

### LGBTI DISPLACED AND CONFLICT-AFFECTED PEOPLE IN UKRAINE



#### CURRENT SITUATION

Discrimination against individuals with diverse sexual orientations and gender identities (SOGI) in Ukraine is widespread, with several dozen [hate crimes and incidents reported each year](#). Almost 30% of all hate crimes reported in 2015 were based on SOGI, and almost 50% of violent attacks were motivated by the victim's real or perceived SOGI.<sup>1</sup>

Since the beginning of the conflict in Ukraine in 2014, the number of hate incidents based on SOGI in non-government controlled areas (NGCA) of Ukraine and Crimea has increased and intolerance has become more acute. In Crimea, laws criminalizing "propaganda of same-sex relationships" are in effect and similar legislation has been enacted in the NGCA of Ukraine.

Because of this hostile environment and direct threat to life, many LGBTI persons residing in Crimea and NGCA of Donetsk and Luhansk regions have had to flee. However, as discrimination based on SOGI is widespread throughout Ukraine, LGBTI IDPs continue to face discrimination in GCA. LGBTI IDPs, thus, face double discrimination in accessing labour markets, housing, social services and health care institutions. This, in turn, puts LGBTI individuals at higher risk of experiencing social isolation and may impact on their psychosocial well-being.

#### KEY PROTECTION CONCERNS

**Security concerns and threat to life:** LGBTI people residing in NGCA are forced to take measures to conceal their sexual orientation and gender identity due to fear of violence. Transgender persons have reported facing difficulties when crossing the contact line separating government and non-government controlled territory, when the photos on their identity documents did not match their appearance. Transgender people living in the NGCA have reported being unable to register to receive humanitarian assistance when it was discovered that their appearance is different from the photo in their passport.

LGBTI IDPs face increased threats due to their sexual orientation or gender identity. A [sociological survey](#) conducted in 2016 by the Kyiv International Institute of Sociology found that 60% of Ukrainians have negative attitudes to LGBTI people, and only 4% had positive ones. Additionally, 45% of people surveyed believe that there should be some restriction of their rights. NGOs report that some LGBTI persons or couples have been beaten or threatened in public spaces. Furthermore, hostile groups use the internet to lure LGBTI individuals into meetings, where they are then attacked and humiliated. Due to the high level of intolerance towards LGBTI people, victims of these attacks often do not report them as they do not believe they will be properly investigated.

On the national level, there is no comprehensive protection mechanism against discrimination based on sexual orientation and gender identity in Ukraine.

**Access to housing and employment:** The number of IDPs reporting experiencing discrimination has doubled in 2017 as compared to 2016<sup>2</sup>, and this is often experienced when searching for employment and housing. LGBTI IDPs experience double discrimination due to their IDP

#### ADDITIONAL GUIDANCE

For more information and guidance on how to address the protection needs of LGBTI displaced and conflict-affected people, please see:

- Training package on the "[Protection of LGBTI Persons in Forced Displacement](#)" developed jointly by UNHCR and IOM. The training can be accessed at: [www.unhcrexchange.org](http://www.unhcrexchange.org), [www.lgbti.iom.int](http://www.lgbti.iom.int)
- UNHCR report "[Protecting Persons with Diverse Sexual Orientations and Gender Identities](#)" provides an overview of progress made globally in protecting LGBTI asylum-seekers, refugees, and IDPs, and is available at: <http://www.refworld.org>

<sup>1</sup> ODIHR/OSCE Hate Crime Reporting for Ukraine, 2015. Retrieved from <http://hatecrime.osce.org/ukraine>

status as well as sexual orientation. They may be fired from work once their sexual orientation or gender identity is revealed, or have difficulty finding private housing. They may also be unable to live in temporary housing or collective centers with other displaced people in case their sexual orientation is discovered. One NGO has set up a [shelter for LGBTI IDPs](#) who cannot stay in collective centers and face difficulties in identifying suitable accommodation. The shelter provides access to psychological, employment, and legal assistance.

Even though the Ukrainian Labour Code was updated in 2015, prohibiting discrimination based on SOGI in employment, the new draft Labour Code, which is currently being considered by Parliament, does not include the prohibition of discrimination on the basis of SOGI.

**Access to health care:** LGBTI individuals have reported discrimination in health care institutions and breaches of patient confidentiality regarding sexual orientation and HIV status. HIV positive LGBTI individuals may face additional stigmatization, or even denial of treatment. In addition, those living in areas close to the contact line and NGCA may also encounter a limited supply of HIV medication, unavailability of hormone therapy treatments for transgender persons, as well as lack of access to sexual health services due to the prejudices of medical staff.

**Access to psychosocial support:** LGBTI persons residing in Crimea and NGCA live in constant fear that someone may suspect or report their orientation. This has led to many LGBTI people reporting experiencing feelings of depression and anxiety. LGBTI children often suffer from bullying and a lack of information and support, leading to an increased risk of negative coping mechanisms and suicide.

## RECOMMENDATIONS

**Provide inclusive assistance, including psychosocial assistance, to LGBTI IDPs.**

*Ensure that staff providing assistance to IDPs and the conflict-affected population are sensitive to the concerns of LGBTI people and can assure that confidentiality will be respected; that they communicate that the organization is a safe space<sup>2</sup> and can refer LGBTI persons to relevant community organizations or protection partners, as appropriate. Staff providing distributions of humanitarian assistance need to be aware that sometimes documents of transgender persons may not match their appearance. Organizations should take all necessary steps to prevent LGBTI discrimination by their staff.*

**Advocate for inclusive treatment by medical and healthcare professionals.**

*As LGBTI persons may be reluctant to visit hospitals or seek treatment due to fears of confidentiality violations, stigmatization, or other maltreatment, organizations should create relationships with medical professionals and centers to whom LGBTI IDPs can be referred.<sup>3</sup>*

**Advocate for equitable and non-discriminatory provision of services to LGBTI individuals by government and law enforcement agencies.**

*Additional advocacy is needed to recognize sexual orientation and gender identity as unlawful grounds for discrimination under Ukrainian law. Because transgender IDPs may face additional difficulties accessing services due to discrepancies between their appearance and identity documents, humanitarian actors should include this issue in their trainings for state service providers, and advocate for the re-issuing of documents for transgender IDPs.*

**Facilitate links between LGBTI IDPs and the wider LGBTI community.**

*Whenever appropriate, LGBTI IDPs should be introduced to LGBTI persons and organizations in the host community to help them establish a support network in their area of displacement.*

**Respect individual preferences and privacy.**

*Because of the stigma involved, people may be unwilling or unable to identify as LGBTI, but may still face persecution due to their appearance, conduct, or relationships. Others may not be open about their identity, especially with new people. This is particularly true for LGBTI IDPs, who may have been afraid of being open even with family and friends. Organizations should respect individuals' preferences and not make assumptions about their identity or impose labels.*

<sup>2</sup> For a checklist of measures to support LGBTI refugees and asylum seekers, as well as ideas for inclusive language and options for registration materials, see <http://oramrefugee.org/wp-content/uploads/2016/05/Safe-Space-Checklist-English-1.pdf>.

<sup>3</sup> For example, the Friendly Doctor program hires accepting staff, stresses patient confidentiality, and provides STI testing. See <https://friendlydoctor.org/about/>