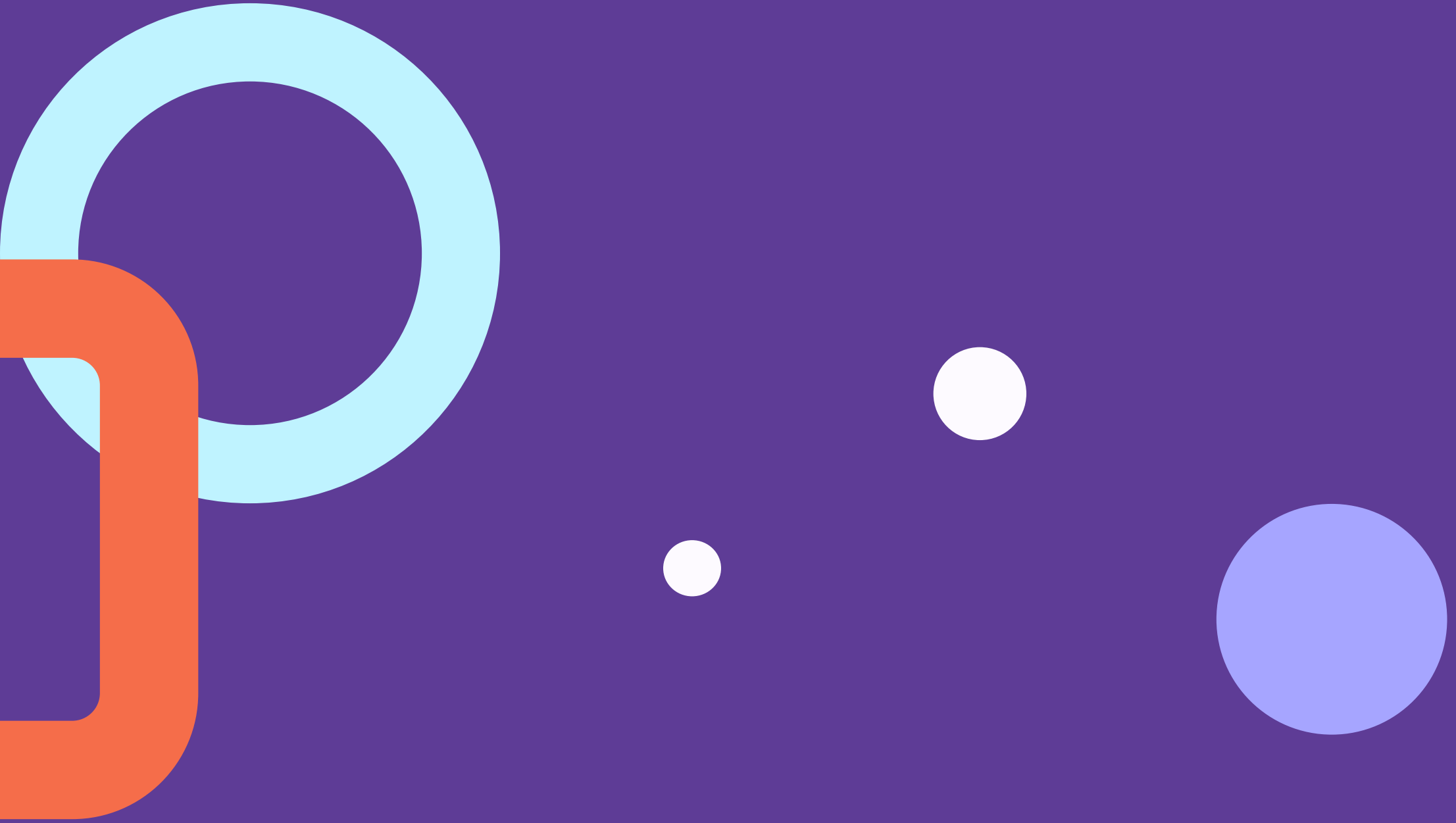


**(non)discrimination
of LGBTQI+ people
in the workplace and
inclusive labor market**

**results of a national survey of the
LGBTQI+ community**



The study was conducted by NGO FulcrumUA with the support of ILGA Europe and EVZ Foundation.

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Executive Summary

In 2015, the Verkhovna Rada of Ukraine voted for the amendment to the Labor Code of Ukraine that prohibited discrimination of people in the workplace based on their sexual orientation and/or gender identity. By 2023, there was not a single case in Ukraine submitted to the court in relation to workplace discrimination based on SOGI. At the same time, although recent sociological data shows a general improvement in societal attitudes toward LGBTQ people^[1], LGBTQ people remain one of the most marginalized minority groups in Ukraine, and the full-scale invasion has exacerbated their vulnerability. Based on this premise and on the fact that there has been no research, and no data was collected on LGBTQ people in the Ukrainian job market. Therefore, the present report is the first attempt to shed some light on the situation of Ukrainian LGBTQ people in various sectors of economy. The purpose of the report was to highlight the main challenges and obstacles that Ukrainian LGBTQ individuals face in job searches and workplaces. Designed as a qualitative study and primarily based on in-depth one-to-one interviews with LGBTQ Ukrainians, the report has its limitations in terms of representativeness of the sampling regarding participants' age, place of residency, and employment sector. Nevertheless, it can serve as a solid starting point and give a good idea of the issues that need to be dealt with to make Ukrainian private and public sectors of economy more inclusive.

[1] Nash Svit Center. 2023. Ukrainians improved their attitude towards LGBT people during the year. https://gay.org.ua/en/blog/2023/06/15/ukrainians-improved-their-attitude-towards-lgbt-people-during-the-year/?noredirect=en_US

The study demonstrates overall low awareness of participants of existing legal mechanisms of protection against discrimination based on SOGI issues in Ukraine as well as little trust towards public institutions, such as police, government, and judicial system. There is also a high level of psychological normalization of discriminatory practices in society; for example, several participants reported that they have never been discriminated since they have chosen not to disclose their sexual orientation at work.

At the same time, most participants could recount at least one instance of more severe discrimination, as they defined it, when a person they knew was fired or forced to leave because of their sexual orientation, gender identity or because they were perceived as an LGBTQ person.

Overall, the people who had to hide their SOGI reported fears and stress related to a possible disclosure of their identity, among reported concerns were possible bullying at workplace, gossips, outing to other colleagues, being fired or forced to leave.

At the same time, participants who did not hide their sexual orientation or gender identity at work and worked in accepting environment were more likely to never agree to work for a homo- or transphobic employer again and said that they were planning to be open about their identity in the future. Those who had both straight-passing and open experiences reported the feeling of relief, higher satisfaction with their work and a sense of greater freedom

Among positive factors that contributed to participants' well-being at workplace, there were LGBTQ-friendly management, having other open LGBTQ colleagues in the office/at work, organizational declaration

of values such as inclusion, diversity, and tolerance, training of the staff for diversity and inclusion, and availability of LGBTQ-inclusive policies.

Based on this research, trans people are more likely to be more vulnerable in Ukrainian job market, in particular in the cases when they are transitioning and there is a difference between their gender expression and the gender marker in their documents. The situation is also more challenging in rural areas than in the big cities, and some sectors, for example, secondary education (schools), are the ones where LGBTQ professionals may find themselves in a more vulnerable situation.

It is impossible, however, to say that there are some sectors of the Ukrainian economy where discrimination is fully absent; even this study, with its limits, shows that there is a rather significant diversity of experiences across various economic sectors and regions of Ukraine.

The study concludes with recommendations to the government, international organizations, and businesses. It is also followed by the legal analysis and recommendations for further LGBTQ rights advocacy work.

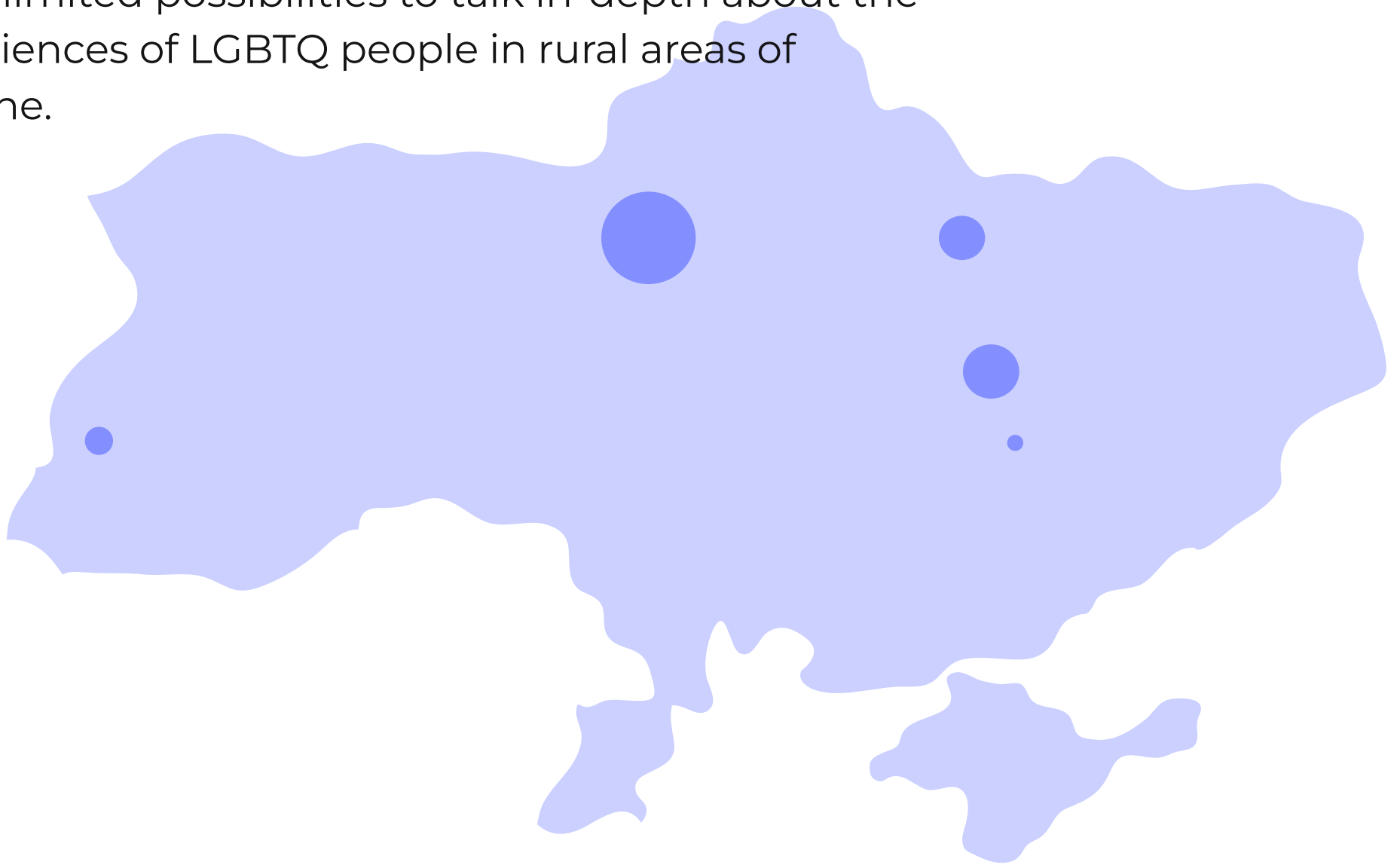
Methodology

The study has been designed as a qualitative research project with in-depth interviews as the main method of data collection. **Interview participants were recruited in several ways:**

- ① Using a Google form that contained basic monitoring questions regarding participants' experience with (non)discrimination of LGBTQ people in the Ukrainian labor market. The form ended with an open question inviting the participants to leave their contact details in case they would agree to give an in-depth interview and discuss their experience in detail during a Zoom call with the researcher. Roughly 50 to 60 percent of the interviewees were recruited through the form. The form was published on social media of Fulcrum UA and disseminated through partner organizations and friendly Telegram channels.
- ② Using the snowball method. After the interviews, either the researcher or the research assistant asked the participants to think if they could contact other LGBTQ people who would potentially agree to give a similar interview. In such cases, new participants contacted the research assistant directly or filled in the above-mentioned form and left their contact details.
- ③ Several participants were recruited by the researcher and Fulcrum UA project team directly using personal connections.

