registered partnerships in the nearest future. Ukraine's closest neighbour, Hungary, plans to do likewise. Granting the whole fullness of family rights (along with appropriate responsibilities) to homosexual partners is an obvious, logical and irreversible tendency in democratic civil societies.

Ladies and gentlemen, current national legislation already states, "a marriage is a family union of a woman and a man" (Article 21 of the Family Code of Ukraine). We suggest not to revise this definition, but to introduce registered partnership for same-sex couples in Ukraine. This will allow tens of thousands of Ukrainian homosexual families to legalise themselves, to obtain social and economic rights, to feel the support and care of the state.

In order to solve this problem there is a need for the expression of political will. The state's neglect of the pressing needs of the gay and lesbian community will increase social tension in the society, will slow down Ukraine's integration into the democratic European and world community. The state should pay due attention to the entrenchment of gay and lesbian rights also in the context of adapting national legislation to the international legal norms. We do not need special rights; we require a possibility to make full use of our lawful, fundamental rights and liberties, which would be equipped with effective means of implementation.

We cannot help mentioning the positive shifts in this direction, which are already initiated at the level of government and parliament. Thus, the draft of the new Labour Code of Ukraine, submitted by the Cabinet of Ministers to be considered by the Verkhovna Rada (registration number 1038-1), envisages a direct prohibition of discrimination in the labour sphere on the basis of sexual orientation. Besides, the draft law No. 8590 is being considered by the Parliament, which proposes the introduction of criminal responsibility for discriminatory actions towards citizens on the basis of their sexual orientation, as well as for inciting hostility or hatred to people on the same basis.

Thus, the Ukrainian government has already initiated activity, aiming at not allowing any discrimination on the basis of sexual orientation, in the spirit of requirements of European Parliament Resolution on the European Union's common strategy towards Ukraine, dated March 15th, 2001 No. C5-0208/2000-2000/2116 (COS) and in compliance with other documents, valid for Ukraine, by European and international institutions.

But the measures taken at the government level are so far, regrettably, not enough.

Proceeding from the above stated, **we demand:**

- to introduce a legislative prohibition of discrimination on the basis of sexual orientation in all spheres of public life;
- to legalise civil partnership for people of homosexual orientation;
- to grant homosexual families the whole fullness of social and economic rights on a par with heterosexual married couples;
- to recognise as valid same-sex marriages between citizens of Ukraine or between citizens of Ukraine and foreigners, lawfully contracted in another country, as well civil partnerships, lawfully registered abroad;
- to introduce state-level programmes of social support for gays and lesbians;



- to take into account the rights and needs of gays and lesbians while drafting and implementing normative and legislative acts.

In the context of our demands we call upon all subjects of legislative initiative – Members of Parliament, President and government of Ukraine – to work out and adopt, in the nearest future, the appropriate official decision, and upon bodies of executive power and local self-government – to effectively implement them. In our turn, we declare the readiness to provide all necessary assistance for their qualified elaboration and consequent implementation.

We call upon representatives of all religious denominations to respect our civil position and to treat us with tolerance and in the spirit of brotherly love.

We are open for communication and are always ready to enter a constructive dialogue with any bodies of state power, civil institutions, political parties, religious organizations and other unions of citizens.

We are deeply convinced that the prosperity of the society, the level of welfare and the quality of life are in direct dependency on a respectful attitude to every member of the society. In a democratic country, the priority of the state policy is the securing of rights and liberties for all people, whatever their sexual orientation is, whatever political, ideological or religious convictions they adhere to, in particular – the guarantee of a human being's right to life, personal and family well-being, the freedom of speech and the freedom of worship.

We are confident that a new 21st Century way of state thinking should be entrenched in Ukraine, according to which citizens will not be divided into "our own" and "alien", "good" and "bad", "right" and "wrong", – a way of state thinking, according to which, instead, the equality of all citizens' rights and liberties will be recognized and implemented in practice, and human honour and dignity and full participation will serve as the highest social values.

August 21st, 2006

Answers received from the state bodies

In reply to our appeal we received letters from several ministries.

On the instructions of the Secretariat of the President of Ukraine the official answer⁹ was sent by Ministry of Ukraine in the Affairs of Family, Youth and Sports. It said: "*First of all it is necessary to establish a fact that preconceived attitudes towards gays and lesbians on the basis of their sexual orientation exist in Ukraine.*

Ukraine needs to work out the state attitude towards the currently existing forms of matrimony and living together when forming and realising the family policy of the state. In particular we need to take into account the necessity of legalising same-sex marriages with regard to the adoption of international documents, in which the recognition of such marriages is bound to the possibility of joining the European community".

The letter refers to a government program of support for a family for 2006-2010. However actually, this program does not foresee any steps to support and legally determine same-sex families. In other answer¹⁰ from the same ministry it was said: "*As mentioned government program is directed at family support, so all actions concerning social, legal, material support are for a family as it is defined in the Family Code of Ukraine*".

In the meantime Minister Mr. Jury Pavlenko has said¹¹: "*Today the question of legalisation of same-sex marriages is not timely. And personally I am against such legalisation*".

Such an answer¹² as this seems sufficiently strange, coming as it does from the Ministry of Justice of Ukraine – and writing to offer, in regard to protection of the rights of sexual minorities, to search for "*an alternative to legal ways of solving existing problems*".

The letter¹³ replying from the Ministry of Defence of Ukraine, showing understanding concern, said that military men need counteractions to discrimination based on sexual orientation. However the letter does not explain what steps are foreseen in this direction.

⁹ Letter of the Ministry of Ukraine in the Affairs of Family, Youth and Sports, Nr. 43/11142 of 01.11.06.

¹⁰ Letter of the Ministry of Ukraine in the Affairs of Family, Youth and Sports, Nr. 51/3176 of 10.04.07.

¹¹ Jury Pavlenko's interview given to news program of TV-channel *NTV* of 16.11.06.

¹² Letter of the Ministry of Justice of Ukraine, Nr. 21-46-1061 of 24.10.06.

¹³ Letter of the Ministry of Defence of Ukraine, Nr. 223/1/85 of 06.06.05.



The Ministry of Labour and Social Policies of Ukraine says¹⁴ only that the draft of the Labour Code of Ukraine provides prohibition of any discrimination in the work sphere, including on the basis of sexual orientation.

Thereupon, it is necessary to mention the legal conclusion concerning the draft of the Labour Code of Ukraine which has been reported in the letter¹⁵ of the Legal Department of the Supreme Court of Ukraine. It writes about the inexpediency of including the words "sexual orientation" in the list of antidiscrimination article. The following arguments are put in the letter: *"At first, in the indicated article of the draft of Labour Code of Ukraine natural rights are mixed with unnatural manifestation, to which an untraditional sexual orientation belongs to exactly."*

Secondly, use of term "sexual orientation" in the norm in the offered draft, to our opinion, gives additional privileges to so-called "sexual minorities". It will cause injury of moral principles of the society and assist destruction of labour interrelations.

On the modern stage one of priority directions of the activity of all institutions of power is defence of morality, assertion of in the society of common-to-all-mankind humanism values, healthy lifestyle, radically improvement of the system of spiritual, moral and ethical education, foremost, young people and children <...>. Taking it into account, [this] problem is not simply opposite to state policy, but also is directed to artificial creation of social conflicts and increase of amount of cases".

