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UKR100719.E

Ukraine: Treatment of gay and lesbian persons by society and state authorities;
state protection (January 2003 - November 2005)
Research Directorate, Immigration and Refugee Board, Ottawa

General Situation

A number of sources consulted mentioned that Ukraine's homosexual community was not highly visible (*Gay.ru* n.d.; *Gay Times* 7 Sept. 2005; *Gay Guide Ukraine* n.d.). According to *Gay Times*, there were five gay and/or lesbian bars and clubs in Kiev (see also *Gay.sk* n.d.), as well as small "gay scenes" in Simeiz and Kharkov (7 Sept. 2005). The Website *Gay.sk* lists three clubs and a sauna in each of Kharkov and Lviv, as well as two clubs in Odessa (n.d.).

Legislation

Sexual relations between partners of the same gender are legal in Ukraine (*New Internationalist* 1 Sept. 2005; *Sodomy Laws* 31 July 2005; ILGA 31 July 2000; Baird 2001; *Gay Times* 7 Sept. 2005). The age of consent for male and female couples, which is the same as for heterosexual couples (*New Internationalist* 1 Sept. 2005; Baird 2001; ILGA 31 July 2000; *Gay Times* 7 Sept. 2005), is 16 (ILGA 31 July 2000; *Gay Times* 7 Sept. 2005). Gender-reassignment operations are also legal in Ukraine (*New Internationalist* 1 Sept. 2005; Baird 2001) and, according to *The No-Nonsense Guide to Sexual Diversity*, "[a]ll personal documents may be reissued to reflect change" (Baird 2001). However, same-sex marriage is not recognized by the State (*New Internationalist* 1 Sept. 2005).

In 2003, legislative proposals, made by a leading gay Ukrainian organization, to counter discrimination on the grounds of sexual orientation, were apparently well received by parliamentary committees and the Ministry of Labour (*Euro-Letter* Mar. 2003). In response to the proposals, the Ministry of Labour stated that the new Labour Code included the prohibition of discrimination, on the basis of sexual orientation, in labour relations (ibid.).

One law reportedly passed in November 2003, entitled "On Protection of Morals," stipulated that newspapers with advertisements aimed at gays and lesbians could be sold only in hermetically sealed packages, and only in "specialized medical institutions that have a special licence to treat individuals with sexual disorders" (*Country Reports 2004* 28 Feb. 2005, Sec. 5). *Country Reports 2004* further stated, however, that this law was largely ignored in

practice (28 Feb. 2005, Sec. 5).

Gay Times reported in September 2005 that gays were exempt from compulsory military service (7 Sept. 2005). Additional or corroborating information to this effect could not be found within time constraints.

Government and Politics

According to a Ukrainian lesbian activist quoted in *The Gay & Lesbian Review Worldwide*, gays and lesbians are excluded from Ukrainian politics (1 Mar. 2005). Furthermore, according to the coordinator of the gay non-governmental organization (NGO) Our World, gay issues are not perceived as being of high priority for Ukrainian politicians (Gay.org.ua n.d.a). However, while they admitted that opposition parties did not readily acknowledge the issue of sexual minorities, certain gay activists were of the opinion that there was some support for their movement among opposition politicians (*The Gay & Lesbian Review Worldwide* 1 Mar. 2005).

Police

Country Reports 2004 reported the suspicious death of a homosexual man in Kryvyy Rih, who died while in police custody (28 Feb. 2005, Sec. 1.a). While police stated that the man had jumped out of a window to his death while under police questioning, medical staff who examined the body allegedly found injuries inconsistent with the police version of events (*Country Reports 2004* 28 Feb. 2005, Sec. 1.a). However, the deceased man's family did not request an investigation into his death (ibid.).

In its recommendations to the Ukrainian government, a committee set up by the Council of Europe to monitor member states suggested that Ukraine investigate reports of police harassment of sexual minorities, punish wrongdoing in this regard, and train police officers on respecting the rights of sexual minorities (Council of Europe 1 July 2003).