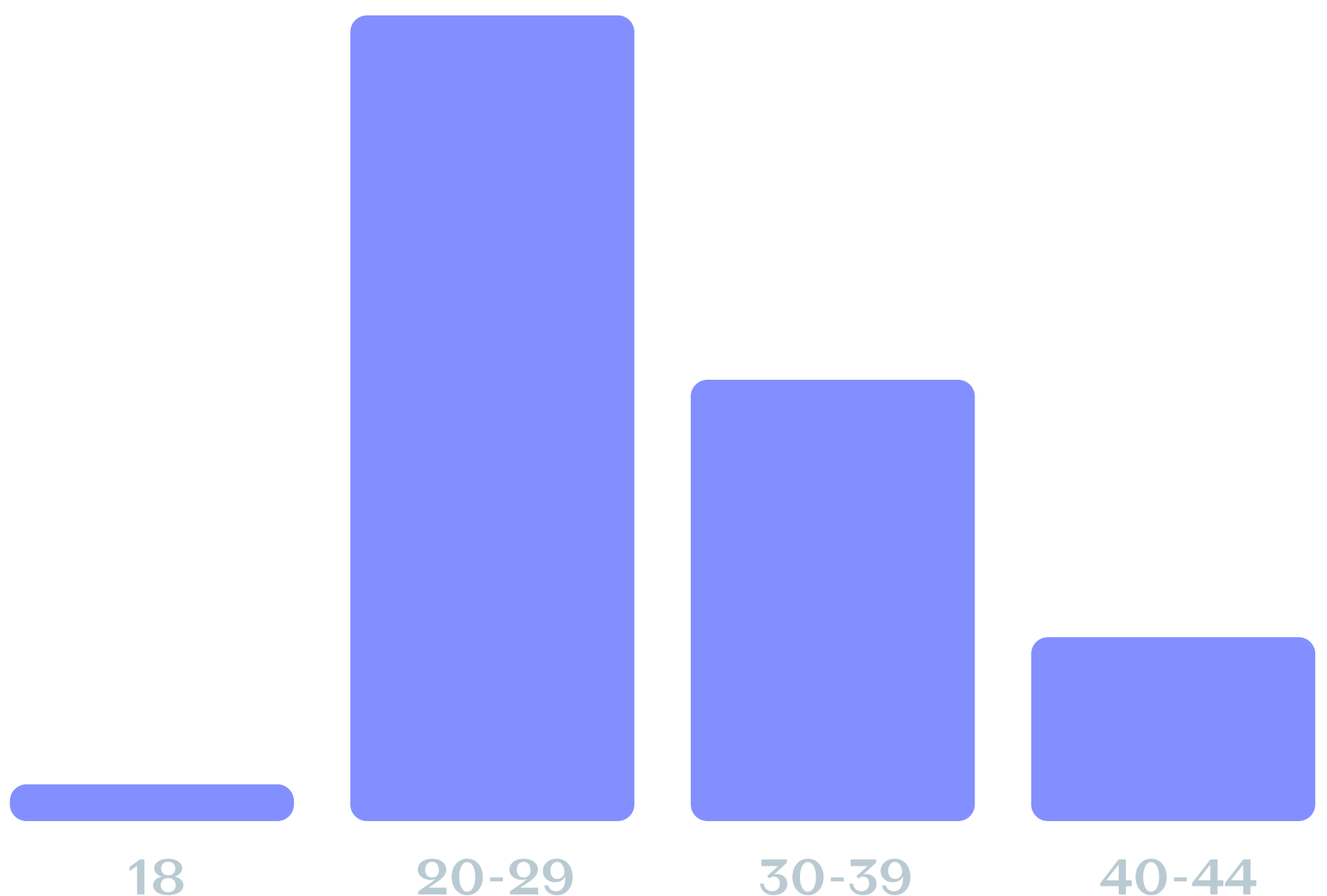


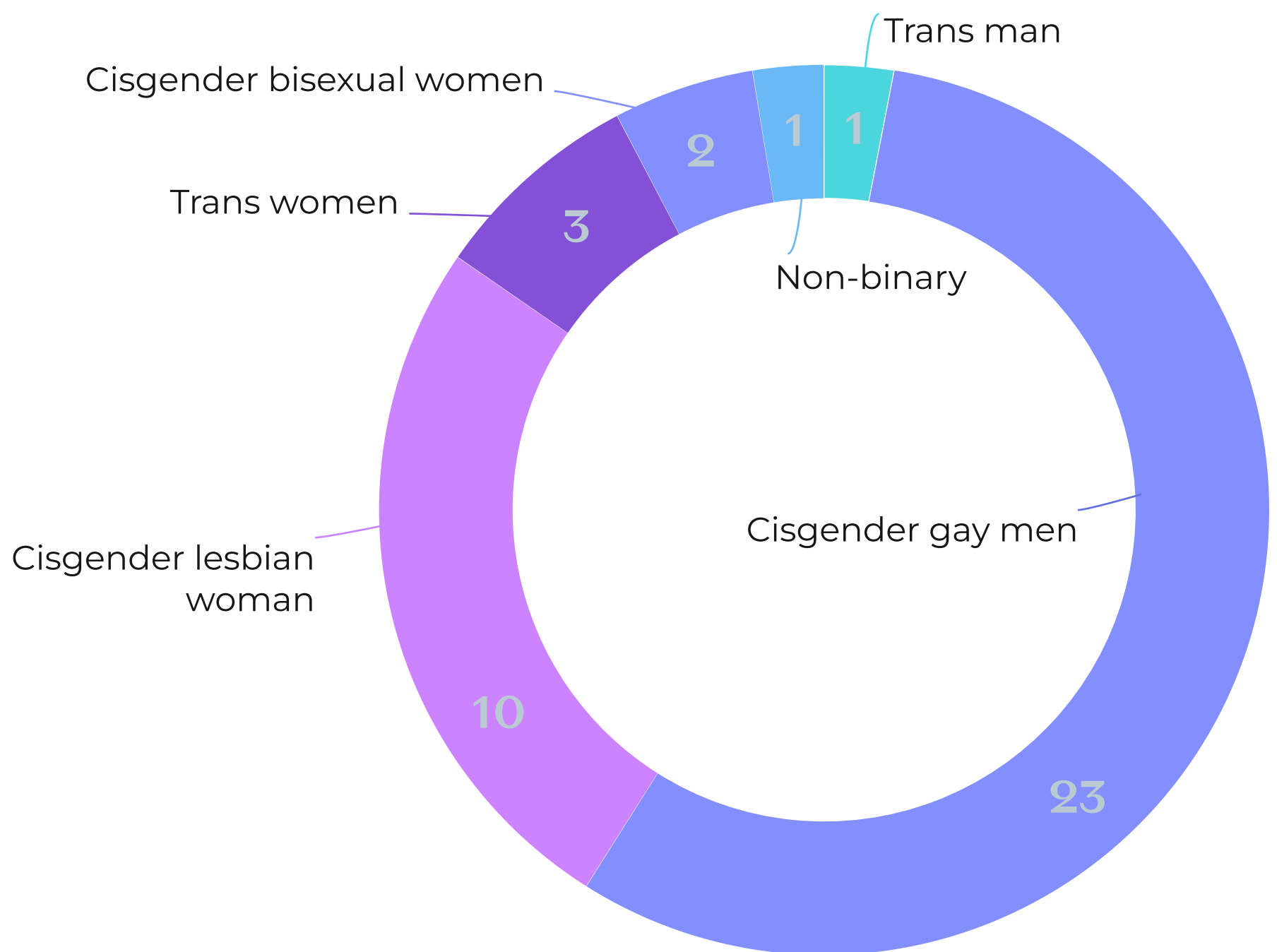
While recruiting research participants, we aimed to ensure maximum diversity in terms of age, gender identity, sexual orientation, professional occupation, geographical location, and IDP status. However, due to the sensitivity of the topic, the fact that the interviews were conducted online (i.e., a person would have to have a safe space with a stable internet connection to talk about their experiences for an hour, which is not easy to organize, especially in the conditions of the full-scale invasion), it has been difficult to achieve this goal. For example, 29 participants out of 40 live in major cities of Ukraine, Kyiv, Dnipro, and Kharkiv, and only two – in L'viv, one – in Zaporizhzhia, three participants were abroad under the temporary protection status, and five were from smaller towns in Ukraine. Therefore, this report gives limited possibilities to talk in-depth about the experiences of LGBTQ people in rural areas of Ukraine.



Age of participants

Similarly, it was difficult to ensure enough diversity regarding age groups. Most of the research participants (22) fell into the 20-29 age group. One person was 18, and 12 persons were between 30 and 39 years old. Five persons were between 40 and 44 years old. We could not recruit anyone older than 44, which gives us a rather limited perspective on the situation with the older LGBTQ people in the labor market. At the same time, similarly to the geographical location factor, we assume that older people are more likely to hide their sexual orientation/gender identity at work and less likely to follow social media and channels of LGBTQ rights NGOs through which the information about the research was disseminated and, therefore, were less likely to know and be willing to participate.





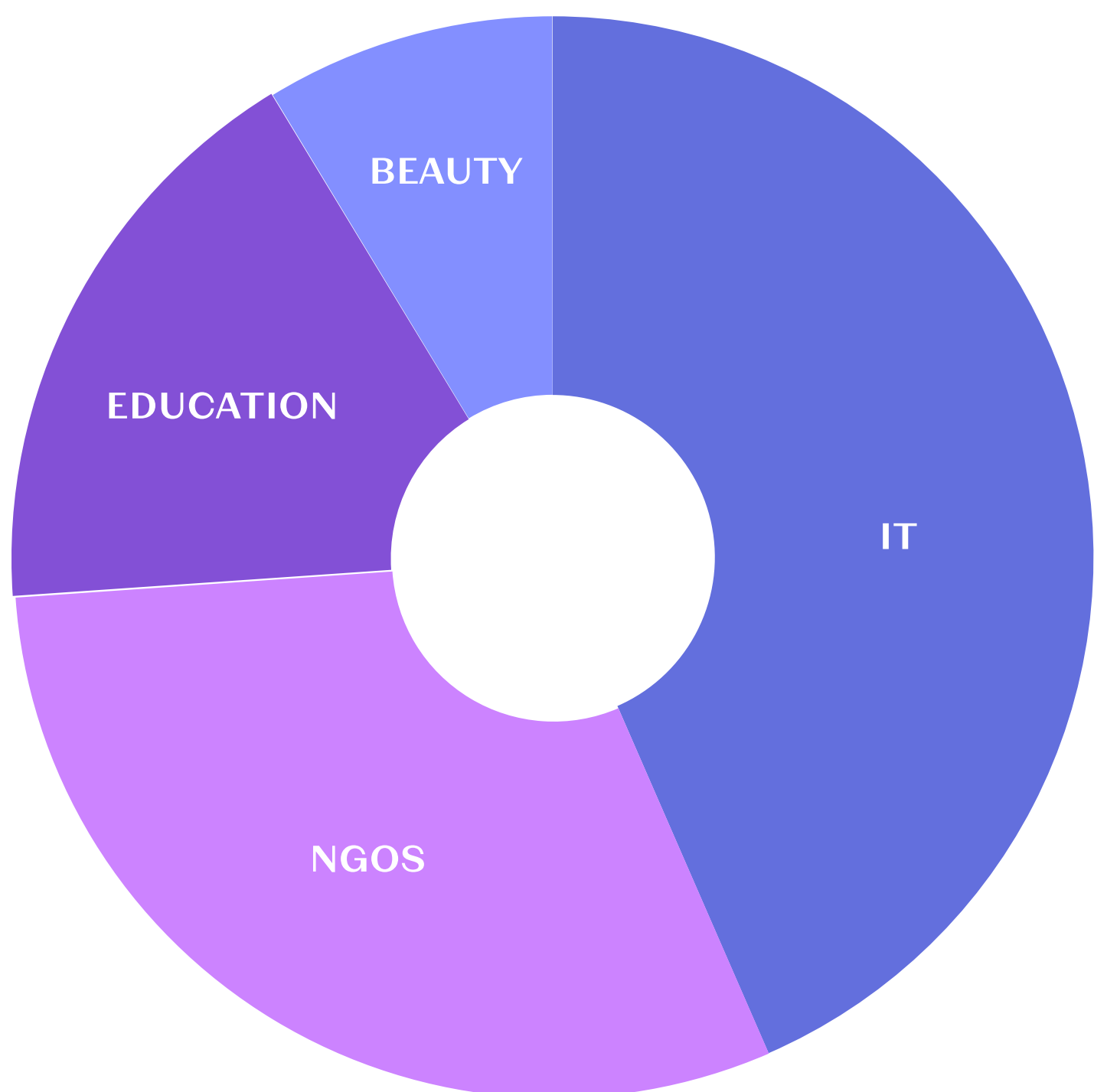
Sexual orientation and gender identity

In terms of sexual orientation, out of 40 participants, 23 participants identified as cisgender gay men, 10 – as cisgender lesbian women, and two – as cisgender bisexual women. One person identified as non-binary, one – as a trans man, and three identified as trans women. In other words, we could not include the experiences of intersex people and the experiences of trans people are less represented in this study than we aimed to. Nevertheless, we believe that the material collected through these interviews, which also includes experiences of other people from the trans community, is still helpful in evaluating the situation with the employment and discrimination of this group in the country.