The most positive, from our point of view, was the answer¹⁶ from the Ministry for Foreign Affairs of Ukraine under the leadership of Mr. Borys Tarasyuk. In particular, it says: *"Taking into account <...> the necessity to bring national legislation in line with the European standards, to the requirement expounded in the letter relating to the recognition in Ukraine of same sex marriages between the citizens of Ukraine or between the citizens of Ukraine and foreigners which were justly concluded in other state, and also the justly registered abroad civil partnerships, on the whole there is no objection".*

As a whole, at the international level Ukraine holds a progressive position regarding questions of protection of homosexual's rights. For example, our country during the third session of the United Nations on Human Rights on 1st December 2006 supported the joint international statement of 54 states of the world: a call having been raised *"to pay appropriate attention to violations of human rights on the basis of sexual orientation and gender identity"*.

In summation we find it noteworthy that on the internal arena the state bodies at this time haven't any consistent policy concerning people of homosexual orientation and solving their problems. Official statements of the ministries substantially depend on their management and, accordingly, can vary with staff rotations and successions.

Statements of politicians

Since mid-2006 in the mass-media a considerable number of statements by politicians about homosexuals and their rights have appeared as well. Unfortunately retrograde, a majority of these statements have shown this: widespread and obvious among the Ukrainian political elite is the existence of both explicit and covert homophobia and an unwillingness to understand the problems and needs of gays and lesbians.

So, in answering a question about same-sex marriages Mr. Alexander Turchinov, the second person in the political force of the Block of Julia Timoshenko (BJT), has declared¹⁷: *"We are categorically against! It is a big sin"*. After the correspondent has been told that this answer is typical for the conservative party, Mr. Turchinov has added: *"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"*.

However, later Mr. Nikolay Tomenko, also one of the leaders of the BJT block, during an Internet-conference¹⁸ specified: *"If the Ukrainian society will ripen to perception of, say, legislative recognition of same-sex marriages, we will support it. No, write, 'I will support it', as we didn't have party discussion on this question... But I am convinced: for Ukrainian citizens legislative support of same-sex marriages, is the same as also entering into NATO, meanwhile – not the vital topics"*.

¹⁴ Letter of the Ministry of Labour and Social Policy of Ukraine, Nr. 641/06/186-06 of 20.10.06.

¹⁵ Letter of the Supreme Court of Ukraine, Nr. 11/13-91 of 11.05.07.

¹⁶ Letter of the Ministry for Foreign Affairs of Ukraine, Nr. 203/19-806-2115 of 26.10.06.

¹⁷ Interview to the Internet-newspaper *Ukrainska pravda*, 22.08.07.

¹⁸ Internet-conference on the site *Korrespondent.net*, 05.09.07.



Ms. Julia Timoshenko herself earlier expressed politically correctly on the given question. In 2004 she has declared¹⁹: *"I would like, that men loved women, and women – men. But if occurs in another way everyone should have the right of a choice of their destiny"*.

On December 14, 2006 the President of Ukraine was asked during an Internet-conference: "What do you think about the legislation of same-sex marriages in Ukraine?" President Mr. Victor Yushenko answered²⁰: *"Can I answer in one word? – Complicated"*. He added, *"Though by this I would not like to give a differing opinion from that which is given by the society and law"*.

In reply to the appeal of the movement Love Against Homosexuality to politicians to express their viewpoint about legalization of same-sex families, MP socialist Mr. Nikolai Danilin in 2006 wrote²¹ to them: *"On the instructions of the leader of the Socialist party group I considered your address. <...> Personally, I won't support political ideas and demands of homosexuals. <...> I believe that we need to protect the family and spiritual values of Ukrainian society"*.

Answering a question about including the words "sexual orientation" in an antidiscrimination article of the draft of Labor Code of Ukraine, a member of the Parliament Committee on Social Policy and Labour Mr. Vasiliy Khara (Party of Regions), said²²: *"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"*.

The most aggressive position towards homosexuals most recently was taken up by the head of the Committee on Human Rights, National Minorities and International Relations of Verhovna Rada of Ukraine, communist Mr. Leonid Grach. In November, 2006 he stated²³, that *"homosexuality is an anomaly, which is caused by the amorality and the depravity of man"*. In 2007 Mr. Grach continued to speak in public²⁴ in that spirit: *"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"*. In the opinion of this MP, *"the state must protect the society from evil, from violence, including such evil as homosexuality, lesbianism and such"*.

Despite calls from Nash Mir to the state and political leaders, no leader from either group censured the homophobic statement by the chief of committee on human rights of Ukrainian Parliament.

Some politicians continue to use the "gay card" for the purpose of "black" PR – for humiliation of their opponents in the eyes of the public. For example, Mr. Jury Lutsenko, the leader of the political force "National Self-defence" had to face such black PR. Minister of Emergency Situations Mr. Nestor Shufrich from Party of Regions expressed himself on this issue²⁵. The basis for his negative conclusions was that several years ago Mr. Lutsenko had visited one of the seminars organised by Nash Mir.

Another example is the statement by Mr. Taras Chornovil, one leader of Party of Regions. On the basis of his anti-gay opinion²⁶, the Speaker of Verhovna Rada (Parliament) Mr. Alexander Moroz and Prime-minister Mr. Victor Yanukovich refused to attend the concert of Sir Elton John in Kyiv in June 2007 because the appearance of this artist could be considered as propaganda of homosexuality. *"I do think so: that Mr. Yanukovich and Mr. Moroz are not into taking part. But what about Mr. Yushenko – I do not know. He likely reproduces by the entire program, giving birth to children one by one; but there is probably some spiritual beliefs"*, – Mr. Chornovil underlined.

Negative statements of politicians towards homosexuals had increased in number on the threshold of out-of-turn elections in Verhovna Rada of Ukraine in September, 2007.

In summary, it is possible to give some conclusions. As we see it, no one political force takes a steady consecutive position in relation to homosexuals. The gay theme is not discussed in the parties. Statements by politicians as a rule have a private character reflecting their own viewpoint. Irrespective of political predilections, on the homosexual question judgements are based on "Christian values and morals", and on

¹⁹ Chat-conference, 05.04.04.

²⁰ Internet-conference, 14.12.06.

²¹ According to information on the site *Other news*, 10.10.06.

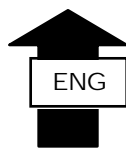
²² Interview to the newspaper *Kommersant-Ukraina*, 16.02.07.

²³ Interview to the newspaper *Kommersant-Ukraina*, 17.11.06.

²⁴ Message of the press-service of L. Grach to the news agency *REGNUM*, 09.02.07.

²⁵ Program content aired on TV-channel *NTN*, 25.09.07.

²⁶ Interview to the news agency *New region*, 19.05.07.



accusing homosexuals of all sins whilst categorically sweeping aside any possibility of granting them equal rights on the same level with heterosexual fellow citizens.

Although these public statements from politicians issue forth as if based on private character, in fact their personal slant intentionally serves political parties' strategic need to separate themselves from a gay theme they find inconvenient. Thus, for a time, the present political parties are perceived as "correct" in the opinion of the electorate.

We find another negative tendency is visible today. Even when the necessity to improve legislation is acknowledged, it is framed by politicians in terms of its being a *forced measure* imposed by "the requirements of Europe" that is a mismatch with the internal needs of Ukrainian society.



