1. Treatment of Sexual Minorities

Sources indicate that homosexuality is not criminalized in Ukraine (Human Rights Watch 11 June 2012; ILGA-Europe n.d.). However, human rights sources report that sexual minorities in the country suffer from discrimination (HPLGBT 15 Aug. 2012; US 8 May 2012, 37; Freedom House 2012). According to the US Department of State's Country Reports on Human Rights Practices for 2011, "[t]hose who openly declared their sexual orientation experienced discrimination in education, the workplace, and access to medical treatment and to information on the prevention of HIV/AIDS" (US 8 May 2012, 37). Country Reports 2011 also indicates that sexual minorities face "societal stigma" in the country (ibid.).

Various sources indicate that members of sexual minorities did not generally openly reveal their sexuality (youth developer 21 Aug. 2012; HRLGBT 15 Aug. 2012; AP 23 July 2012). In correspondence with the Research Directorate, a volunteer with the Ukrainian section of the Peace Corps, an American volunteer organization supported by the US government (Peace Corps n.d.), who has worked in southern Ukraine since March 2010 as a youth developer and is a member of a LGBT support group within Peace Corps Ukraine, stated that in southern Ukraine, "[i]t is not safe for [sexual minorities] to be out and open and until Ukraine is ready- most have said they will never tell their families because they will loose friends, family, support systems, etc. for being honest" (youth developer 21 Aug. 2012).

In correspondence with the Research Directorate, the coordinator of HealthProtectionLGBT (HPLGBT), an NGO which advocates for sexual minorities and provides health-related information (HPLGBT n.d.), stated that there was a "negative" attitude towards sexual minorities in Ukraine due to a lack of information about them (HPLGBT 15 Aug. 2012). According to a 2011 telephone survey conducted by the Gorshenin Institute, an independent research and analytical centre which conducts research on Ukrainian and international "political and social processes" (Gorshenin Institute n.d.), more than 78 percent of respondents consider same sex relationships "unacceptable" (ibid. 7 Nov. 2011). The telephone survey was conducted from 28 to 30 October 2011 and involved 1,000 adults selected from all Ukrainian regions (ibid.).

The HPLGBT coordinator stated that although members of the country's lesbian, gay, bisexual, and transgender (LGBT) community experience similar problems, the needs within the community are "different" (HPLGBT 15 Aug. 2012). For example, the coordinator explained that transgendered people were the most "inaccessible and closed group" within the sexual minorities of Ukraine (ibid.). According to the youth developer, transsexual and transgendered people are "hated" in Ukraine, adding that they are "[t]reated horribly and hurt if they publically display a transition" (21 Aug. 2012).

Furthermore, the youth developer said that gay men are seen by a part of the society as "child molesters", as doing "disgusting acts", and as wanting others to become homosexuals (21 Aug. 2012).

The HPLGBT coordinator explained that sexual minorities dealt with different conditions based on where they live (HPLGBT 15 Aug. 2012). In particular, he stated that there is no developed LGBT community in the western part of the country, with no possibilities for LGBT individuals to share information (ibid.). The youth developer stated that she was aware of members of sexual minorities in southern Ukraine who travel from smaller villages to larger urban centres in order to participate in support groups, albeit while still fearing being discovered (21 Aug. 2012). According
to the youth developer, the people she encounters in southern Ukraine "are very up front about not supporting LGBT people or voicing the fact that they are not natural or just calling someone gay as an insulting word" (ibid.).

1.1. Violence Against Sexual Minorities

Sources report that sexual minorities face violence in Ukraine (ibid.; HPLGBT 15 Aug. 2012). The youth developer stated that in southern Ukraine, there is "a huge risk of physical violence," adding: "I know many that have been hurt within the community by strangers, family, police, etc. and most have not reported it" (21 Aug. 2012).

Human rights sources report that in 2011, a presentation by a Christian LGBT organization was interrupted by thrown firecrackers and shouted homophobic slogans (US 8 May 2012, 38; ILGA-Europe May 2012, 166). Country Reports 2011 indicates that, according to the Ukrainian gay rights organization Nash Mir, the disruption happened on 20 February in the city of Makivka, situated in Donetsk Oblast [in eastern Ukraine] (US 8 May 2012, 38). According to the European section of the International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA-Europe), death threats were also made (ILGA-Europe May 2012, 166).

ILGA-Europe reports that, in summer 2011, a man in the city of Luhansk [in eastern Ukraine] was "severely" beaten, suffering a broken rib, a dislocating arm and having his front teeth knocked out, and robbed by five men after having arranged to meet one of them on an online dating site (ibid.). According to ILGA-Europe, the man submitted a complaint but was pressured to withdraw his case by a police officer (ibid.). ILGA-Europe wrote that according to human rights defenders, this was not an isolated case in the city (ibid). ILGA-Europe also reports that in July 2011, a man had money extorted from him after been threatened by three men to reveal his sexual orientation, including two uniformed police officers (ibid.). ILGA-Europe did not indicate where this incident happened.