Professional occupation

We also had limitations in striving to achieve more diversity in professional affiliation sampling. So, 10 participants work in the IT sector – the most represented in the study, and seven are from the non-profit sector (NGOs, charity, and civil society organizations, not necessarily related to LGBTQ rights). Four persons work in education, and two – in the beauty industry. Other persons work in the social work and psychological support sector and in hospitality, finances, retail, and logistics.

The detailed table with the anonymized description of all the interviews can be found in Appendix 1.




All the participants were asked to read and sign an informed consent form prior to the interview (the form can be found in Appendix 2). Before starting the interview recording, the researcher asked the participants if they had any questions regarding the process, the use of the personal data, and the study report. The participants were also aware that they could interrupt the interview at any time, ask any additional questions needed, withdraw from the interview, and prohibit the use of the data disclosed should they consider this necessary.



Only the researcher and research assistant had access to the video recordings of the interviews. Once the transcription of the interview was done, the video and audio recordings were deleted from the cloud. The transcription of the interviews was done with the anonymization of the personalities of interviewees to make recognition of the participants impossible.

The interviews lasted from 20 minutes to one hour; most of the interviews were conducted in Ukrainian, and it was always the interviewee who decided on which language they would be more comfortable being interviewed in. All the participants were also invited to read the study report that will be shared online (they were also invited to contact the research assistant in case they could not find it), send the researcher any follow-up questions, and ask for further clarifications if needed.




Each interview opened with a question about age, place of residence, and professional occupation of the participant. Then, the participants were asked to reflect on their previous work experience and tell if their work environment in the past and present was safe and inclusive, whether they could discuss their personal life and romantic relationships or their gender identity/transition with their colleagues and what were the implications of the disclosure if it had a place. The interview guidelines can be found in Appendix 3. The participants were also asked their opinions on how the situation in the Ukrainian labor market could be improved, which legislation they considered necessary to protect the rights of LGBTQ people, and what best practices of employees they could recall in Ukraine or abroad.

As mentioned, as a part of the recruiting strategy, we used a Google form that included questions about the professional situation of respondents, their experience with facing discrimination, and employees' best practices and invited them to leave their contact details in case they would agree to take part in an online interview. While the sampling of the participants of this online questionnaire has not been representative, in some parts of this report, there are references to the results we obtained (always with the identification of this fact) if it helps to illustrate a broader problem that the section discusses.



**Using the
results of
online
monitoring**

The background is a solid dark purple. It features several abstract geometric elements: a large orange shape resembling a stylized 'U' or a thick, rounded line; a large light blue circle in the upper left; a large light blue circle with a darker blue center in the upper right; a light blue ring in the middle left; and three white circles of varying sizes scattered throughout. The text is positioned in the bottom left corner.

Discussion of the study results

Looking for jobs and employment

The starting point of our research was that the situation of LGBTQ people in the Ukrainian job market worsened during the large-scale invasion. As the study results demonstrate, indeed, the life conditions of LGBTQ people, who were one of the most vulnerable groups in Ukraine before February 24, 2022, became even more difficult. At the same time, it is important to point out that within the pool of respondents, most of those who lost their jobs during the large-scale invasion did not lose it because of their sexual orientation or gender identity but due to other reasons, such as forced displacement within Ukraine or worsening conditions at the job market. Out of 40 interviewees, only three were unemployed during the time of the study. Only one of them lost their job because of their gender identity (for comparison, 49 respondents out of 168 in the online survey answered that they lost their job during the large-scale invasion, and none of them specified their SOGI as a reason for that; the main reasons were cutting numbers of the personnel (48%) and forced displacement (25%)).

Looking for a job, most of the research participants faced challenges similar to the ones other Ukrainians who do not identify as LGBTQ people face; the ones with higher employability (IT professionals, people well-connected in the field, or people with specific skills in demand on the market) were quick to find new jobs, other faced such challenges as lower salaries in their fields, discrimination against IDPs as compared to the local population, worse work conditions.

Trans people, especially the ones who are now in the process of transition or whose documents do not correspond to their gender expression, found themselves in the most challenging situation, being either unable to find a new job or staying at the same workplace, even if they do not feel fully comfortable or accepted there, out of fear not to find another job.

“I am going through a hormonal treatment now, so I look like a man; I mean, I have a beard and a lower voice. But in my documents, it is stated that I am a woman. Therefore, it creates a lot of problems with employment; because of how I look, I usually put a male name in my CV, yet once they meet me and see my documents, there are usually many questions”

a trans man working in a pharmacy in Kropyvnytskyi

This person said that while not all the colleagues at their workplace are very accepting at the moment, they are not considering changing the workplace while their documents are still with the female gender marker. However, once the documents are replaced, they want to change to a new workplace where nobody will know about the fact that they are a trans man and have had a transition.



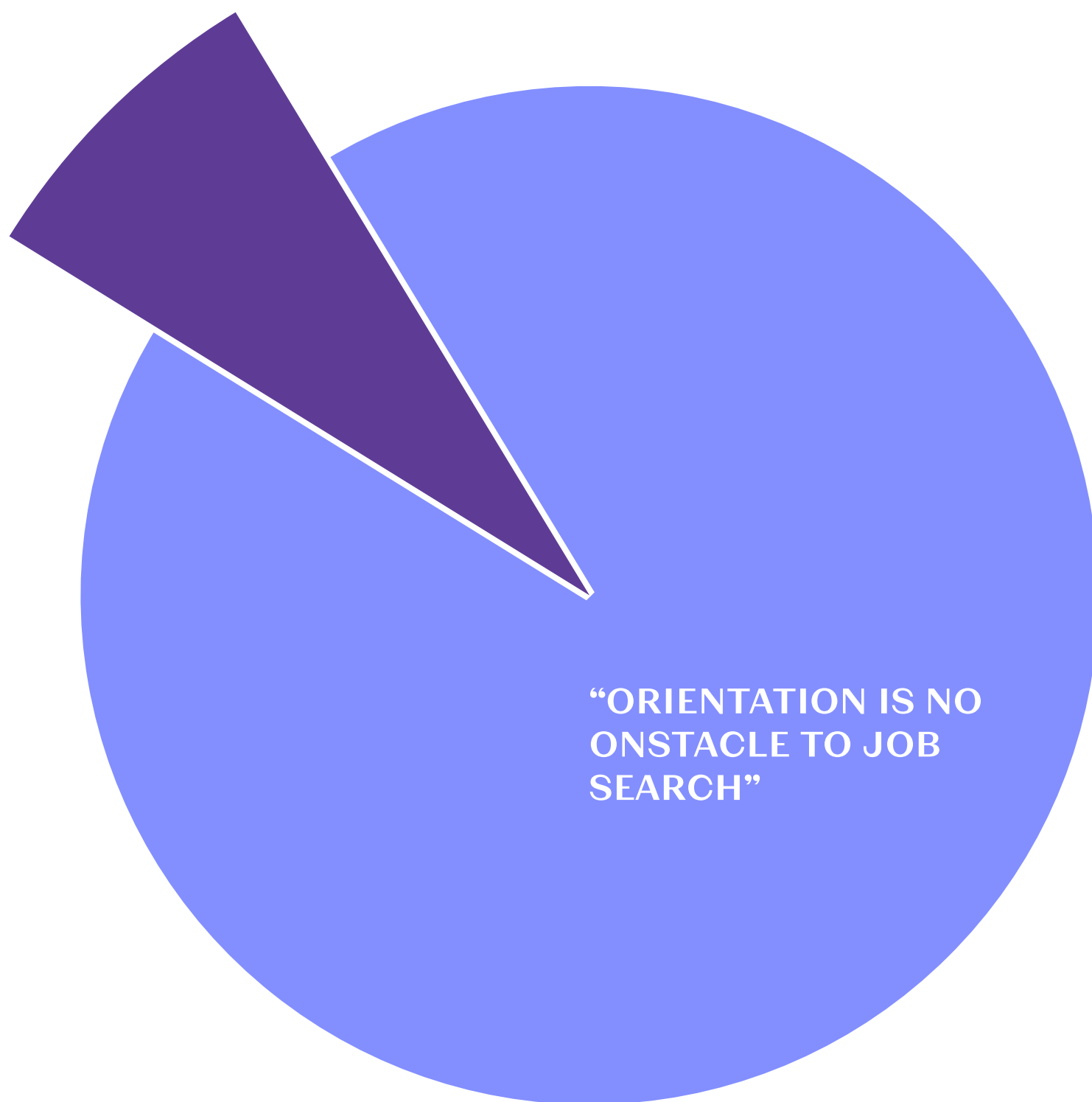
Another trans person, a trans woman also going through a transition at a big factory in a smaller town, commented that she is not afraid to be fired as her skills are rather rare and are on high demand. At the same time, work conditions are quite challenging, too, so while it is clearly very unusual for her employers and colleagues to see a person transitioning (more on homo- and transphobic behavior at workplaces below), they overall accept this fact:

“You can tell that people are very curious. I did not say anything to anyone because I did not want to, and I did not plan to stay at this position for long. I thought, ok, I will work here for a while, and then I will find a better place. As a result, I have been working there longer than I planned. The war started and I do not want to take a risk and change anything...

In fact, I have my skills that are in deficit now, it is difficult to find competent people, so maybe they [employers] overlook certain things because the most important for them is to have the job done; sometimes there is too much work, sometimes they ask me to replace other colleagues and I work, in fact, six days a week and barely have one day off”

a trans woman working in a factory, Rivnen'ska oblast

However, most of the respondents (37 out of 40) specified that they do not see their sexual orientation as an obstacle while looking for employment (in case they would have to do so in the future). Still, in most of the cases, it was explained by the fact that these were cisgender people who preferred not to disclose their sexual orientation to their potential employer or colleagues (see next section).



Choosing not to disclose information about sexual orientation/gender identity

Approximately a half of people who took part in in-depth interviews were open or semi-open (would discuss it with colleagues in principle but were not very vocal about this fact) about their sexual orientation at work. To compare, 43% of those who filled in the online form chose to hide this information (for 17%, it created an everyday effort). It is also necessary to point out that as we were recruiting people for this study using social media of LGBTQ organizations and the snowballing method, asking for the help of some LGBTQ activists, people who are already more open to talking about their belonging to the LGBTQ community were more likely to decide to participate in the study and reach out to the coordinator to discuss the participation in the interview. But even for such people, being open and speaking openly about their own identity and private life created a challenge. Several people commented that the fact that they had to keep the information about their sexual orientation secret caused them constant distress and made them anxious as they were afraid of losing their jobs and ending up in a precarious situation:

“It is like wearing a dog collar. You must sit and think and evaluate the situation all the time. I never felt safe. Every time before opening up to someone and telling them, you must think 20-50 steps in advance. There is no lightness when you are just sincere with people, you just live your life because you are who you are, no..you must think in advance. Because you know that any word that was not careful enough, any weakness that you might show, this tiny piece of trust you have towards any person...it can all affect you; you cannot just be independent, free from everything.