Rus

"Оранжева революція". Київ, 2004 р.
МИ ЗА ДЕМОКРАТІЮ!

"Оранжевая революция". Киев, 2004 г.
МЫ ЗА ДЕМОКРАТИЮ!

Ukr

Eng

ENG

"Orange Revolution". Kyiv, 2004.
WE ARE FOR DEMOCRACY!

COVERAGE OF THE TOPIC IN MASS-MEDIA

By the beginning of the period under consideration (2003-2004), mass media had already noticed the existence in Ukraine not simply of homosexuality as *phenomenon*, but also the presence of some Ukrainian lesbian- gay-community. The issues of magazines *Korrespondent* (Nr. 34 (73), September 2003) and *Afisha* (Nr. 35 (127), September 2003), were devoted fully or partly to gay subjects – with emphasis on descriptions of everyday life or entertainments of gay-community.

Concurrently, materials of a general enlightening and historical character on gay issues, more characteristic for the previous period (when society for the very first time was only getting acquainted with the theme of homosexuality), continued to be published in the press.

The theme of AIDS among homosexuals was touched on very few times. Big attention was attracted by a scandal, connected with an attempt to accuse the sometime minister of transport of Ukraine Mr. Kirpa of homosexual paedophilia. However, this scandal as well as all other similar scandals of a sexual character in Ukraine, did not cause serious public resonance and entailed no consequences. It is characteristic that this scandal was largely, if not exaggeratedly "untwisted" in the Russian mass media – in particular on Russian Internet sites. It is noteworthy that in this case it is difficult to divide Russian and Ukrainian domestic mass media – actually they work in and as one informational field.

It became typical *modus operandi* for Ukrainian mass media to publish articles about the first gay organisations by taking interviews from leaders. They presented almost word-for-word interviews with these organisations' leaders, practically without any distinct journalistic comment.

Noteworthy were the first organised, open, anti-gay appearances – organised by extremely right-wing groups during the anti-AIDS event "Run for Life – 2003". Publications' coverage was limited, informatively illuminating the course of events but providing no comments of their own.

On the whole in this period in Ukraine's mass media, themes relating to homosexuality attracted very little attention either in national or local newspapers. In the last such main articles to appear, mention was made of some events noticeable at the local level: for example, the initial work efforts of gay groups and organisations in Luhansk, Mykolaev, and Kriviy Rig. Generally, published writings on themes related to homosexuality had a depersonalized viewpoint: the readers were incrementally informed about the general plan, little by little. Noticeable exceptions were two articles in Mariupol newspaper *Priazovskiy rabochiy* ("About a woman Vasilina, appearing to be the man Vasiliy after death" of 31.05.03, and responses from readers in the issue of 7.06.03). This indeed unusual history was accompanied by a comment quite unexpected: "...among fellow workers nobody can reproach him for dishonesty and dishonourableness. Moreover, as with one voice it was talked about that (s)he was a good man, kind and industrious... And that some peculiarities even enhance a man".

The 2005-2006 period was characterised by a sharp increase in the visibility of activities of both the gay and anti-gay initiatives. Noteworthy for attracting press attention was the picketing action by gay organisations of one of the institutes of Interregional Academy of Personal Management (IAPM). Picketing in support of a sent-down student, and counteraction to the picketing (from reacting leadership of this educational establishment), held the press's interest. Yet more noticeable was the attention paid by press outlets related to IAPM. Articles in IAPM-linked publications' editions often bear a frankly xenophobic character, with a specialisation in anti-Semitism. In the picketing case, these publications – in addition to their traditional Judo-phobia – showed a level of homophobia unprecedented in Ukraine (*Personal Plus*, Nr.Nr. 21, 24, 31, *Ukrayins'ka Gazeta Plus* Nr. 23). They went so far as openly to approval of Hitler's methods of handling homosexuals. For example they printed, "*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*" (*Personal Plus*, Nr. 24, 15-21.06.05).

In this matter, the initiative Love Against Homosexuality became the most noticeable ally of IAPM's leadership. Journalist Mr. Ruslan Kuharchuk, being close to neo-protestant Christian sects, led. During this time, LAH group notably extended their presence in the domestic mass media, mainly on the Ukrainian Russian-language web sites of a clerical and conservative character (prochurch.info, and urainform.com).

Articles appearing in some editions reported the "first in Ukraine" conference on the lesbian and gay subject, held in Kyiv during autumn 2005. Although the conference was *not* the first by far, typically Ukrainian journalism each time *opens*, as it were, this theme again and again.



Articles began to appear about same-sex pairs living as family – articles describing the life of such real pairs. They mentioned the registered partnerships and same-sex marriages existing in foreign countries. They estimated the possibilities of introducing a similar institutional arrangement in Ukraine. Examples are articles in two issues of Lviv newspaper of *Expres* ("Lesbian family", 10-17.02.05 and "One sex marriages", 2-3.08.05).

Magazine *Publichnye Lyudi* after publishing in 2004 "Other love" (Nr. 4 (14)), returned to the theme of homosexuality with the article "Procession of blue gay male glamour" (Nr. 7-8 (39), 2006). While the author of the first article found interlocutors only in a fashionable Kyiv gay club, the author of the second did not try to search for them anywhere. He begins his hostility towards homosexuals with the image of Dima Bilan. From there he makes his anxious conclusion about the fate of Ukrainian society. He writes "*The problem is not in the arrival of specific sexual practices, but that into the half-vacant sphere of public morality come not anti-social morals, but a new community with their own morality. This morality of male glamour is making its influences on policy, culture, and art – and overall it might come to dictate their rules*".

In 2006, most articles touching on the homosexual subject that appeared in Ukrainian mass-media were caused by an earlier discussion. This discussion happened between gay organisations and All-Ukrainian Council of Churches & Religious Organisations, because on cardinal Huzar's initiative Council adopted to address the state authorities – with an appeal to prevent the appearance in Ukraine of any form of state recognition of same-sex families. Strong press focus was drawn to this Council-initiated appeal. Also, the press focused on both an open letter by gay organisations (addressing and asking state authorities to give attention to the problem of the observance of equal rights for homosexuals), as well as to official responses from state organs to this open letter. Into the controversy in 2007 the press published articles and items about one public occasion when homophobic utterances were made by Mr. L. Grach, Chairman of Parliamentary Committee on Human Rights.

As in years past, many publications are simply recycling or retelling press releases of lesbian and gay organisations, varying only by titles, and showing the attitude of the author towards the theme – and often his/her political conviction. For example, here are titles of articles with practically identical content: "In Kyiv was a counting of people with untraditional sexual orientation"; "Ukraine literally swarms with pederasts!"; "Our Ukraine: gay on gay, lesbian on lesbian".

During the period indicated, undoubtedly the publication leaders addressing homosexuality were the magazine *Korrespondent* and its ancillary web site *Korrespondent.net*, as well as the Kyiv paper *Segodnya*. A reader notices necessarily that while *Korrespondent* usually limits its coverage to short informative notes, *Segonva* is publishing comprehensive authors' materials – with more complete and detailed treatment of the relevant questions. Both publications' editions aspire to unprejudiced coverage of the affected problems.

