

## The situation of the Ukrainian LGBTQ community after the escalation of Russian aggression

Since the new stage of Russia's aggression against Ukraine began (February 24, 2022), the LGBTQ community has generally experienced the same problems as the rest of Ukrainian society, although there are some complications specific to LGBTQ people.

Common problems are the loss of jobs, housing, property, livelihoods, threats to health and life to themselves and their relatives, psychological problems related to the war and its consequences. Nash Svit Center has documented few cases where such problems for LGBTQ people have arisen due to discriminatory treatment of them on grounds of sexual orientation or gender identity.

In particular, there is a known case of detention and abuse of two young gays by unidentified persons in military uniform at a checkpoint in Odesa, evidently motivated by the sexual orientation of the victims. Members and staff of Nash Svit Center themselves suffered from two consecutive attacks under a falsified pretext, presumably by members of the Kyiv City Territorial Defense — attackers and some police officers resorted to insults and violence for overt homophobic motives. We also documented a case of homophobic behavior and destruction of the property of a lesbian couple, who rented an apartment in Odesa, by its owner. In essence, such cases do not differ from hate crimes and other violations of LGBTQ rights typical for Ukraine, but during this hard time they have an increased negative impact on both victims and Ukrainian society as a whole, undermining its solidarity in resisting the enemy.

It should be noted that almost the entire Ukrainian LGBTQ movement from the first days of the resumption of Russian aggression showed a patriotic and responsible attitude to the defense of Ukraine and immediately joined the volunteer activities. The main activities of Ukrainian LGBTQ organizations have become collecting materials and funds to help LGBTQ and other refugees, disseminating information about opportunities to receive assistance abroad, assistance to the Ukrainian army and Territorial Defense, service in military and paramilitary structures, and combating Russian disinformation. The biggest problems of the Ukrainian LGBTQ movement at this time arise due to the fact that members of LGBTQ organizations often become refugees or victims of hostilities themselves, and some organizations have been forced to relocate to other cities. Their members, who remained in the Russian-occupied territory, are at increased risk from the occupiers as public and LGBTQ activists known for their patriotic pro-Ukrainian stance. We do not know the specific cases of persecution of such activists by the occupiers, but it should be noted that so far we have simply lost touch with many of them and do not know what happened to them.

We are also not aware of any cases of homophobic treatment towards LGBTQ military personnel by their fellow servicemen and commanders since the beginning of Russian aggression's new phase, although such incidents happened before. One of Nash Svit Center's members during his conscription was confronted with the reluctance of commanders to admit an openly gay man to their military unit, and when the medical commission at a military enlistment office found out about his homosexuality, they sent him for psychiatric examination on suspicion of being diagnosed with F64.0 according to the International Classification of Diseases of 10th edition (ICD-10) — that is transsexualism. The examination at the regional psychiatric hospital, however, did not confirm this diagnosis, although it characterized homosexuality as a "sexual disorder" contrary to ICD-10. These cases underscore that, although homosexuality is no longer formally considered a mental illness in Ukraine, doctors and the military command still view it as undesirable and unhealthy, which could potentially lead to problems in military service.

*The schedule of diseases, conditions and physical defects that determine the degree of fitness for military service* is contained in an appendix to the *Regulations on Military Medical Examination in the Armed Forces of Ukraine* approved by the Ministry of Defense Order No. 402 of 14.08.2008. According to this document, diagnoses of transsexualism (F64.0) and gender dysphoria (F64.8) mean that a person is unfit for military service if they are "severe, prone to repeated prolonged decompensation or pathological reactions", or unfit in peacetime and limitedly fit in wartime if they are "moderately expressed with unstable compensation or compensated." In practice, the "degree of expression" and "compensation" of these conditions are determined by a specialized medical commission — for example, as in the above case, at the regional psychiatric hospital. Thus, transgender persons in Ukraine may not be conscripted for service in the Armed

Forces and must be removed from military registration altogether in the case of overt transsexuality if such is the decision of a medical commission at the military registration and enlistment office based on a specialized medical commission's assessment.