When you work, you depend on this work, you count on it, because maybe you have a debt or you save money to buy something, maybe for your dream...and if you have to quit this job because you are bullied there. It is not because you cannot work well, you are great in doing your job but you cannot work with those people because they just laugh at your face”

gay man working in hospitality, Kyiv

Another gay man who is now open about his sexuality (he is 40+ y.o. and has a managerial position in an organization where his director is also a gay man) shared that he could not afford such freedom before as his status did not allow him to do so:

“You can only come out when your well-being, your life, and the way you feel at work do not depend on what people around you say. Imagine I come to work to an organization where I feel so confident because I am an expert, I make a great contribution, a big profit, I am not afraid to lose this job, they need me more than I need them. Then I can afford to be open. And I hope it will be like this with me in the future, I am too old to be afraid to lose my job...not this job, then I will find another one.”

One of the respondents working in a non-profit sector and open about his sexuality said:

“All my friends and acquaintances who are not LGBTQ activists are all hiding their identity. I do not know anyone who is open about being gay or lesbian and is not an activist. And this already tells you something. My best friend, for example, does not tell anyone at work about his sexual orientation; I do not know if he is afraid of something or what...And he works in a [name of a big company], a decent company.”

a gay man working in the IT sector & and LGBTQ rights activism

However, as the interviews show, even if the company has explicit policies that ban discrimination against LGBT people and it is declared as one of its organizational values, it will not necessarily prompt them to be fully open about their private lives. One of the interviewees, a gay man working in a large IT company that has clear principles on non-discrimination and inclusion, commented:

“It is too personal to let everyone know. Even though there is a company policy, I know that there are people who will not look at this in such as ‘rainbow’ way, let’s call it this way. I am sure that most people do not care about this at all; it is not their business. But I am sure that there are people who will make jokes or something like this...although I know that in this company, there are always consequences for people who do so [make discriminatory jokes].”

The same respondent said:

“I do not think that there is any company in Ukraine where I would be able to talk fully openly about that [being a gay]. But it would be nice if an organization was just tolerant, no need to go to Pride marches or openly support LGBT people.”

The following sections will shed more light on this topic. It is important to point out that for some people, like for trans people with documents that have not been changed yet or transitioning at the workplace, hiding their sexual orientation or gender identity was not an option; however, most of those who could use straight-passing strategy (see section 4 below) it was often the usual strategy of approaching a new workplace and before deciding on what information and to whom they will disclose. It is much less often, as section 3 demonstrates that people manifest the LGBTQ part of their identity already during the job search or interview process in Ukraine.

Being open at the workplace about one's sexual orientation/gender identity

As it can be seen from the above section, very few people responded that they were completely open about their sexual orientation at the workplace. There were several reasons for the full disclosure:

- ① when a person's gender expression did not allow one to hide one's identity (could be also partially a matter of choice, such as style of clothes, hair color, tattoo, piercing)
- ② when a person worked in an organization that both declared full inclusion and had other LGBTQ people open about their identity (see sections 6&10)
- ③ when being open about their sexual orientation was a matter of principle and the person made a statement about being open and tried to advocate for the positive changes in their workplace and society (see also sections 10 &11)

In other cases, it was more common for a person to be open to some people in the team yet to avoid a public discussion of their private life in larger groups. Even in situations when a person said they knew that the organization was inclusive and that their superiors would support them, they were often choosing to keep the information private.

For example, one of the respondents, a gay man working in a human rights organization, said that his organization declares the principles of equality and non-discrimination and that during his job interview with the HR manager, he said that he would not accept homophobia and this was even announced in the work chat when he was introduced, as a part of his introductory paragraph to the team. At the same time, he commented:

“Let’s say, we are eight people working in one room. And only one person there knows about me [that he is gay]. Of course, some people are smart enough to figure it out themselves and not to ask stupid questions or not to create some uncomfortable moments for me . I am sure that they understand, also the head of my department, she does understand, I am positive about that. But with the others, I don’t know; maybe I am mistaken about them, but I don’t want to take a risk.”

Several respondents mentioned that they prefer to work with people in the team for some time first to evaluate the surroundings, to see what people say about the LGBTQ community, if they make inappropriate jokes, and if coming out in the workplace creates additional risks for them. As another gay man who works in the sphere of social services/social work commented:

“We still have this closeted mentality. I mean, we cannot come out fully because we face violence, homophobic jokes, and simple discrimination.”

At the same time, when talking about his own coming out, this man said:

“It is even easier to breathe now. Of course, I do not look like a stereotypical gay man, I am a big guy, bald, covered with tatoos; many think that I am a soldier or a veteran, and a few would assume that I am gay. But once I started telling people, it became even easier to breathe. It is not that I have put KyivPride stickers on all my stuff or rainbow flags, but I simply started telling people...like opening the curtains that were covering my life a little bit. Because in the past, I also had some negative experiences...[the respondent mentioned a woman, a friend that stopped talking to him when he came out because her husband prohibited her from doing so and even used violence against her]. There were people gossiping about me...But I started sharing this information, step by step...and now people just do not focus on this information, I am who I am.”

To summarize, and as the following sections also show, in many cases, even for the individuals who wanted to be open about their SOGI, coming out at work posed a certain risk. They were consciously weighing their options before disclosing personal information. Nevertheless, one respondent presented an alternative (though clearly not a very popular) perspective on their own sexual orientation, claiming that being open about it, in fact, has helped him on his career path:

“I can tell that I have been working since 2005 in different sectors and almost everywhere I am extremely open about LGBT [meaning about being gay] and it really helped me at work because you get this network with other LGBT people. So someone knows someone, and you can open some doors that are considered closed because someone recommends you to someone, tells you about some projects, sends that one important email, and so on.”

a gay man working in project management in the private sector, Kyiv

To summarize this and previous sections, even when the organization is relatively tolerant and declares commitment to human rights and principles of non-discrimination, being fully open remains difficult for many LGBTQ people. Existing studies show different implications of being open and closeted, especially for gay men and lesbian women. In fact, depending on the context, there are studies that show that gay men who chose not to disclose their sexual orientation are less likely to be depressed than those who are out,^[1] however, this fact is explained by the need to deal with stigma and discrimination the men who participated in the cited studies experienced. Other studies, on the contrary, discuss the hard psychological consequences of having a closeted life and argue that the more individuals conceal their identity, the more severe their current level of depression and anxiety symptomatology and the more intense their current alcohol and drug use are.^[2] The next section offers more details about this topic in the Ukrainian context.

^[1] Pachankis JE, Cochran SD, Mays VM. The mental health of sexual minority adults in and out of the closet: A population-based study. *J Consult Clin Psychol.* 2015 Oct;83(5):890-901. doi: 10.1037/ccp0000047. Epub 2015 Aug 17. PMID: 26280492; PMCID: PMC4573266

^[2] Brennan, James Michael M., "Navigating the Closet: A Mixed Methods Approach to Assessing the Impact of Concealment on Psychological Outcomes for Sexual and Gender Minorities" (2019). Graduate Student Theses, Dissertations, & Professional Papers. 11359. <https://scholarworks.umt.edu/etd/11359>

Perception of discrimination/straight passing

The present section predominantly covers the experiences of the people who chose not to disclose the information about their sexual orientation/gender identity at the workplace and their perception of (non)discrimination by colleagues or employers/top management. It appeared to be easier for cisgender people who chose a so-called straight-passing strategy or ‘don’t ask don’t tell strategy’ of avoiding personal life and romantic relationship discussions at work and sometimes even explicitly stating to be a heterosexual person if the situation required such a response from them to protect themselves.

One striking thing in common among most participants of the study is that they only indicated or perceived discrimination in extreme cases, such as physical violence, firing someone from their job because of their sexual orientation and/or identity, or direct insults. There were several situations when a person would express doubts about whether they qualified for participation in the interview since they ‘did not experience severe discrimination.’ More subtle forms of everyday homo- and transphobia at the workplace were not perceived as discrimination, and most of the participants tended to normalize homo- and transphobic behavior of their colleagues or superiors, referring to it as a simple ‘curiosity’, ‘stupid jokes’ or ‘lack of awareness.’ For example, when asked about her experience of transitioning while working in the same organizations, a trans woman commented:

“Of course, people were curious, like, is it a boy or a girl? Just curiosity, you know, and with time they got used to me as I was slowly changing my style, becoming more feminine, growing hair longer,

started wearing earrings, more feminine clothes...I had my nails done, put some fillers into my lips, and dyed my hair. Most people do not say anything but there are, of course, people who really like to gossip about everyone...For example, once I was on sick leave when I damaged my hand, and so one colleague was making fun of me, like 'You were absent for so long, are you still having everything in place down there [referring to genitalia – M.S]. I usually try not to be negative or enter a conflict in such cases; they make a joke, I make a joke, the question is closed"

a trans woman in Rivnens'ka oblast

Another gay man from L'viv said:

"I did not experience any harsh discrimination. I do not know if we can compare the severity of discrimination, but I was never bullied or beaten, and nobody insulted me or offended me systematically. Also because I am a person who can stand up for himself. "

At the same time, all these participants were very clear about the fact that they did not come out at their workplace because the jokes and attitudes expressed by their colleagues made them think that being open about one's sexual orientation would not be well-received.

"For example, my colleagues could say that they do not understand gays, that this is not ok to be gay...On my 29th birthday, when my colleagues were greeting me, they said that if I do not get married until I am 30, they will find me a brutal guy like one of our office drivers. Like, they did not mean that I was gay but rather they were suggesting that I might not want to be in a relationship with a man"

a gay man working in IT sector in Kyiv

"If we continued working in the office [now the person works remotely], I do not think I would come out to someone. It is difficult

for me to talk about it. For example, we have a work chat for 40 colleagues or so, and we discuss there not necessarily work-related questions. I remember some colleagues expressed their opinions against LGBT people, and there were people supporting them. Some people, instead, were defending LGBT, like one colleague of mine who knows about me [she is the only one at work this person came out to in a private conversation]. Considering this, I do not really feel like being open about who I am”

a gay man working in finances, Dnipro

To summarize, on the one hand, the participants are very conscious about the reasons most of them choose straight-passing or ‘don’t ask, don’t tell’ policy as they are afraid of possible implications of disclosing their sexual orientation (and, in one case where a person goes through a transition working remotely - gender identity). At the same time, none of such participants defined such a situation as a violation or at least oppression of their rights or discrimination; they were rather tending towards normalizing everyday homo- and transphobia and sometimes even looking for excuses and justifications for it. Such a strategy could be useful for many reasons: avoiding conflicts and confrontations or negative thoughts, the willingness not to think bad about colleagues with whom one interacts daily, etc.

Yet, as one of the interviewees summarized:

“Most of [LGBT] people say that they don’t face discrimination because they do not understand when discrimination against them takes place...They normalize jokes in their direction, avoid reacting negatively, and allow people to disrespect them because they are afraid - we are afraid to be different, to stand up for ourselves; this is the problem.”

Sexism in the workplace, marginalization of people with HIV

It is necessary to highlight that participants who identified as female or who had feminine gender expression also reported a sexist treatment that was related to their (perceived) gender and (perceived) heterosexual orientation. For example, some of the women said that they were asked about their future pregnancy plans during job interviews or were refused a position as a 'young woman of childbearing age' who might soon get married, become pregnant and leave the company. This the case particularly pronounced in male-dominated areas, such as factories or the IT sector, in some cases, where women were not expected to be good developers.

Similarly, two interviewees who had HIV-positive status reported that they were afraid to disclose this information in the workplace because they knew this would have negative consequences and they may be asked to leave.