According to ILGA-Europe, in July 2011, a man in the city of Kremenchug, in Poltava Oblast, was hospitalised after being beaten by his neighbours two weeks after homophobic graffiti were painted on the entrance to his building and on his front door (ibid.). Without providing a location, ILGA-Europe also reports that in November 2010, at the screening of a movie presented by the NGO Insight on the Transgender Day of Remembrance, ten masked men attacked and tear-gassed the audience (ibid.). Police reportedly did not pursue an investigation until pressured by Insight (ibid.).

Sources report that the first attempt to hold a gay pride march in Kiev in May 2012 was cancelled by organisers due to threats of violence (youth developer 21 Aug. 2012; Human Rights Watch 11 June 2012; AI 20 May 2012). Human rights sources indicate that police warned organizers that protesters were planning to attack participants (Human Rights Watch 11 June 2012; AI 20 May 2012). According to Amnesty International (AI), the police claimed that "500 ultra-right football hooligans" were planning to prevent the march from happening (ibid.).

Human rights sources report that police were unwilling to provide protection during the planned Pride March (Human Rights Watch 11 June 2012; AI 20 May 2012). According to AI, "[a] senior Kyiv police official had previously told pride organizers that he was not prepared to put his officers in harm's way for the Lesbian, Gay and Bisexual and Transgender (LGBT) community" (ibid.).

Sources report that two men were beaten following the cancellation of the march (Human Rights Watch 26 June 2012; AI 20 May 2012). According to Human Rights Watch, both men were part of the Kiev Pride 2012 organizing committee (26 June 2012). AI states that they were tear-gassed and beaten by "a dozen youths" (20 May 2012). According to Human Rights Watch, the head of the organizing committee was also attacked and managed to escape, but was the target of a second attack six weeks later (Human Rights Watch 26 June 2012). During this assault, which appeared to be premeditated, the activist reportedly suffered a concussion and a broken jaw (ibid.). According to Human Rights Watch, police did not respond until urged to examine the case as a hate crime by Nash Mir (ibid.).

1.2. Treatment by Authorities

According to sources, sexual minorities are reluctant to turn to police for assistance (youth developer 21 Aug. 2012; HPLGBT 15 Aug. 2012). The youth developer stated that while some police officers are "better trained," it is reportedly not seen as "safe" to go to the police, "even" in larger cities (youth developer 21 Aug. 2012). According to the HPLGBT coordinator:

A pronounced discrimination exists in the villages and small towns; in such cases, due to the small number of people and close relationships in society, rarely representative[s] of the LGBT community ask for help from police, because of the fear [that] their sexual orientation will be made public. (HPLGBT 15 Aug. 2012)

Country Reports 2011 states that according to the LGBT rights group Nash Mir, "law enforcement representatives were involved in 69 identified instances of discrimination against gay men and lesbians during 2010-11," and that "the Ministry of Internal Affairs ignored homophobic attitudes among its personnel" (US 8 May 2012, 38). The HPLGBT coordinator added that if a person is thought to be a member of a sexual minority, the police may subject the person to "unauthorized checks, searches and arrests without a legitimate reason" (HPLGBT 15 Aug. 2012). In a report on the situation of sexual minorities in Ukraine in 2010, Nash Mir enumerates several cases of police officers having beaten or verbally abused gay men (2011, 4-5).
Country Reports 2011 also adds that Nash Mir claimed "that police mistreated and collected personal data on gay men and lesbians" (US 8 May 2012, 38). According to the HPLGBT coordinator, police may manipulate information, make threats and falsify offences regarding sexual minorities in order to extort money (HPLGBT 15 Aug. 2012). The coordinator added that "[t]ransgender people who are involved in the sex business [are] most vulnerable to police and more often subjected to physical, moral and economic violence" (ibid.). The youth developer also added that she was aware of undocumented cases of police harassment (21 Aug. 2012).

2. Legislation

Sources report that the Ukrainian Parliament is considering legislation against positive public depictions of homosexuality (AP 23 July 2012; Gorshenin Institute, as of 16 July 2012, three drafts laws to ban the "propaganda of homosexuality" have been introduced, but none have been passed (Gorshenin Institute 16 July 2012, 9). According to sources, the proposed laws would impose unspecified fines and up to five years imprisonment for disseminating "the propaganda of homosexuality" (AP 23 July 2012; Human Rights Watch 25 June 2012). According to the Associated Press (AP), acts considered as illegal under this legislation would include gay pride parades, as well as sympathetic depictions of homosexuality in entertainment (23 July 2012).

Amnesty International and Human Rights Watch have condemned law drafts stating that they would discriminate against sexual minorities by limiting their freedom of expression, association and assembly (AI 26 June 2012) and limit access to essential health information such as information related to HIV and AIDS (Human Rights Watch 11 June 2012). The AP likewise indicates that human rights activists are concerned that gay people will be driven underground (23 July 2012). Sources report that activists are concerned that the proposed laws may be passed and implemented in fall 2012 (youth developer 21 Aug. 2012; Human Rights Watch 11 June 2012). Parliamentary elections are to be held in the fall (ibid.; AP 23 July 2012). According to the AP, the most recent of these bills was introduced by the Ukrainian president's own parliamentary representative, suggesting it is supported by the president (23 July 2012).