Viewed overall, Ukrainian television showed the same approaches and covered the same set of homosexuality themes as print media and Internet publications. Among noteworthy full-length broadcasts on this subject, it is necessary to include mention about a child – rather youth, talk-show "Ours" on TV channel *NTN* of 12.12.06. One particular show-offering was devoted to youngsters who grow up as homosexuals. Within this talk-show segment young homosexuals, their parents, coevals, and social workers were able to speak out. Summing up, the presenter said the following word about the program: "*It was the most adult program of all the children talk-show "Ours"*". Furthermore, in spring 2006 – and perhaps for the first time on domestic television – on the program "Unbelievable stories of love" (TV channel *STB*) Mr. Anatoliy Yerema came out publicly. The known personality Anatoliy Yerema is a TV presenter and producer of TV channel *1+1*. His story exemplified the life of an actual established person coming out. This specific program episode expanded beyond the program's previous set boundaries: it showed the real life of a modern Ukrainian gay person in all its plenitude and complications.

Several typical characteristics on the whole are discernable when one considers the theme of homosexuality as content in articles and broadcasts:

- As a rule, authors are limited to recycling information from one source; they do not try to fact-check it or to compare their source with other sources.
- Presentation of comprehensive information is given in a neutral manner, without attempts to accompany descriptions with personal evaluation.
- Sharply slanted articles reflecting an author's personal, negative attitude towards homosexuality (in no less than 90% of cases) stem from the unique, small group of newly converted Christian participants in the Love Against Homosexuality initiative. Other sharply homophobic publications



are nearly totally slanted by their linkages with orthodox and religious views, and go along with general xenophobia.

- Rarely, nonetheless with regularity, appears published content about "gay mafia" aspiring to plant alien orders within Ukraine that are against its nature. In this conspiracy category also are to be found writings about "hidden homosexuals" supposedly in power here and about the West "sponsoring homosexuality in Ukraine".
- In most articles, homosexuality is considered to be the destiny of marginal communities, principally either the prison world or – especially of late – of worldly bohemian values. Modern homosexuals are described as swayed by glamour – people most of all searching out new pleasures and anxious that their own exteriors are in "new fashion". To all appearances, the authors in such publications embody the revulsions of their proper associates and generalise from their personal impressions to all lesbian and gay community members.
- When an author attempts to go beyond a dull recycling of supplied information, generally he/she shows no understanding of homosexuality. For example, the misconception of "choice of sexual orientation" is still current and being expressed.



Тренинг для тренеров в Центре "Наш мир", 2004 г.

Rus

Ukr

Тренинг для тренерів у Центрі "Наш світ", 2004 р.

Training for trainers in Nash Mir, 2004

Eng

ENG

LEGAL SITUATION OF HOMOSEXUALS

The legislation

In the former Soviet Union, a criminal prosecution existed concerning sexual relations between adult men. The 1st part of Article 122 of Criminal Code of Ukrainian Soviet Republic stated regarding Sodomy: "Sodomy, that is sexual intercourse of a man with a man, – is punished by imprisonment for a term of up to one year or exile for the term of up to three years". Sexual contacts between women officially were not prosecuted.

After declaring independence, one of the first acts adopted on December 12, 1991 by the Parliament of Ukraine repealed prosecution concerning homosexual relations. (Since that date, regulations have been in force providing punishment for violent homosexual sex or involving minors).

The new Criminal Code of Ukraine came into force in 2001 and remains so today; throughout it contains no obvious mention of homosexuality. It establishes 16 years²⁷ as age of consent equally for heterosexual and homosexual contacts. Nevertheless, crimes with a sexual basis are punished under different articles of the CC. Judging from comments to the Criminal Code, Article 152²⁸ provides punishment for violent "*natural (heterosexual) sexual intercourse*"²⁹ while Art. 153³⁰ provides proceedings for violent sodomy, lesbianism, oral or anal contact between a woman and a man, sadistic actions, etc. As a whole, punishment under Art. 152 is a little more severe than under Art. 153.

At present there is no mention of "sexual orientation" in any other operating act. However, in no sense whatsoever does this mean that homosexual citizens have the same measure of rights as their heterosexual fellow citizens.

Thus, for example, no form exists for official recognition of same-sex unions in Ukraine. Same-sex unions are recognised neither in the form of official marriage, nor in the form of civil marriage accessible to heterosexual couples. Accordingly, living as a pair gay men or lesbian women partners are bereft of the possibilities and privileges which families with opposite gender spouses possess. For example, we cite questions concerning property inheritance, guardianship over children, not witnessing against a close relative in criminal affairs – and other circumstances where partnership is a consideration.

Another inequity is the fact that lesbians have no access to artificial insemination, as this fertilisation option can be provided only to married women.

Regarding antidiscrimination articles in Constitution of Ukraine (Art. 24), Code of Laws about Labour (Art. 2-1), Criminal Code (Art. 161): the list of the bases of prohibition of unequal treatment of citizens and discrimination do not contain the concept "sexual orientation". However, all these articles have in fact an open list of bases within the category "and other backgrounds". Such a category's presence means that theoretically discrimination on the basis of sexual orientation also is forbidden by the legislation.

Contained in the draft of the new Labour Code of Ukraine, which in future should replace Code of Laws about Labour of Ukrainian Soviet Republic, in the list of antidiscrimination grounds in the labour sphere, the words "sexual orientation" have been included. However, experience has shown in the last few years that during considerations of the bill some political forces would like to delete "sexual orientation" from the Code.

Gathering information about violations of the rights

One of the basic directions Nash Mir's activity takes is gathering and documenting the information about violations of the rights of gays and lesbians in Ukraine. Such work is possible only in close contact with the community.

For this purpose we use various techniques: questioning of target group, discovering cases of rights violations and documenting them (through our own efforts and the help of contact people in the regions), and gathering information from other sources (mass media publications, and inquiries to the state bodies).

²⁷ Art. 156 of Criminal Code of Ukraine "Debauchery of minors".

²⁸ Art. 152 of Criminal Code of Ukraine "Rape".

²⁹ The scientifically-practical comment to the Criminal Code of Ukraine of 5th April 2001. Kyiv, 2002.

³⁰ Art. 153 of Criminal Code of Ukraine "Violent unnatural gratification of sexual desire".



However, even with our wide contacts among homosexuals, it is difficult for us to collect information on discrimination and hate motivated crimes. Victims often do not wish to inform others about crimes against them, being afraid that the information about their sexual orientation will be divulged widely, and in turn that it will lead for further problems. Accordingly, the quantity of rights violations of homosexual actually is much larger in all probability than the number of cases known to us.

Also it is necessary to note here that in spite of our procedure aspiring in every possible way to fact-check information we receive, this is not always possible and we are apprised about an incident from only one source.

The review of the situation with violations of the rights

In 2005 across Ukraine we questioned more than 900 gay people. This was our opportunity to receive statistical data and to discover the most problems homosexuals have in areas of their lives.

So, to the question "Have you experienced prejudice or were you exposed to discrimination on the basis of your sexual orientation during the last 4 years?" – 54.4 % of respondents have answered "Yes". Certainly, among people who do not aspire to hide their sexual orientation from ambient others, the number exposed to oppressions is much above this figure – it is more than 76 %.

In actuality for the most part, problems arise in interpersonal mutual relations – with relatives, companions and simply with strangers in the street. These situations cannot always be qualified within legal frameworks.

Also, often homosexuals face problems in the work place, and during contacts with representatives of law enforcement bodies. Below we include examples of identified problems arising and quantity indicators as revealed to us during questioning.