In other words, when analyzing the cases of discrimination against LGBTQ people in the workplace in Ukraine, it is important to understand that for many of them, sexual orientation and gender identity are not the only factors that put a person in a vulnerable position at risk of discrimination or bullying.

Outing at the workplace, losing a job, or being forced to leave after an outing

One of the less frequent but still mentioned topics was the issue of an outing at the workplace done by some of the colleagues, in particular, by the HR department or by a superior. For people who put significant effort into not disclosing their sexual orientation at the workplace, the fear of being outed is something that creates significant stress and anxiety. Several participants referred to intrusive practices of some of their colleagues who also tended to spread gossip among other team members:

“Once I was checking some thematic webpages on my work computer and then did not hide this properly. So a colleague of mine from another department logged into my computer. When I came back, she started asking questions, like, ‘Oh, are you one of those?’ so I had to come up with something and avoid answering because she would then tell this to everyone, and I did not want this”

a gay man working in IT sector in Kyiv

Three respondents mentioned negative experiences of their colleagues who were outed or who were discussed by other colleagues in a derogatory manner, which strengthened the intention of the respondents to hide their sexuality from the team members:

“There worked a guy in our department who quit later. So, the colleagues mentioned him regularly, for example, when he talked to someone on the phone and said, ‘You offended me yesterday,’ or something of this kind, and they [other colleagues] right away thought that he was gay and started making jokes about him and also making fun of him when talking to him. I do not even know him; we never talked, but whenever somebody mentioned him, there was immediately, ‘Ah, this, he is probably gay, hahaha.”

a gay man working in the finance sector, Kyiv

Many people mentioned that they had to be careful on their social media not to disclose their sexual orientation, and several respondents had experiences when their private accounts were discovered by their employers or colleagues, which resulted in the outing.

“When I was on sick leave, they [colleagues and the employer] found my account in social media, maybe via TikTok or Instagram. And my boss wrote me: “Close your account because children can see it. Aren’t you ashamed of it?” I do not know which children, her children? ...This triggered me a lot because social media, for me, was a place of stability. I had my followers...It was a safe space for me; I felt loved there, people wrote me nice things, and they wanted me to be happy. And to this safe space, I receive this [negative comments of the employer].”

a lesbian woman about her experience working in retail in Mariupol

This respondent was outed to her colleagues; she described that once she was back to work, her colleagues stopped talking to her and were avoiding her company. She quit the job very soon, mostly because the

work conditions were very bad overall, but also due to the homophobic treatment by the owner of the shop and her team. One of the interviewees talked about three cases that took place in Mariupol prior to the large-scale invasion, but, likely, such situations could also happen elsewhere in Ukraine:

“A friend of mine was fired when someone at work found some private photos in his phone. It was in 2015-2016, there was no Face ID on the phone, and his phone was not protected by the password, and they saw his photos [indicating this man was a gay] without his permission. Another girl, someone saw her in a cafe with her girlfriend, and they were simply having breakfast together. Someone started gossiping at her work, and the work climate became impossible for her to keep working there; she was bullied and had to leave. Or another story with one more friend of mine, when he was bullied at work, and he had an emotional meltdown because of this, and his colleagues were like, ‘Oh, it is not us, you are just too emotional, a real man would not react in such a way, a real man would fight back. ‘There is this, you know, post-Soviet mentality, to bully someone collectively, to break someone...”

One more person reported being fired in 2020 when their employers found their photos from LGBTQ rights-related activities on their social media accounts and directly told her that they did not approve of it and that they did not want to continue working with this person.

Many respondents commented that while the stories like the ones described above did not happen necessarily to them, they all knew someone, or a friend of a friend, who dealt with discrimination, homo- or transphobic violence, was fired or made quit their job because of their sexual orientation or gender identity. For many, it was exactly the fear of collective bullying and jokes, marginalization within a team, and unbearable working conditions that they imagined as a result of coming out. It was the key factor that prevented being more open with their colleagues or superiors.

Factors that create an inclusive working environment

The participants were invited to discuss the factors that contribute the most to creating an inclusive work environment or the factors that allowed them to be comfortable and open about their sexual orientation and/or gender identity at the workplace. Among the key factors were the following:

Availability of clear non-discrimination policies at the workplace

Most respondents agreed that once the policies stating clearly that people cannot be discriminated on any ground were introduced within an organization, this had a positive impact on the work environment. The policies had a positive impact on the working environment even in the cases when SOGI was not mentioned explicitly; however, in the cases when sexual orientation and/or gender identity were mentioned among protected characteristics, it sent particularly encouraging signals to LGBTQ+ persons in the team. One gay man commented on his work experience in a large international company in Ukraine:

“I came there, and it felt like paradise. Because there is the whole company policy, you have to watch lectures and pass tests where it is said explicitly that you cannot gossip, you cannot discriminate against anyone... and it is stated

clearly that if something happens, a special ethical committee will come from Kyiv and the person responsible for bullying or discrimination will face implications like a fine or even will be fired. And it includes LGBTQ people explicitly, and the top management of the organization sends all these messages so that it is clear to everyone.”

Similarly, comparing his several workplace experiences, one of the interviewees explained his negative work experience in one of the companies:

“It [poor treatment of LGBT people] was possible because the company did not declare any position and did not enforce any policy regarding tolerance and inclusion. If in Ukraine each company had a tolerance policy, we would avoid discrimination. If there is no anti-discrimination policy in the workplace, in a company, and your colleagues start bullying you, there are no regulations that would stop them. And it is not only about LGBT people; it is about other vulnerable groups, too. This is why it is important to develop and introduce policies to prevent and combat any bullying in the workplace.”

a gay man, non-profit sector, Kyiv

As the previous sections show, the availability of the policies does not necessarily mean that the employees will feel fully safe to come out to everyone. However, the policies were still seen by everyone as a positive development, indicating the position of the top management and possible consequences for the responsible party if discrimination took place.

Diversity and inclusion workshops and training

Only a couple of the interviewees mentioned that their organizations held workshops or trainings on the topics of diversity and inclusion. One was a major international organization that had a video/online training on DEI (diversity, equality, and inclusion) as a part of their onboarding process. In another case, a large Ukrainian company had diversity training for its employees; however, the topic of SOGI was not explicitly covered there. However, many participants mentioned that it would be important for them to see such training organized by their employer as this would, on the one hand, send them a signal about the values shared by the top management and, on the other hand, ensure that their colleagues were at least on some level informed and aware about the topics of sexual orientation and gender identity.

Inclusive attitudes declared by the top management

Most participants named attitudes of the top management as one of the decisive factors defining whether the situation in the team or the workplace will be inclusive and tolerant or not. However, as the participants commented, this worked in both directions; the management that did not allow discrimination and would not tolerate homophobic or sexist jokes was likely to lead a safe and healthy team, while a manager who found it a normal practice to discriminate and insult people would also encourage such behaviors among their employees:

“I had an extremely tolerant boss...and it was so good to see, when, for example, some other colleagues would make homophobic jokes, he would even put a fine on them; in other words, he does not tolerate any racism, stigmatization, he is very strict and explicit about that”

gay man about his work in retail in Mariupol in the past

“It always depends on the owner of the organization. Whatever you do, even if you are a top manager, whatever efforts you put in, if the owner of the company allows gossiping and likes gossiping, if he dislikes people and is a homophobe, you cannot do much. Because everything comes from the head. I experienced this myself; in all the organizations where I was treated with respect, it was because the owners of the company treated me this way. Otherwise, I would not have been able to work there”

a gay man, Kyiv, currently unemployed

Other openly LGBTQ people in the team

“I think that manager’s attitude is the key. If your boss is LGBT-friendly, then everyone, or almost everyone, will follow his/her behavior. In other words, the boss sets the limits that the team follows”

a gay man, Kyiv, project manager

“When the company shows a tolerant approach, the office turns into a place where you want to return”

a gay man, Kharkiv

In other words, the importance of having a manager or a company owner sending direct signals that discrimination and bullying in the organization will not be tolerated and also behaving according to this signal, protecting them from discrimination of any kind, is difficult to overestimate.

Participants who did not know any other LGBTQ person working at the same place with them reported feeling more lonely in their situation; it was also more difficult for them to predict what the consequences of a coming out maybe if there were no positive examples around them, and they felt less likely to trust their colleagues with sharing details about their personal lives.

“It is easier to work if you know that there is a person like you [in the team].”

one of the interviewees

Another gay man working in the IT sector commented:

“I believe it would be easier for me if I knew that there is someone in the company who is open about their homosexual orientation. Because I had this feeling...of constant stress, not to disclose myself and not to turn into an object of jokes and insults, the fear that it would lead not only to changes in the environment in the team but even to me being fired. I do not know if this could ever happen in real life, but I was very afraid.”

One of the gay men interviewees talked about his colleague who dared to bring his partner openly to the office parties, and even though this colleague never said that it was his partner or that they had a romantic relationship, it was rather obvious to others. As this interviewee said, he felt jealous of this colleague and his braveness; it was not something he could afford.

Overall, the participants with whom this topic was discussed all said that having LGBTQ colleagues at work was something that allowed them to feel better and more self-confident, even if they both had to hide the information about their LGBTQ identity. Those who had a larger number of open LGBTQ colleagues and could be fully open about their lives at work reported a higher appreciation of the work and of the team, a better level of psychological well-being, and were much less likely to hide their sexuality from their employer in the future or to agree to work in a company that declared intolerant views.

Advocacy at the workplace

The last factor worth mentioning in this section is the ways in which some LGBTQ people use their openness about sexual orientation and/or gender identity as a statement to advocate for broader inclusion and tolerance in their organizations. While only a few interviewees mentioned this, as this clearly requires a lot of inner strength and emotional resources, it is important to emphasize the experiences of people who are not only open about their identity with their colleagues but also want to change the working environment to make it a safe place for others:

“My partner also works in IT...and for him, it is very important: when he starts a new work he says right away: “Hi, I am gay!”. So, he does it and immediately sees how people react...And he carries it like a mission because many straight people who are homophobic, they never talked to any gay person, and they all think...maybe that gays want to rape them, I do not know. But for my partner, it was important to show that here I am, it is me, just me, and my orientation is just orientation; it does not make me a good or bad person; it is me. And I know that there were many people who, after meeting him, radically changed their opinion. This is really cool; I would like to be able to do as he does, to carry this awareness-raising mission”

a gay man, Kyiv

Another example by a gay man who volunteers to collect supplies for the army:

“I remember that when we were working with Dobrobat (a volunteer movement rebuilding homes and infrastructure in liberated cities), one of the soldiers had watched me for a month or so, and then he started making jokes, but already not homophobic jokes, rather friendly ones...and then one day he comes up to me and says “You know, I never understood before why you go to all those your [gay] parades, but now I understand it and for the next pride [March of Equality] I will go with you”

These two examples are good illustrations of how being exposed to LGBTQ people and working with them in a safe, common environment may slowly help change people’s attitudes toward a higher level of tolerance and inclusion.

Additional characteristics influencing the feeling of safety in the workplace

While, as it is explained in the methodological section, the sampling selected for this study is not fully representative, it still allows the identification of several additional factors that influence how a person feels being a lesbian, gay or trans person in the workplace. The list below, of course, is not exhaustive and needs to be continued and studied deeper for a more nuanced understanding of the situation in Ukraine.

Urban/ rural divide

Not surprisingly, LGBTQ people report feeling safer in bigger cities and towns than in rural areas. It is related to the fact that in bigger cities, it is easier to keep one's life private, avoid being seen with one's partner in free time, and have more options for renting accommodation and spending time together. The risk of losing a job is also not that critical in larger cities as the market offers more options, and the situation with socialization is much better. Larger cities have a bigger offer for socialization (LGBTQ-friendly bars and clubs, LGBTQ organizations that offer options for meetings, psychological and legal support, etc.); it is safer to put one's profile with a photo on a dating webpage and not be afraid of being caught. One of the interviewees, a former teacher and now a private tutor in a small school, said:

“It is a small-town mentality: nobody wants to mind their own business. In the school where I worked, I was the only single teacher; others had husbands and children, so they would all ask why I was not married and offer to introduce me to someone because my biological clock was ticking...”