The coordinator of Our World has been quoted by the Gay.org.ua Website as alleging the use of "intimidation" tactics by police when they interviewed gay men who knew a gay murder victim (n.d.a). However, this information could not be corroborated within time constraints.

Media

Sources reported that media is often biased in its portrayal of gays and lesbians (*The Gay & Lesbian Review Worldwide* 1 Mar. 2005; Gay.org.ua n.d.a). At an unspecified date, Our World claimed that Ukrainian media were slowly beginning to treat the subject of homosexuality in Ukraine more seriously (n.d.). In September 2005, *Gay Times* reported that the Ukrainian gay magazine, "Odin Iz Nas" (One of Us) had been published since 2002 (7 Sept. 2005).

When Ukrainian diva Ruslana became the first Ukrainian to win the Eurovision contest (a contest involving 36 countries from which spectators may cast votes for the best singer) in Istanbul, she announced during a television interview that she would continue to defend the rights of homosexuals in Ukraine (AFP 16 May 2004).

Non-Governmental Organizations (NGOs)

The Nash Mir (Our World) Gay and Lesbian Center operates out of Lugansk Region, and was apparently registered with the government on 30 November 1999 after pressure from several foreign organizations, such as Amnesty International (AI) and the Soros Foundation Network (Gay.ru 1999). According to Gay.org.ua Website, the coordinator of Our World is Andriy Maymulakhin (n.d.b).

The stated goals of Our World are to "achieve equal rights and social comfort for homosexual" Ukrainians (ILGA 30 Nov. 2004), fight discrimination based on sexual orientation, educate society on sexual minority issues, and promote social activities among sexual minorities in Lugansk (Gay.org.ua n.d.b). In order to accomplish these goals, Our World assists in the formation of gay communities at the local level, educates the public via governmental, non-governmental organizations (NGOs), and media, and assists in the development of the gay community in Lugansk, including providing buildings to be used as social venues (ibid.). Our World also has a legal program which seeks to improve Ukrainian legislation as it applies to sexual minorities, as well as educate sexual minorities on their legal rights (ibid.).

In 2003, the Dutch government reportedly donated 170,000 euros to Our World [or approximately CAN\$266,000 (Bank of Canada 23 June 2003)] as part of a broader social program in Central and Eastern Europe, which included gay communities in Moldova and Romania (Lesbian.com 23 June 2003).

Societal Attitudes

According to gay Websites, tolerance towards homosexuals was greater in the cities of Kiev and Kharkov than in rural areas, especially those in Western Ukraine (Gay.ru n.d.; *Gay Times* 7 Sept. 2005; *Gay Guide to Ukraine*). However, a gay activist told *The Gay & Lesbian Review Worldwide* that homophobia was equally widespread "both in the industrial, largely Russian-speaking east, and in the Europe-turning, Catholic west" of Ukraine (1 Mar. 2005). The magazine also stated that popular homophobia was increasing in Ukraine, with some allegations of physical attacks against gays, such as the September 2004 attack on a gay pride demonstration by skinheads (*The Gay & Lesbian Review Worldwide* 1 Mar. 2005). Corroborating information on such an attack could not, however, be found within time constraints.

Citing the Gay Ukrainian International Website, *The Gay & Lesbian Review Worldwide* mentioned the particular difficulty gay men have in publicly disclosing their sexual orientation, partly due to a culture where "it is traditional for all Ukrainians to keep their private life a secret" (ibid.).

As recently as late 2003, anti-gay demonstrators allegedly gathered in Kiev's Independence Square and waved anti-gay banners (ibid.).

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of additional sources consulted in researching this Information Request.

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Several unsuccessful attempts to contact Our World in Lugansk.

Internet Sites, including: Amnesty International (AI), British Broadcasting Corporation (BBC), European Country of Origin Information Network (ECOI), Freedom House, Human Rights Watch (HRW), International Gay and Lesbian Human Rights Commission (IGLHRC), Rainbownetwork.com, Queer Resources Directory, Radio Free Europe/Radio Liberty (RFE/RL), World News Connection (WNC).

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