Labour relations

78.2 % of those who worked or tried to find a job have noticed that they faced one or another violations of their rights, unequal treatment, and a prejudiced attitude towards them in the labour sphere. Mostly rejection took the form of refusal of employment or dismissal.

Certainly, if an employer wishes to be rid of a worker for the reason of disliking his/her sexual orientation, this reason will not be specified in the dismissal notice. More often, a worker will simply be forced to leave of his own free will, as it were – adverse conditions having been created to preclude continuing working. Or she/he will be dismissed under some other pretence.

Example 1.

Sergiy, aged 25 years, an employee of the combine Kryvorozhstal in Krivy Rig city. Being an enthusiast, during free time from his primary work duties he organised parties for local gays and lesbians. In August, 2005 information about these parties was placed in the pages of the local newspaper where it was read by the enterprise's management.

The shop superintendent summoned Sergiy. He asked for explanations. He demanded and willed that Sergiy be dismissed.

Subsequently the shop superintendent summoned Sergiy's father who worked at the same enterprise. He told the father the whole story, demanding that the father castigate his son.

Information about the homosexual orientation of the son became news in Sergiy's family, conservative enough as it was.

Sergiy was compelled to leave his highly paid work position. The reasons for this were not to aggravate family conflict, and not to endanger the official position and reputation of the father.

Interaction with law enforcement bodies

61.5 % of homosexuals who had to contact representatives of Ukrainian law enforcement bodies for the last years, have noted one or another violations of their rights. Most often they faced prejudiced attitudes



and psychological pressure, and have undergone threats and blackmail on the part of police officers. 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 about cases of physical violence and sexual harassment towards homosexuals.

According to the order of the State Committee of Statistics of Ukraine Nr. 436 of 10.12.2002, law-enforcement bodies are ordered to submit a report on their work on "*fighting against prostitution, revealing groups of risk and results of their testing for AIDS*". In the statistic data for 2003-2005 available³¹ for us it is specified that at the end of first half-year of 2005 there were registered 195 homosexuals in the organisations of Ministry of Internal Affairs (MIA). In the table³² given for 2005-2006, data about homosexuals is not specified.

On this occasion the MIA's explanation³³ said that the given statistical information shows "*results of MIA's work in the number of revealed persons who have committed an offence and concern to risk groups*."

The personified registration of citizens on the basis of their sexual orientation in law-enforcement bodies is not conducted'.

In another letter³⁴ it was declared that "*the Ministry of Internal Affairs of Ukraine carries out constant work on education and development among MIA's employees on universal values and high moral qualities*". As MIA informed us in 2006, in cooperation with the program of the Council of Europe "Police and human rights" it has been conducting 8 trainings, and within the framework of cooperation with the United Nations Development Program, more than 100 trainings. During the trainings, attention was paid to the problem of HIV-infection and to a tolerant attitude towards "*marginal population groups*".

Despite such statements, for the last years we repeatedly received information that police collect and file confidential data about gays and lesbians (home addresses, phone numbers, and made finger-prints and photos). Such actions break the European Convention on Human Rights and Art. 32 of Constitution of Ukraine, in which is said: "*The collection, storage, use and dissemination of confidential information about a person without his or her consent shall not be permitted, except in cases determined by law, and only in the interests of national security, economic welfare and human rights*".

Examples provided below show the prejudiced, humiliating attitude regarding gays and lesbians is also widespread among police officers.

Example 2.

On an evening in January, 2007 Valeriy was kissing with a friend, standing at a solitary stopping point for public transportation in Zaporizhe. The two friends did not notice as a police car approached them. Police officers requested their individual documents, but they didn't have them. Following this, the two men were taken to district police station to establish each person's identity.

"Having got us into the premises of the police station, the officer loudly declared that he has brought "faggots". After that from the bull-pen came shouts: "Bring them here! We'll fuck them", Valeriy recalls. "I claimed to the officer on duty that I will complain to the office of public Prosecutor. After that we were taken to another room where the same officer took out from the table drawer a package with a white powder. He showed it to us and told us that there will also be witnesses... Before releasing us he reminded us that if we write a complaint, then we'll become arrested as drug-sellers".

A representative of Nash Mir suggested that Valeriy accept assistance in advocating his rights, however he didn't wish to enter a conflict with the police.

Example 3.

In May, 2007 in Lviv four lesbian girls took part in an action coinciding with Day Against Homophobia. They stuck up leaflets about tolerance along the street. Their group was detained by a police patrol. Police officers refused to name themselves and delivered the girls to Galitsky district police station. Here the girls had undergone insults and sneers on the part of police officers, many of whom were in a state of alcohol intoxication.

³¹ Letter of the State Committee of Statistics of Ukraine Nr. 05/2-1-8/50 of 22.12.05.

³² Letter of the State Committee of Statistics of Ukraine Nr. 05/6-8/26 of 16.04.07.

³³ Letter from the Ministry of Internal Affairs of Ukraine Nr. 16/1-k-222 of 18.01.2006 in reply to Nash Mir's query.

³⁴ Letter from the Ministry of Internal Affairs of Ukraine Nr. 6/2/1-1774 of 30.03.2007 in reply to Nash Mir's query.



The girls were released from the station only some hours later – thanks to the assistance of a lawyer they knew and a bribe to the policemen. Nobody explained the reason for their detention.

The victims did not want to advocate for their rights, being afraid of publicity about their sexual orientation.

Example 4.

This incident³⁵ happened in one of the regional centres in Ukraine. In this city Olexander for some time has organised and led discos for gays and lesbians. Announcements about a post-New Year's party at the beginning of 2006 were posted on one of websites for gay people. Olexander's contact telephone number was also listed in the announcement.

On January 2, a girl who named herself as a lesbian, called him and said that she wanted to get a ticket to the party. They agreed to meet in a city park the next day. Olexander and his girlfriend Oksana went to the meeting where the young girl was waiting.

After talking together for a minute, two unknown men walked up to them. They identified themselves as SBU (Security Service of Ukraine) agents, showed their identification badges, and asked Olexander and Oksana to come with them to the SBU division.

At the division, Olexander and Oksana were led into two different rooms where the agents began to take down their testimony. In interrogating Olexander they used psychological abuse in the form of humiliation and insulted him with foul language. During all this interrogating, they said things like "gays don't have the right to live on Earth", and "they should be isolated and sent to Siberia". Olexander kept silent and protected himself and the gay community.

Afterwards, the SBU agents insisted that Olexander collaborate with them, but he refused. They told him that they would interfere with the parties and discos for homosexuals, and then threatened and insulted him again. Olexander was then finally released after more than five hours.

Oksana was scared by the agents' threats that they would spread rumours about her sexual orientation at her place of education. She stopped communicating with Olexander and other homosexual friends after this incident.

Example 5.

On July 23 in Mykolaev, three unknown men forced their way into the apartment of gay couple Oleg and Andriy. The attackers threatened them with weapons, insulted and humiliated them, and beat them badly. Fortunately, they were able to escape from the apartment. They made enough noise in the corridor so that the neighbours called the police. When the attackers heard all the commotion, they fled the scene after successfully stealing two mobile phones. Obviously, the motive of the attack was theft of personal property.