The same person said that she felt very lonely in her town as there were no organizations or groups where she could go and talk to people like her:

“I feel so depressed. My circle of friends is very small; I stay at home all the time and feel like I cannot breathe here. I would love to move to a bigger city, but who will wait for me there? I do not know anyone like myself, no thematic groups or organizations in my town. I sometimes watch videos of LGBTQ influencers on Instagram and want to ask them to record a video about meeting other LGBTQ people in a small town, but I am always afraid of doing so.”

Several respondents talked about moving to bigger cities, like Kyiv or Kharkiv, to feel freer in terms of their sexual orientation and/or gender identity. One trans woman who works at a factory in a smaller town said that while she feels relatively safe at work, she does not use public transport and drives her car around the town, so there is little interaction with people on the street. A gay man who now works and lives in Kyiv (and is closeted there) says that in his village of several hundred inhabitants, everyone knows that he is gay and that this is always a topic of unpleasant discussions and gossip about his family that still lives there. In his village, some people stopped greeting him on the street when they discovered that he was gay, and now, in Kyiv, he is very cautious and trusts very few people with this information.

In summary, very little is still known about LGBTQ people who live and work in small towns and villages in Ukraine, especially about elderly people. Further study is needed to learn more about their lives and the challenges they are facing, as well as about their coping strategies and current needs.

Importance of employment sector

While it is not the only factor, the sector of employment was also often connected to the higher or lower level of inclusion and tolerance of the organization. For example, almost all the participants who said they worked currently or in the past in a non-profit sector, either related or not to human rights advocacy, commented that tolerance and inclusion was something they were assuming they would see in such teams:

“I have never faced discrimination in the workplace; I worked in non-profit sector, half of the time in LGBTQ organizations, the rest in other human rights NGOs. And in such organizations, of course, you do not expect any discrimination or even a special policy on non-discrimination because why would you explain to people who know well what human rights are that they should not discriminate anyone. They know this already, this is such a basic thing, you do not even need to talk about it. And when you are employed by them, usually you are informed about values of the organization, importance of human rights, non-discrimination”

a gay man
working in an
NGO

Some participants were mentioning that it was easier to be accepted in creative sector as it is more accepted from an artist to be 'different', however, there was a participant who reported cases of being discriminated, insulted, and even facing homophobic violence when working in a night club that presented itself as a gay-friendly place. The comments about IT sector and finances were mixed and the participants had a variety of experiences from broad acceptance to rather homophobic attitudes. In still predominantly masculinized sectors, such as industrial companies and the military, the experiences also varied; for example, an interviewed woman soldier commented that coming out to men in her battalion allowed her to stop sexualized comments and inappropriate moves towards her, but she also said that the attitude to gay men was very different among people who served with her. The military, however, presents a particular case and needs to be studied differently. Secondary education (schools) and other spheres where interaction with minors is involved is seen as the most challenging and least accepting environments for LGBTQ educators. LGBTQ people who work in schools need to have a very discreet life; a teacher who participated in our research said that she would expect her life to become unbearable in her town if anyone found out about her sexual orientation and that she would highly likely have to quit her job and even move towns.

Remote work vs. office work, the importance of gatherings and office interactions

Even though most respondents commented that they appreciate being able to work from home or remotely (those whose work allowed such options), for many, social interactions with colleagues either in the office or online, in various work chats/groups were important, and many commented that it was important for them to be able also to discuss their private life, for example, such mundane things as weekend or vacation plans. Some respondents also referred to the possibility of bringing one's partner to the company's parties and various corporate events as something that they valued. Similarly, those who could not do so because they were closeted and were not sure about the possible reactions of their colleagues said they would appreciate being able to be more open at work. At the same time, a trans man in transition working for an IT company said that being hired and working online was a more comfortable option for them as they did not have to explain changes in their appearance to their colleagues and overall felt freer, especially their documents at the moment did not match their gender expression. Therefore, for them, working remotely was the only acceptable option. However, the rest of the respondents who said they chose remote work did so for the reasons unrelated to discomfort around their colleagues but rather because of increased flexibility that remote work allows.

When the participants were asked to talk about best practices of their or other employers that they saw as supportive of the LGBTQ community and their rights, most people remembered some companies changing their avatars on social media for Pride Month (yet the participants also said that they did not believe that it was a sign of a complete change of attitudes; however, they commented that this was a nice symbolic act and they would want to see more of such actions by private businesses and public institutions). The statement of companies when posting information on a new vacancy that the job is open for diverse people and that the company or organization treats people equally independent of their sexual orientation, gender identity, and other characteristics was also seen as a very positive practice. Respondents also referred to non-discrimination policies, training, or workshops for the team that covered the topic of LGBTQ inclusion and broader understanding by the top management and HR of the family members or significant others. For example, one respondent talked about the evacuation that their company organized for the team members in Kyiv and that this evacuation also included same-sex partners of the employees. The participant said that the information about the evacuation already included the words “wife/ husband or partner” (in feminine and masculine form) and that, indeed, a gay couple was evacuated under the same conditions as all the others. For the respondent it was an important proof that the company cared indeed about ALL employees.

Employers’ best practices. Open support by the organization for LGBTQ rights and awareness-raising

Choosing an LGBTQ-friendly employer

By the end of the interview, the participants were asked whether, if they were looking for a new job currently or in the future, they would give importance to and prioritize the attitudes of their potential employer toward LGBTQ people. All the respondents said that this factor is important to them. However, the importance varied depending on whether they have already had an experience of working with an LGBTQ-friendly employer and being open at their workspace or not. There are several citations from the interviews below illustrating this trend:

“I will be explicit about my orientation from the start. In the past, I did not mention that I had a [male] partner, I thought it was nobody’s business. But now they will ask me, how old are you? And if I say that I do not have a wife or I did not have a wife at this age...this will provoke questions. I would ask questions myself”

a gay man, 41 y.o, Kyiv, currently unemployed

“I think it is very important because if my potential employer does not tolerate even some other group, where is the guarantee that tomorrow or later they will not make it worse for other groups. So, today we are not tolerant towards women or LGBTQ people and tomorrow we will not hire you because of your skin color or, I do not know, the shape of your nose”

a lesbian woman working in education

“I would be very happy to hear explicitly at the first interview something like ‘we do not accept any kind of discrimination, and in the cases of discrimination, you can contact this person who is responsible for such issues...”

a gay man, non-profit sector

“It would have played a very important role for me. I would probably choose a job with a lower salary but with a more tolerant employer”

a gay man, electrical engineer, now in the military service

The participants had different opinion on when and how they would try to understand whether their potential employer was tolerant and LGBTQ-friendly; the people who are very open were more likely to say that they would disclose the information about themselves at the interview already because they would not want to end up with an organization that has problems with hiring LGBTQ people. Others were saying that they would be rather private about their belonging to LGBTQ community during the early period of working in a new company and would evaluate the environment first. In any case, everyone agreed that they would not be able to work for an openly homo- or transphobic employer unless there was no other option of earning the living. At the same time, considering the larger share of open about their sexual orientation people among the sampling for this study, we can only speculate on the number of people who do work for homo- and transphobic employers due to scarce job opportunities they have and who could not (for various reasons) be included in this research.

Importance of same-sex unions and other LGBTQ-friendly legislation

By the end of the conversation, the participants were asked about their knowledge of legal protection LGBTQ people can count on in Ukraine and whether they would consider appealing to such protection if they faced discrimination at work.

Based on the interviews, very few people are fully informed about the fact that the Labor Code of Ukraine holds a provision banning discrimination on the grounds of sexual orientation and gender identity (and, as section 4 shows, many LGBTQ people tend to overlook discriminatory practices against themselves). The participants who knew about the existence of the anti-discrimination law also said that the procedure of going to the court or police and trying to get compensation for being discriminated against is complicated and that they imagined it would not be easy for many LGBTQ people:

“Let’s imagine that I am bullied or fired, for example, for my sexual orientation. I would probably go to a lawyer. But I understand that it would be uncomfortable for me afterward to work in such a team. Even if the lawyer would protect me and make them hire me again, it would be too toxic of an experience for me. I know we now have a law about non-discrimination, but would a person be ready to go through this? The victim, would they be ready to make this path? I am concerned with this. If this happened to me, I would want them to pay for this, to be punished”

a gay man, IT sector, Kyiv

One of the last questions was always, **“What are your recommendations for the adoption of legislation or state policies or local campaigns to make the situation of LGBTQ people in the job market better?”**

All the respondents mentioned the bill about same-sex unions as the most important for them, as a symbol of larger acceptance by society but also as something that would allow them to live more openly. Many were also connecting the prevention of discrimination of LGBTQ people with combatting other types of discrimination, too.

“I follow closely the situation with the bill about civil partnership and the work of Inna Sovsun. I also follow the organization of Allies in Action (Soyuznyky v dii) all the time. For example, there was this case where the rector of the Lviv Medical Institute was making sexist remarks, and Inna Sovsun raised this point, and the rector was finally forced to leave his position. I believe this is a great achievement”

bisexual woman, Kyiv, works in marketing

Several respondents referred to the importance of the bill on the civil unions for the people in the military, first of all; yet for everyone, apart from the possibility to legalize relations with their partners, the bill would also mean being accepted by the state as one of the equal citizens, being visible.



**Vision for the
development of
equal rights for
LGBTQ+ people in
Ukraine until 2030**

Tymur Levchuk, expert on inclusion and diversity, Chairman of the Board of NGO “Fulcrum UA”

Zorian Kis, human rights activist, co-founder of NGO “Kyivpride” and NGO “Fulcrum UA”

For Ukrainian LGBTQ+ activists, Russia’s victory is an existential threat to both Ukraine’s sovereignty and the rights of LGBTQ+ people. A pro-Russian puppet government will be less supportive of the LGBTQ+ community’s agenda. Gay marriages are likely to remain unrecognized, and cases of discrimination and hate crimes will increase, as is currently happening in the territories occupied by Russia. The Ukrainian LGBTQ+ community has been talking about the threat from Russia since before it was a popular opinion, namely in 2011, when a similar draft law to the Russian one was registered in Ukraine to ban so-called “homosexual propaganda”. Since then, LGBTQ+ people have considered Russia a threat. That is why the victory of Ukraine and the protection of its independence is a priority for LGBTQ+ people. Today, many LGBTQ+ people have joined the ranks of the Armed Forces and are defending their country with arms.

Equal rights for the Ukrainian LGBTQ+ community are possible only in an independent Ukraine.

LGBTQ+ activists who have fought for equality for years have responded to the 2022 invasion with a renewed commitment to their cause, mobilizing their network to offer support to people in need.