According to ILGA-Europe, Ukraine does not provide any legal recognition of same-sex partnerships (ILGA-Europe n.d.). Sources report that there are no specific measures against discrimination based on sexual orientation in Ukraine (Human Rights Watch 11 June 2012; Council of Europe Dec 2011, 45; ILGA-Europe n.d.). There are also reportedly no laws that recognize crimes specifically targeting sexual minorities as hate crimes (youth developer 21 Aug. 2012; ILGA-Europe n.d.). However, Human Rights Watch notes that "Article 161 of Ukraine's criminal code provides for prosecution of crimes that violate 'citizens' equality,' which includes protection from discrimination or violence on various grounds [...]" and adds that "[t]he article does not specifically name sexual orientation as a protected category, but refers to prohibited acts based on 'other characteristics'" (26 June 2012).

ILGA-Europe states that there are "administrative procedures to obtain legal gender recognition" for trans people, but adds that these are accompanied by compulsory sterilisation and divorce (ILGA-Europe n.d.). Corroboration could not be found among the sources consulted by the Research Directorate.

3. Support Services

Neither the youth developer (21 Aug. 2012) nor the HPLGBT coordinator (15 Aug. 2012) were aware of any government support given to sexual minorities or to LGBT organizations. The youth developer added that all organizations of which she was aware received funding from individuals and international organizations (21 Aug. 2012).

According to the youth developer, some NGOs provide "social accompaniment, counseling, a safe space to talk, [and] cheap and supportive lawyers" (21 Aug. 2012). She added that these NGOs need to struggle for their survival while having to deal with issues such as requests for bribes and harassment (youth developer 21 Aug. 2012). According to her, bribes are demanded by police and city administrators to permit the running of organizations while having to deal with issues such as requests for bribes and harassment (youth developer 21 Aug. 2012). She added that these NGOs need to struggle for their survival (21 Aug. 2012). The coordinator also added that "[t]ransgender people who are involved in the sex business [are] most vulnerable to police and more often subjected to physical, moral and economic violence" (ibid.). The youth developer also added that she was aware of undocumented cases of police harassment (21 Aug. 2012).

Non-governmental groups dedicated to sexual minorities include Gay Alliance Ukraine (Human Rights Watch 26 June 2012), Nash Mir (ibid.; US 8 May 2012, 38), Insight (ILGA-Europe May 2012, 167), Mykolaiv Association for Gays, Lesbians and Bisexuals (LiGA) (ibid.), the Gay Forum of Ukraine (ibid.) and HealthProtectionLGBT (HPLGBT n.d.). The youth developer did not wish to name any organizations due to safety concerns, but stated that she knew of two NGOs present in the city of Kherson in Khersonska Oblast, one in Mikoliaev, in Mikoliaev Oblast, and one in Odessa, Odesska Oblast (21 Aug. 2012).

The HPLGBT coordinator stated that there are HIV/AIDS prevention, support and treatment centres in Kiev and major regional centres (HPLGBT 15 Aug. 2012). However, he added that these services are supported by specific projects and that the services may stop being offered when the projects end (ibid.).

The youth developer added that organizations dedicated to sexual minorities "are shutting down and are trying to cover their trails so police do not harass them" if the proposed laws regarding "propaganda of homosexuality" come into effect (21 Aug. 2012). According to her, one of the three organizations dedicated to sexual minorities in
southern Ukraine had closed due to fears of being targeted if the proposed laws were passed (youth developer 21 Aug. 2012). She added that the other organisations are operating, but that it is only possible to access help and services through "safe" individuals (ibid.). Corroboration could not be found among the sources consulted by the Research Directorate.

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 sources consulted in researching this Information Request.

References


HealthProtectionLGBT (HPLGBT). 15 August 2012. Correspondence sent to the Research Directorate by the coordinator.


Youth developer, Peace Corps Ukraine. 21 August 2012. Correspondence sent to the Research Directorate.
Additional Sources Consulted

**Oral sources:** A representative of Nash Mir did not provide information for this request. Attempts to reach representatives of the following organizations were unsuccessful: Nikolaev Association of Gays, Lesbians and Bisexuals (LIGA), Ukrainian Gay and Lesbian Association (UGLA), Insight.

**Internet sites, including:** Delegation of the European Union to Ukraine; Ecow.net; European Commission; European Union External Action Service; Factiva; ForUm; Globalgayz; International Gay and Lesbian Human Rights Commission; *Kyiv Post*; Nash Mir; Pink News; Ukrainian Gay and Lesbian Association; Ukrainian News; United Nations – Office of the High Commissioner for Human Rights, Refworld.

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