During the resulting investigation the police came across Pavel, who also is gay. On August 30 around 11pm, the police took Pavel from his home in handcuffs and led him to the police station, where he spent the night. According to his account, there the policemen insulted and humiliated him. Pavel was later proven not guilty; only then did the authorities begin to treat him better. They recorded his testimony, took his photo and fingerprints, and released him.

Although Pavel endured several difficult hours at the police station, he didn't press charges or pursue any legal action against the police. He said that in general he thinks about police actions with understanding, because "they should catch the criminal".

Education sphere

Also, in the sphere of education a negative attitude towards gays and lesbians is to be found. According to the results of our questioning, it becomes apparent that approximately 3/4ths of "open" homosexuals felt themselves subjected to a prejudiced attitude on the part of teachers or other pupils.

³⁵ In accordance with the conditions for providing us this information, the names of people and places have been changed.



Example 6.

Vadim Zhilin in 2004 had entered Economic-Legal College of Interregional Academy of Personnel Management (IAPM). Vadim did not hide his homosexual orientation. He tried to promote tolerance towards sexual minorities at the institution by means of self-published leaflets. However, the institution's management didn't like this action.

The director of the college, Bugaeva L.M. had him sent down, allegedly for the lack of a document about secondary education, which he had had to submit to complete his matriculation initially. Later during litigation it was found out that in times before not one single student had been sent down under such a pretext.

Actually Vadim had been sent down because of his sexual orientation. He faced moral pressure and personal insults on the part of the director. In private conversations he was clearly informed what was the real reason why he did not suit the educational institution's management.

On July 25, 2005 Goloseev district court of Kyiv established that, owing to wrongful sending down, moral damage was caused to Vadim Zhilin, because his right to education was violated, and normal vital communications and relations with people surrounding him were broken. The court obliged the college of IAPM to pay Zhilin financial indemnification. He refused restoration as a student of the college, having taken into consideration the frankly negative and biased attitude towards him by the educational institution's management.

However in court it was not possible to prove that Zhilin was discriminated against on the basis of his sexual orientation, as witnesses who could have confirmed pressure upon Vadim from college management, under various pretexts did not come to court hearings.

Privacy and information rights

23.4% gays and lesbians questioned informed us that their right to privacy was violated. Without their permission third parties had divulged information about their sexual orientation. As a rule, violations of confidentiality were done by police officers, colleagues at work, or other persons to whom previously private information became known. Homosexuals could be blackmailed in order to force them to give some information, and/or to leave their job, etc.

Noteworthy too is the obviously discriminatory position of Art. 6 of the Law of Ukraine "About protection of public morality": it says that "*placing of personals about intimate meetings for remuneration and deviant forms of intimate relations not in specialised mass media is forbidden*". After an adoption of this law in 2003 the printing outlets which previously placed personals from gays and lesbians – have ceased publication.

Army Service

Compulsory conscription for men exists in Ukraine; it is regulated by the Law of Ukraine "About military duties and military service".

We have insufficient information about gay men serving in the army. In our view, many young gays try to avoid call-up to military service as they are afraid to face unauthorised relations and other difficulties in a military collective. Those who serve in the army do not show their true sexual orientation.

According to the law, homosexuality is no reason for exemption from military service. However, the question is solved concerning an individual young man's case by a regional enlistment commission. The commission should study the features of a candidate recruit, decide regarding a call-up to service for a fixed period, possibly grant a postponement, or release the citizen from being called up.

Nash Mir was repeatedly addressed by some young men wishing to get the "certificate about their homosexuality". The men hoped the certificate would help them convince an invocatory commission to release them from service, because to be in a military collective, in their own case, would be a big psychological problem.



Public health services

Homosexuals needing to go to medical institutions for help also declared that they experienced violations of their rights. In particular, 13.5 % of them said that information about their health condition or sexual orientation had been divulged by medical personnel to third parties.

Sphere of services

22.5 % of respondents informed us that they faced discrimination in the sphere of services.

Example 7.

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.

Business

Approximately one in ten homosexuals who were engaged in business informed us that they faced various sorts of prejudicial attitudes from the authorities and supervising bodies.

Example 8.

Andriy, who organises gay parties in Lviv, has no permanent place for holding parties. For partying purposes he as a matter of course rents different cafes and clubs in the city. In March, 2006, he verbally agreed with the co-owner of one of Lviv's night clubs to rent the club.

When Andriy came to the club to prepare its space, he met with the establishment's owner, who asserted himself aggressively. The owner began to offend Andriy obscenely and declared that there would be no party, as he did not wish to see "pederasts" in the club. He then started to turn Andriy out forceably from the club.

However, Andriy had already circulated party information among Lviv's gays and lesbians and did not want the occurrence of the party to be frustrated. Via an intermediary he managed to come to agreement about holding a party; he agreed with the club owner's requirement for him to pay double the rent. As a result, Andriy suffered financial losses.

Interpersonal relations (hate motivated crimes)

Research has shown that 40 % of gays and lesbians were exposed to physical or moral pressure from ambient people. Among those who do not hide their sexual orientation, practically everyone faced prejudiced relations. Problems arise more often in mutual relations with relatives, strangers, friends, and fellow workers.

Example 9.

16 y.o. Sergiv, an inhabitant of a village in Kherson district, was found dead from hanging in a court yard of his house in March, 2007.

Since age 14 the boy felt he was of a homosexual bent. The psychologist of the school where he studies testified about this homosexual tendency.

Sergiv was brought up – or to be exact, he grew up – in an unsuccessful family having many children. The family head was a stepfather with a criminal past and an unstable mentality. The bent of his teenager step-son had not escaped his attention. This bent constantly served as a subject for sneers and mockeries.

During the evening of the eve of the boy's suicide, the drunk stepfather persisted with harassments, accompanying them with insults and mockeries. In the middle of the night neighbours heard shouts and saw Sergiv crying. In the morning, Sergiv's mother found her son hung to death in a court yard of the house.



The district office of public Prosecutor instituted proceedings on the grounds of suicide. Suspicions about the stepfather's having driven Sergiv to suicide were withdrawn because of insufficient proofs and testimonies. The intimidated mother and brothers of the dead boy refused to testify officially against the stepfather.

Example 10.

29 y.o. Evgeniv lives in one of the villages in Cherkasy district with his mother and grandmother. He is bringing up his disabled son there. His sexual orientation is no secret in the village. He said that since childhood he has been found to be obvious because his figure, voice and gait appear feminine to others.

Throughout many years Evgeniv was the object of insults and attacks from the villagers. Several times he was also exposed to physical violence from them. Attempts to receive police protection ended with sneers from local police officers.

The most recent incident occurred in July, 2007. Evgeniv, on the road home, underwent an attack by three young men who are village inhabitants. They dragged him into an inhabited house where they beat and raped him. After being mocked, beaten and raped Evgeniv managed to escape his tormentors by taking advantage of their quarrelling. When he got home, his mother called an ambulance and the police. But only doctors arrived and took him to the district hospital. Police officers came only when they were telephoned from the hospital.

The District police station refused to initiate any criminal case because, according to the investigator, there were insufficient proofs against the assaulters. Moreover, according to police officers Evgeniv himself had provoked the attack because he ostensibly stuck to the men.

Three weeks later the police suggested that a medical certificate should document physical injuries that had been caused. However, by this time black and blue bruises had gone away, and proving a beating was impossible. In the initial diagnosis, concussion of the brain and rape were not specified in the medical extract. Reasons conjectured about from hearsay subsequently clarified why policemen and medical personnel may have tried to hush up the affair: it was found out that among the relatives of the assaulters are the head physician of district hospital and the deputy Chief of the police station.