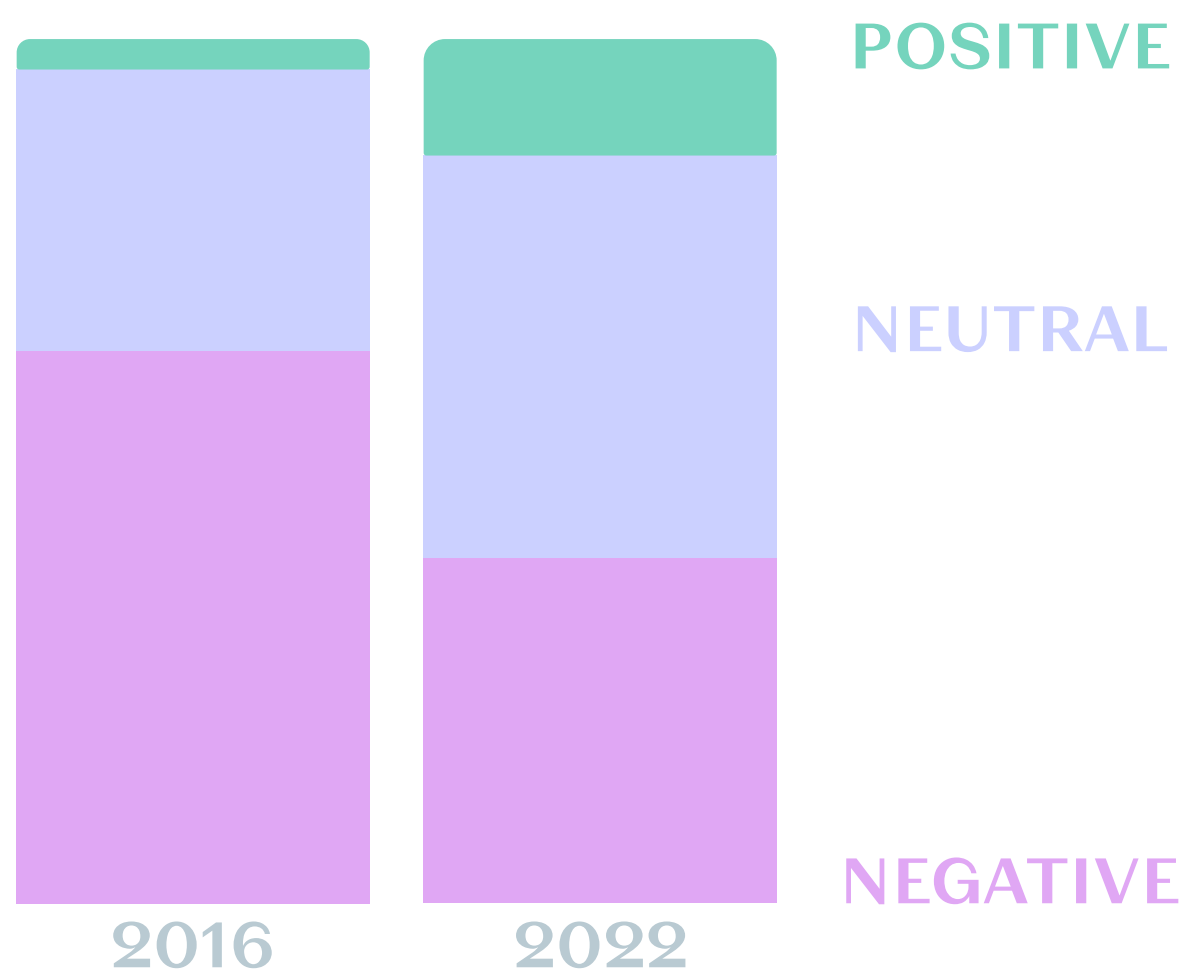
“I was impressed by the way the activist community responded, It’s very inspiring to witness people are not panicking, but organizing for the sake of the community”

human rights activist Lenny Emson, who led KyivPride in 2022

The study showed that Ukrainians have become more accepting of the LGBTQ+ community.

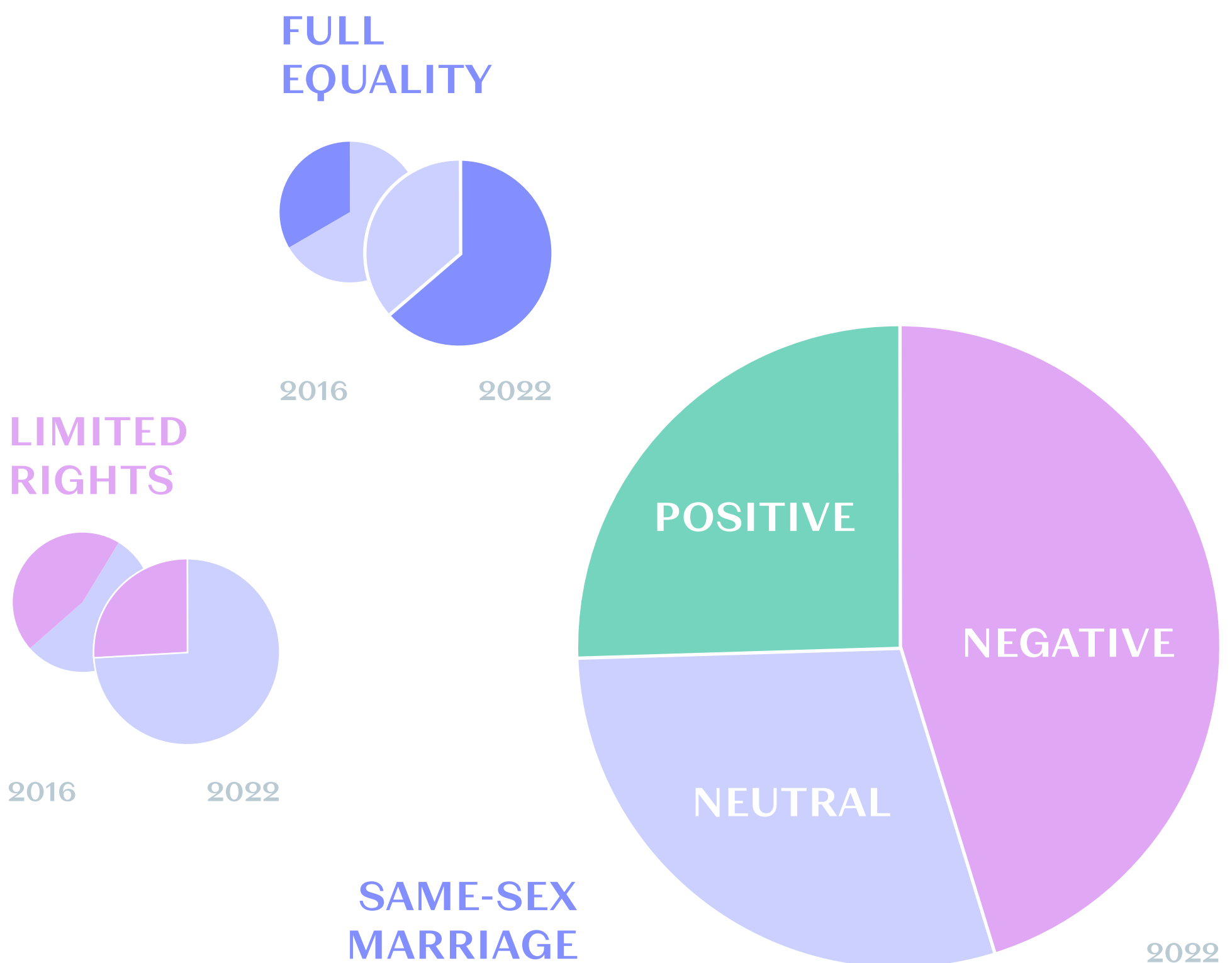
In 2022, the Kyiv International Institute of Sociology conducted a survey on the attitudes of Ukrainians toward members of the LGBTQ+ community. The LGBTQ+ Human Rights Center “Nash Svit” compared the results with the results of a similar survey conducted in 2016.

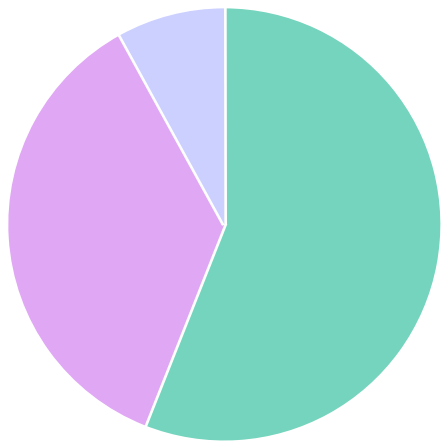
Over the past six years, the number of people who have negative attitudes toward LGBTQ+ people in Ukraine has decreased by one and a half times. In 2016, 60.4% of people held a negative attitude toward LGBTQ+ people, and by 2022, this percentage had decreased to 38.2%. The number of those who have a positive attitude toward LGBTQ+ people has also increased significantly (from 3.3% to 12.8%) and those who are indifferent (from 30.7% to 44.8%).



Young people aged 18-29 are the most tolerant towards LGBTQ+ people. No significant difference was found in this issue by regions of Ukraine. Among the representatives of various types of employment, students and pupils, as well as military and police officers, are the most tolerant towards LGBTQ+ people. Pensioners are the most intolerant.

Compared to 2016, the share of Ukrainians who support full equality for people of different sexual orientations has doubled (from 33.4% to 63.7%). The number of those who believe that the rights of LGBTQ+ people should be limited has almost halved (from 45.2% to 25.9%). However, the majority of Ukrainians still do not support same-sex marriage. Only 23.6% were in favor of them (in 2016, the number was 4.8%). 27.1% are indifferent to this issue and 41.9% are against it.





In addition, from January 4 to 16, 2023, the National Democratic Institute conducted a nationwide survey, which, among other things, asked whether respondents agreed with the statement that LGBTQ+ people should have the right to civil partnerships. This statement was supported by 56% of respondents, and another 8% were neutral.

It is predicted that by 2030, attitudes toward the LGBTQ+ community in Ukraine will improve. This positive shift is anticipated due to several contributing factors:

- ① Generational change: Young people who are more tolerant of the LGBTQ+ community will take up more key positions in society, politics and the economy.
- ② Further advancement of equal rights and freedoms for the LGBTQ+ community: the introduction of new legislation and reforms aimed at equal rights for LGBTQ+ people will help improve public attitudes towards them.
- ③ Educational programs and campaigns: conducting information campaigns and including the topic of tolerance and equality in the educational process will help to form a more positive attitude.

Advocating for legal change: recognizing same-sex couples and effectively combating hate crimes

Adoption and implementation of draft laws 9103 “On the Institute of Registered Partnerships” and 5488 “On Amendments to the Code of Ukraine on Administrative Offenses and the Criminal Code of Ukraine on Combating Discrimination”: ensuring the successful adoption and implementation of these draft laws will be an important step in strengthening the rights of the LGBTQ+ community in Ukraine.

In particular, the establishment of registered partnerships will enable LGBTQ+ couples to access equal rights and protections. Additionally, the draft law aimed at combating hate crimes will ensure the punishment of such offenses and protect individuals from discrimination.

The issue of registered (or sometimes it is called “civil”) partnerships in Ukraine is most often covered in the context of equal opportunities for same-sex couples, as thousands of them still cannot obtain equal rights in Ukraine as all other citizens.

However, in many developed countries, this institution is equally available to different-sex couples, as the introduction of registered partnerships for same-sex couples only deepens segregation in society. Given that the institution of marriage is strongly associated with religion in society, registered partnerships are an alternative for those same-sex couples who practice different religions or do not wish to marry for any other reason.

Partnerships offer the advantage of a quicker registration procedure and a simplified dissolution process. However, the extent of partners' rights varies from state to state, with some countries showing no significant difference from the institution of marriage, while others have more limited rights.

The introduction of the neutral institution of registered partnerships in Ukraine aims to regulate the relationship between the state and partners within society, providing the possibility to solidify their rights and obligations. Importantly, this approach avoids making any changes to the regulation of marriage relations, recognizing the sensitivity of this matter for individuals with specific religious beliefs at this stage.

In Ukraine, the adoption of the draft law on partnerships was initially slated for 2017. As part of the European integration process, the Ukrainian government pledged to develop a draft law on the legalization of registered civil partnerships for different-sex and same-sex couples by the second quarter of 2017. This was also envisaged by the National Human Rights Strategy for the period up to 2020 and was enshrined in the Government Order No. 1393-r of November 23, 2015. Despite these intentions, the draft law was not adopted within the specified timeframe, leading to the transfer of the obligation for consideration to the new National Human Rights Strategy, which was approved on March 24, 2021.

In order to implement the strategy, the Action Plan for 2021-2023 was approved, which enshrined the commitment to introduce the institution of registered civil On June 3, 2022, a petition (No. 22/144562-ep) was published on the website of the President of Ukraine, urging the immediate establishment of the legal framework for registering family relationships among persons of the same sex. By July 9, 2022, the petition garnered the necessary 25 thousand votes.

This need is particularly pressing due to the continuous threat to human life and health stemming from the ongoing hostilities. First of all, it is necessary to protect the rights of the military. Because thousands of them cannot formalize their relationships because their partners are of the same sex. Therefore, in cases of injury, disappearance or death, both military individuals and their families lack adequate legal protection from the state.