This, in particular, allows transgender women to go abroad, even if their documents indicate their gender as male (according to the *Rules of Crossing the State Border by Citizens of Ukraine* approved by the Cabinet of Ministers of Ukraine's Resolution from 27.01.1995 No. 57, currently traveling abroad for male citizens of Ukraine aged 16 up to 60 years is limited). Getting such a diagnosis under the current conditions in Ukraine is not easy yet it is possible — the relevant specialized medical commissions operate at least in oblast centers, and medical commissions at military enlistment offices send conscripts to them for examination in case of suspicion of transsexuality.

Of course, without the relevant assessment of the medical commission, transgender women, whose documents indicate male gender, are subject to conscription and are restricted from traveling abroad according to the general rules for men. As far as we know, transgender persons in Ukraine, however, have also problems of the opposite nature — if they want to enlist in the military, which is prohibited by the above-mentioned Schedule of Diseases. If such persons have already changed their documents for the desired gender, and look convincing in their gender role, they can try to deceive the medical commission at the military enlistment office and enter the service as ordinary women or men — we know of at least one such case, though we do not know how successful it was. An alternative may be the service in the Territorial Defense, which has no formal restriction on transgender persons, and we are aware of such cases.

The specific problems of transgender people, who are just now making their gender transition, consist in the lack of the necessary medicines or the exorbitant prices for them. These issues are only partially addressed through LGBT and charitable organizations and volunteers.

A separate issue is the possible violation of the rights of Ukrainian LGBTQ refugees abroad, in those countries whose governments have a negative attitude to the protection of LGBTQ rights — in particular, in Hungary and Poland. Among other things, there may have been problems with the resettlement of refugees, as the vast majority of Eastern European countries do not recognize family relationships of same-sex couples and their children. However, so far we have not documented such problems.

Homosexuality and bisexuality in Ukraine are not medical diagnoses and do not deprive citizens of the opportunity and duty of military service. Since the beginning of the Russian aggression, we have known numerous facts of enlistment in the Armed Forces and the National Guard of Ukraine of homosexual and bisexual persons and their successful service.

The participation of LGBTQ people in the joint resistance to Russian aggression is not very noticeable in the Ukrainian information space, but few relevant materials have still been published in quite popular online editions. Three times such publications were placed on the official English-language Instagram page of Ukraine *Ukraine.ua*, which belongs to the Ministry of Foreign Affairs of Ukraine and is intended for foreign readers, while Ukrainian-language state resources did not have them. The Ukrainian state still has different foreign and domestic policies on LGBTQ issues.

In the current situation, Ukrainian politicians and public figures, for the most part, do not pay attention to LGBTQ issues — neither to protect the rights and interests of LGBTQ persons, nor to combat such protection under the slogan of promoting "traditional family values". However, the almost complete absence of homophobic statements by the main enemies of LGBTQ equality in Ukraine — leading far-right organizations and Ukrainian churches that were previously very active in this field — has become notable. Now such statements can be heard, for the most part, only from representatives of very small, marginal religious and far-right organizations, virtually invisible in Ukrainian civil society. The All-Ukrainian Council of Churches and Religious Organizations has even officially condemned the ideology of the "Russian World", an important and integral element of which is homo/transphobia.

Of course, this does not mean that the leading Ukrainian churches, which make up this association, have fundamentally changed their attitude towards LGBTQ issues, but it is obvious that they feel now extremely uncomfortable continuing their previous policy, uncompromisingly hostile to the LGBTQ community. The fact

that the head of the Russian Orthodox Church, Patriarch Kirill, has declared the fight against "gay parades" as one of the reasons for the resumption of Russian aggression against Ukraine makes Ukrainian churches to distance themselves from such statements. As for far-right groups, they have now become virtually invisible in Ukrainian political and social life.

Such obvious trends provide an increase in the advocacy capacity to protect LGBTQ rights in Ukraine after the end of the war's active phase. As the example of Israel shows, participation in the joint defense of the homeland from foreign aggression unites the nation, strengthens the sense of national solidarity and promotes understanding and compromise solutions within society and politics. Promoting the participation of the LGBTQ community in resisting the Russian invasion should undoubtedly be one of the main priorities within the information and advocacy policy of the Ukrainian LGBTQ movement and its allies. This will demonstrate to society and politicians the need to address the pressing issues of LGBTQ people who are currently fighting along with their fellow citizens — in particular, such painful and important issues as combating hate crimes based on sexual orientation and gender identity and providing marital rights for same-sex couples.

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