Same-sex partnership. Children

Various problems arise because the Ukrainian legislation does not recognise same-sex couples. Questioning showed problems over refusal of the right to share property between the partners of a homosexual couple, or refusal of the right to inheritance. Also, some respondents informed us that they have been deprived of the right to adopt children; or that it was impossible for them to get sick-leave from work to nurse for their partner's child. In fact these homosexuals were deprived of rights which their fellow citizens of heterosexual orientation enjoy under the law.

Transsexuals

In Ukraine sex change is regulated by Art. 51 of the Law of Ukraine "About health care" (sex change in hermaphrodites, transsexualism) and the order of Ministry of Health and Ministry of Justice of Ukraine Nr. 57 of 15.03.1996 "Procedure of inspection of persons who require change (correction) of sex". According to Ministry of Health³⁶ in 2005 in Ukraine 12 sex change operations were performed; in 2006 – 16 operations were done.

Protection of the rights

Our research has shown that half of homosexuals who have undergone incidents of oppression or discrimination, somehow tried to protect their rights. Basically, the only step they took was informing those who committed violations that in fact they had violated the homosexual's rights.

The other half did not protect their rights. As already said above, the reasons for remaining passive are as follows: fear of disclosing their sexual orientation to a wide range of persons; not believing it is possible to protect their rights by legal means; mistrust of law enforcement bodies and the judicial system; and their own illiteracy concerning the law.

³⁶ Letter from the Ministry of Health of Ukraine Nr. 3.51-58/640 of 25.05.2007.



UKRAINIAN LESBIAN AND GAY COMMUNITY

Number of homosexuals in Ukraine

No exact data exists about the quantity of people of homosexual orientation in Ukraine. Even to estimate its number is difficult enough, because this group is subject to considerable stigmatisation which leads to the lesbian and gay communities' characteristic closeness and invisibility.

The results of the most known and recognised research of human's sexuality, made by Dr. Alfred C. Kinsey, have shown³⁷ that about 4 % of men are exclusively homosexual during all of life (the quantity of homosexual women is a little less). In figures for Ukraine 4 % means that among the adult population of the country about 1 million are people of homosexual orientation.

Recently, according to the head of the organisation Gay-Forum of Ukraine, Mr. Svjatoslav Sheremet, the quantity "from 800 thousand to 1 million 200 thousand persons" began to appear in mass-media.

The unique research³⁸ in this area in Ukraine has been done in 2005. In particular, its task was to estimate the number of men having sex with men (MSM) as one of the vulnerable groups at risk to HIV-infection. Several indirect estimation techniques for arriving at the number in the group were used in the research. As a result, the experts have come to the conclusion that the number of men having sex with men in our country totals from 177 to 430 thousand (it is necessary to understand that this research was about homosexual *practice*, not homosexual *orientation*).

The business directed at gays and lesbians

According to the results of journalistic research made by the newspaper *Delo*³⁹, only services in the leisure sphere are developed for homosexuals in Ukraine. For the whole country there are about ten clubs and cafes, which are located mainly in large cities. In several cities gay activists through their own initiative sometimes organise parties for gays and lesbians.

We do not have clothing shops or beauty salons that are niche-market directed at gays. The tastes of homosexuals are considered only by brands VDOne and the designer Mikhail Voronin. However gays and lesbians make up the lion's share of buyers of erotic goods sold in sex-shops, according to the *Delo* article.

Tourist business for gays in Ukraine is only arising. Now, at least two companies offer gay tours abroad.

In Kyiv escort services are developing at a quick pace. It is no problem for a client to order an escort guy, though services will cost expensively enough.

But Ukraine doesn't remain standing still in one place, and we can anticipate going through a boom in gay business, the article concludes. However Ukrainians still have to go a long way in order to bring gay business up to the European level where gay-community is considered as one of the base consumers' groups.

Public associations

At the present time in Ukraine less than ten public and charitable organisations of homosexuals exist. Necessarily add to this number the organisations dealing with the problem of HIV/AIDS and providing services for MSM.

Seldom do enough gay organisations arrange public actions. For example in 2005 in Kyiv, Nash Mir organised the picketing of Interregional Academy of Personnel Management as a token of protest against homophobia among the management of this educational institution. In 2007 at the initiative of Gay-Forum of Ukraine organisation some dozen people walked along the center of the Ukrainian capital and distributed leaflets with appeals for tolerance towards homosexuals. The majority of these actions encounter resistance from both local authorities and aggressively spirited citizens.

³⁷ Article "What actually Dr. Kinsey said", magazine *Nash Mir*, Nr. 7 (autumn 1998).

³⁸ "Report on concerned national estimations on HIV/AIDS as of the end of 2005", Ukrainian AIDS Centre, Ministry of Health of Ukraine, WHO, International HIV/AIDS Alliance in Ukraine, UNAIDS.

³⁹ Article "Blue billions. Who and how earns on sexual minorities", the newspaper *Delo*, 03.08.07.



The largest number of realised projects is aimed at preventing the spreading of HIV-infection, namely through the distribution of informational materials, peer-to-peer counselling, and the distribution of means for protection during sexual contacts, etc.

These organisations also carry out social activity events for gays and lesbians. For example, NRG group holds female football tournaments; Women's Network repeatedly organised tent camp for lesbians; activists in different cities arranged parties for homosexuals; in Mykolaev and Kherson community-centers were created where MSM could get various services – from medical consultation and testing for HIV-infection to mutual support groups; and in Kyiv Testosterone group members hold discussion groups for gays, etc.

Currently in Ukraine two specialised print outlets for homosexuals are published – magazine *Odyn z Nas* and erotic newspaper *Gay.Ua*. The authorities counteracted the publication of *Gay.Ua*, after having handed down the ruling that a part of the illustrations published in the newspaper have pornographic character⁴⁰.

[N.B.: The circulation of pornographic products in Ukraine is forbidden by Law of Ukraine "About protection of public morality" and Article 301 of the Criminal Code of Ukraine. In the opinion of Nash Mir, the existing legal situation violates our rights and the rights of readers of *Gay.Ua* newspaper to free access to information. In particular, it contradicts Article 34 of Constitution of Ukraine, which states that "*Everyone has the right to freely collect, store, use and disseminate information by oral, written or other means of his or her choice*". Also it contradicts Article 10 of European Convention on human rights: "*Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers*".]

Homosexuals actively use the Internet, unregulated by the law, as the channel for receiving various informational content and for making possible acquaintanceships.

Funding for the activity of these organisations, as a rule, is gotten from different foreign and international donor organisations. For the present, internal sources of financing are developing very poorly. The state still is not ready to provide financial support for gay-community organisations. For example, Gay-Forum of Ukraine submitted their project "LGBT-Socis" into a competition – vying against other projects for state funding in 2005, 2006 and 2007 – as officially organised by the Ministry of Ukraine in the Affairs of Family, Youth and Sports. The project is aimed at social support of young Ukrainian gays and lesbians. However, financing for "LGBT-Socis" was rejected⁴¹.

During the period 2007 until 2012, the next National Programme⁴² Overcoming HIV/AIDS Epidemic in Ukraine (under financial support of the Global Fund to Fight AIDS, Tuberculosis and Malaria) will be realised in our country. One of this program's components is prevention work among men having sex with men. Planned is an allocation of 4.6 million U.S. dollars for it. Actions foreseen include both direct preventive activities (mutual support groups, distribution of information and protection means, etc.), as well as institutional support for organisations working with this group (training personnel, creating coalition of NGO, conferences).

Previously, various organisations working in the field of HIV/AIDS attempted to extend their activities to the MSM group. However, often these attempts were doomed to failure because such organisations have no outreach to this target group; and homosexual men look upon their outside initiatives with mistrust. Obviously, work on HIV/AIDS prevention within gay-community should be, in the first place, initiated and realised by gay men. Only through implementation by gay men is it possible to expect good info coverage and penetration to the group's core – ultimately making possible the efficiency sufficient for realising the very organizational and prevention work.

HIV/AIDS

Official statistics⁴³ do not inform anyone about the number of MSM among the 76 772 HIV-infected persons who are in clinic books as of 1st July 2007 in Ukraine.

⁴⁰ Expert judgement Nr. 11 of 11.01.07 of the National Expert Commission of Ukraine Concerning Protection of Public Morality.

⁴¹ Article "Grivna for gays", the newspaper *Gay.Ua*, Nr. 2 (37), April 2007.

⁴² Article "Money for gay organisations", the newspaper *Gay.Ua*, Nr. 5 (35), December 2006.

⁴³ "An epidemic situation on HIV-infection/AIDS in Ukraine", <http://www.aidsalliance.kiev.ua/>



According to the research⁴⁴ made in 2007, among the social factors influencing the spreading of HIV-infection among homosexual men, the most significant are discrimination towards MSM in the Ukrainian society in general, and discrimination towards HIV-positive MSM in the gay-community in particular.

Among relevant psychological factors, authors of the research place these: high level of stress; the chronic character of stress for the majority of MSM; and contradictions over knowledge, persuasions, and the real sexual behaviour of MSM. Also, it is impossible for the majority of MSM to have normal sexual lives in these conditions of strong discrimination. Finally, these factors determine the dangerous character of sexual behaviour of MSM, from the point of acquiring HIV-infection and other sexually transmitted diseases. Evidently this is also why MSM try to avoid being tested for HIV infection.

In particular, the real sexual behaviour of respondents is determined by the following states of consciousness:

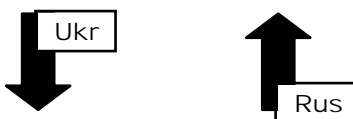
- state of love, aspiration to satisfy sexual passion;
- confidence in own safety in relation to a partner;
- alcoholic intoxication;
- expectation of obtaining money in exchange for sexual services.

First of all, aspiring to experience the most perfect and variable sexual pleasure is instrumental in dangerous sex acts. Basically the dominating motivation, sexual pleasure determines that a MSM rejects the means of protection from HIV/STD exposure. Sexual attractiveness of the partner is of important additional impetus that can stimulate a dangerous sex act.

According to research estimates⁴⁵, in Ukraine from 3% to 15% of MSM are HIV-infected. This corresponds to approx 27 thousand persons.

According to International HIV/AIDS Alliance in Ukraine, MSM remain practically outside the HIV-service organisations' sphere of actions. *"As of 1st January 2007 only four percent of men who practise sex with men have been covered by basic prevention services"*⁴⁶. However, even these data raise some doubts. Most likely, real coverage of the group is much less.

Реклама Центра "Наш мир" в киевском метрополитене:
"Ты гей? – Информация, защита прав".
2005 г.



Реклама Центру "Наш світ" у кївському метрополітені:
"Ти гей? – Інформація, захист прав".
2005 р.



Advertisement of Nash Mir in Kyiv Metro line: "Are you gay? – Information, advocacy". 2005.



⁴⁴ Research "Social & psychological mechanisms of spreading HIV-infection and STDs among men having sex with men in Ukraine", Chas Zhyttya Plus, Connect Plus e.V., 2007.

⁴⁵ "Report on concerned national estimations on HIV/AIDS as of the end of 2005", Ukrainian AIDS Centre, Ministry of Health of Ukraine, WHO, International HIV/AIDS Alliance in Ukraine, UNAIDS.

⁴⁶ Information bulletin of International HIV/AIDS Alliance in Ukraine, October-December, 2006.



INFORMATION ABOUT NASH MIR

2007 marks 10 years since the birth of Nash Mir (Our World) Gay and Lesbian Centre. Our public organisation began its history in Luhansk in the East of Ukraine in 1997 as a private initiative – in the form of a small informational and educational magazine. A small group of enthusiasts gradually formed around the magazine, establishing a public organisation at the end of 1998. The founders of the organisation set out the following goals:

- The protection of human rights and freedoms of homosexuals and the improvement of their legal protection at the state level. The fight against discrimination on the basis of sexual orientation;
- The improvement of society's attitude towards homosexuality and homosexuals. An end to homophobia in the public consciousness;
- The nurturing of self-awareness among gays and lesbians as equal and full-fledged members of society.

By our initiative we took upon ourselves the responsibility for educating Ukrainian society about homosexuality, dethronement of recurrent stereotypes and prejudices against gays and lesbians, consolidation of lesbian and gay community, and for advocating our rights.

It turned out that, in Ukraine, there "wasn't a problem with homosexuality" as long as it went unseen. At first, local judiciary officials simply did not know what to do with our organisation! Interviewed by a national newspaper⁴⁷, one official said "*How can we recognise them [the organisation] on an official level, as a juridical person? There is no legal basis, though this sort of orientation isn't forbidden, but neither are precedents... If I register them, excuse me, wankers will come, and someone else... And what about morality?*" Using far-fetched grounds they refused our registration.

Certainly we didn't let ourselves be humbled by such obvious discrimination. Nash Mir 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 organization for their legal rights, and the steadfast attention to this issue on the part of some international human rights organisations.

The course of Nash Mir's history has passed through several stages in its development – from grassroots group to becoming a sufficiently large organisation. However, considering the shortage of skilled professionals to do such specific work, dependence on external unsteady sources of financing, and the difficulty of managing a public association – since 2006 we have decided to streamline operations and to focus our activity selectively in several directions only.

First, is work directed at informing and supporting the lesbian and gay community in Ukraine. We launched into publication our information, news, and erotic newspaper for gays *Gay.Ua*. We carry out trainings featuring legal education and the social adaptation of homosexuals. We render legal consultations to assistance-seeking people who have suffered from discrimination on the basis of sexual orientation.

Second, is work to modernise public opinion through mass-media, promoting tolerance, and furthering public discussion concerning equality for homosexuals.

Third, Nash Mir is gathering and documenting various information data on the LGBT rights and lifestyle theme, with the purpose of informing state bodies, human rights organisations, and for ongoing, serious lobbying in the interests of lesbian and gay communities.

During recent and past years, our organisation has organised several seminars and three international conferences in Kyiv.

Our publications include reports of research projects we realised, literature on legal education, legislative analysis, and booklets on HIV/AIDS awareness, tolerance, educational materials, and periodicals. Some of our publications are translated into English and can be found on our web-site <http://www.gay.org.ua/>

⁴⁷ Article "Luhansk gays are denied in registration", the newspaper *Segodnya* of 16.03.99.