It's worth noting that neither draft law No. 9103 nor its alternative, currently being prepared by the Ministry of Justice of Ukraine, includes provisions for the right to adoption. This right will be the next advocacy goal of the LGBTQ+ community in Ukraine following the adoption of the draft law on registered partnerships.

The LGBTQ+ community is currently focusing on a draft law developed in accordance with subparagraph 3 of paragraph 105 of the Action Plan for the Implementation of the National Human Rights Strategy for the period up to 2020. This plan was approved by the Cabinet of Ministers of Ukraine on November 23, 2015, under No. 1393-p. The draft law also addresses paragraphs 26, 52, and 53 of the Action Plan for the Implementation of the Association Agreement between Ukraine and the European Union. This agreement, along with the European Atomic Energy Community and their Member States, was approved by Resolution of the Cabinet of Ministers of Ukraine No. 1106 on October 25, 2017.

The full-scale invasion of Ukraine by Russia has underscored the urgency of introducing the institution of registered partnerships

The essence of the problems addressed by the draft law includes:

- ① The need for the unification of terminology related to the use of the term “intolerance”;
- ② The removal of the part concerning criminal liability for discrimination from Article 161 of the Criminal Code of Ukraine. This pertains to direct or indirect restriction of rights or the establishment of direct or indirect privileges based on certain grounds;
- ③ The introduction of appropriate amendments to the Code of Administrative Offenses to partially decriminalize acts currently covered by Article 130 of the Criminal Code of Ukraine;
- ④ Ensuring punishment for crimes committed on the grounds of intolerance, specifically based on race, skin color, religious beliefs, sexual orientation, transgender identity, disability, language, etc.

Recommendations for local governments



The Draft Law on the Institute of Registered Partnerships No. 9103 of 13.03.2023 or similar should be adopted by the Verkhovna Rada of Ukraine.



The Draft Law on Amendments to the Code of Ukraine on Administrative Offenses and the Criminal Code of Ukraine on Combating Discrimination No. 5488 of 13.05.2021, or an alternative, must be adopted by the Verkhovna Rada of Ukraine.



City and regional councils should refuse to make manipulative statements about the above-mentioned draft laws, as they are not within their competence.

Reintegration of LGBTQ+ veterans

After the end of the war, Ukraine will become a post-war country with a large number of veterans, including many LGBTQ+ individuals. Therefore, providing reintegration and support for this group of people is becoming an important task. Social programs and services for veterans should be available without discrimination and taking into account the specific needs of LGBTQ+ veterans.

Reintegration of LGBTQ+ veterans into society requires a comprehensive approach that includes:

- ① providing medical, social, educational and psychological support;
- ② strengthening the legal framework;
- ③ ensuring gender equality;
- ④ combating stigma and discrimination;
- ⑤ cooperation with international organizations;
- ⑥ monitoring and evaluation of programs and services for LGBTQ veterans.

These measures will help LGBTQ+ veterans receive the protection and equal opportunities they deserve. This will be a proper recognition of their contribution to the defense of the state.

Creating an inclusive and tolerant society is an important task for Ukraine on its path to democratic development and ensuring equal rights for all

citizens. This includes providing an environment in which LGBTQ+ veterans can rebuild their lives and realize their potential.

It is worth noting that the veteran community mostly demonstrates a willingness to include LGBTQ+ people in their advocacy goals and information campaigns. A vivid example of this is the information campaign “Veterans are different. The victory is the only one”, when billboards with Ukrainian veterans were placed on the streets of Ukrainian cities, emphasizing respect for all those who make Ukraine stronger. This information campaign was launched by the Ukrainian Veterans Fund of the Ministry of Veterans with the support of the Independent Anti-Corruption Commission (NAKO). This photo project was developed by a well-known defender Dmytro Kozatsky, call sign Orest, a fighter with the Azov Regiment, whose photos from Azovstal have gained global recognition. Together with the Ukrainian Veterans Fund communications team, he devised the concept of symbolic stories to underscore the veterans’ deferred dreams—what the heroes had to put on hold due to the war and what they are now fighting for. The main objective of this social advertising is to foster respect for veterans in society, regardless of gender, age, nationality or sexual orientation.

In general, today’s society respects veterans and holds pride and gratitude for their service. Nevertheless, some stereotypes about military personnel persist, highlighting the ongoing issue of discrimination against various social groups within the Armed Forces. This is underscored by the survey titled “Issues of Discrimination of Different Social Groups in the Armed Forces of Ukraine, March 27-29, 2023”, conducted by the sociological group Rating. Social positions often either directly contradict each other or exist within the boundaries of stereotypes. Minimizing this dissonance was the objective of the social advertising campaign “Veterans are different. The victory is only one”.

After the end of the war, Ukraine will become a post-war country with a large number of veterans, including many LGBTQ+ individuals. Therefore, providing reintegration and support for this group of people is becoming an important task. Social programs and services for veterans should be available without discrimination and taking into account the specific needs of LGBTQ+ veterans.

“The attitude towards LGBT+ people raises questions. Since the beginning of the full-scale invasion, it has become more neutral. However, if a person serves in the Armed Forces, the attitude improves significantly. Society supports the idea of granting equal rights to partners of LGBTQ servicemen and women, as there is a prevailing belief that such individuals face significant discrimination,”

Ruslana Velychko-Trifoniuk, First Deputy Executive Director of the Ukrainian Veterans Fund

A similar dynamic is observed in the case of representatives of national minorities: when they serve in the Armed Forces, societal attitudes significantly improve. However, when it comes to the prospect of a member of a national minority leading a Ukrainian unit, many respondents express doubts. This is noteworthy, considering that the overall societal belief is that individuals from ethnic minorities are not subjected to discrimination during their service.

“That’s why we wish to emphasize that dedication to Ukraine and leadership in the defense of our country are qualities that transcend gender or age”

Olena Tregub, NAKO Secretary General

Recommendations for local governments



Medical care: Ensure access to medical care and psychological support, including specialized services for veterans, with a focus on meeting the needs of the LGBTQ+ community. This may involve establishing dedicated medical centers or adapting existing facilities to provide specialized services for LGBTQ+ veterans.



Social security: support for LGBTQ+ veterans in the social sphere, including housing, financial assistance, and veteran benefits without discrimination.



Education and vocational training: creating opportunities for education and vocational training for LGBTQ+ veterans to help them find employment and adapt to the workplace.



Civil society organizations and support networks: involve LGBTQ+ veterans in the activities of civil society organizations and create support networks that can help with reintegration and adaptation to civilian life.



Strengthening the legal framework: developing and implementing legislation that will ensure equal rights and protection for LGBTQ+ veterans from discrimination and violence, and facilitate their reintegration into society.



Ensuring gender equality: taking into account the needs of women veterans, including LGBTQ+ women, in the reintegration process to provide specialized services and support, as well as creating opportunities for leadership development and active participation in public life.



Combating stigma and discrimination: developing and conducting information campaigns to raise public awareness of the problems and challenges faced by LGBTQ+ veterans, as well as to promote a tolerant and inclusive society.



Cooperation with international organizations: establishing partnerships with international organizations and foundations working in the field of human rights, protection of the rights of the LGBTQ+ community and reintegration of veterans to share experience and receive financial and technical support.



Monitoring and evaluation: implementing a system for monitoring and evaluating the effectiveness of programs and services aimed at reintegrating LGBTQ+ veterans to ensure continuous improvement and meet the needs of this individuals.

In the field of education

In accordance with paragraph 2 of Article 3 of the Law of Ukraine “On Education”, equal opportunities for access to education are guaranteed in Ukraine. No one shall be restricted in the right to education.

At the same time, the list of grounds on which the right to education is guaranteed does not encompass characteristics such as sexual orientation and gender identity (SOGI). Although the list is open-ended, concluding with the phrase “other circumstances and characteristics”, it explicitly mentions various protected characteristics, including age, gender, race, health status, disability, citizenship, ethnic origin, political and religious beliefs, skin color, place of residence, language, origin, social and property status, and criminal record).

Lack of effective mechanisms to prevent and combat bullying. According to a study of the school environment:

- ① the majority of LGBT students (88.5%) faced verbal harassment at school (insults or threats);
- ② 50,3% of those who have experienced negative statements about their gender reported hearing such statements from teachers and other school staff;
- ③ 53,5% of LGBT students have been physically abused at some point in the last year;

- 65,8% of LGBT students who experienced victimization never reported it to school staff because they were convinced that they would not intervene or that their intervention would not be effective.

The definition, typical signs, and procedures for responding to cases of bullying, as well as the responsibilities of those involved, have been outlined by Ukrainian legislation since January 19, 2019, following the enactment of the Law of Ukraine “On Amendments to Certain Legislative Acts of Ukraine on Countering Bullying (Harassment)”. It was only in February 2019 that a Ukrainian court upheld the first decision in a bullying case, although this particular case was not related to SOGI-related bullying.

In 2017, inclusive education was introduced in Ukraine. However, by definition, inclusive education does not incorporate a SOGI component, but is exclusively focused on people with disabilities (in accordance with the provisions of the Law of Ukraine “On Education”). In schools, teachers do not mention SOGI and LGBTQ issues, or do so only in a negative context. Mandatory professional training for school teachers does not include SOGI-ESC and LGBTQ issues. A national action plan to prevent and combat bullying has not been adopted. Schools do not have local action plans to prevent and combat bullying.

Recommendations for local governments



Develop and implement a non-discrimination policy that takes into account the needs and rights of LGBTQ+ adolescents in schools and other educational institutions.



Provide professional training for teachers and other educational staff on LGBTQ+ rights and issues.



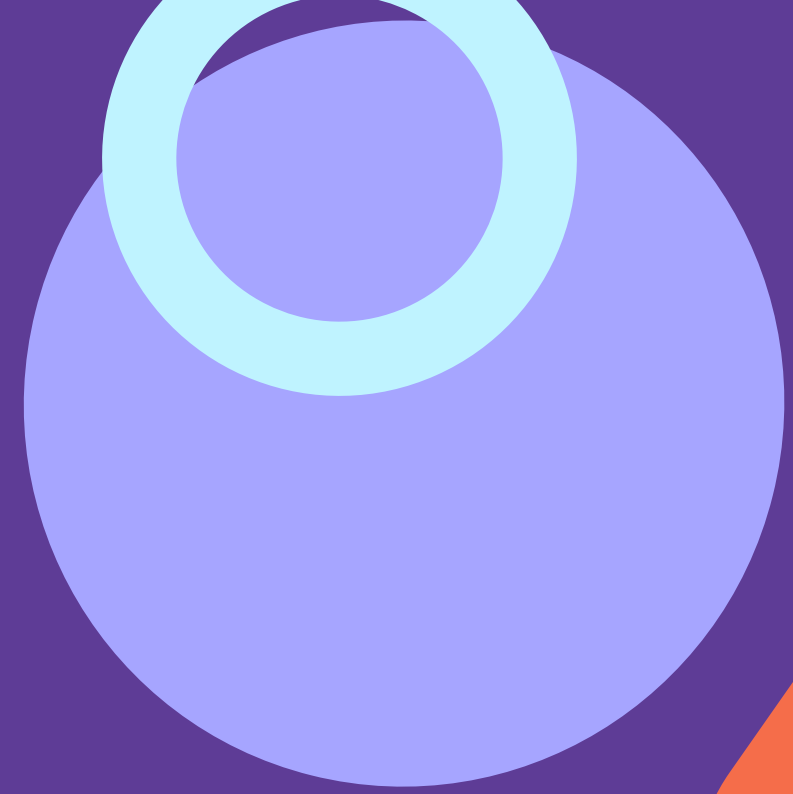
Create a safe environment of support for LGBTQ+ adolescents in educational institutions.



Provide access to information on LGBTQ+ rights and issues through courses, seminars and other educational activities.



Maintain cooperation with civil society organizations that protect the rights of LGBTQ+ people and promote inclusiveness in society.



**Draft law 9103: Step
Towards a
Progressive
European State**

Partnerships in European countries

Mariia Klius, lawyer, who worked on drafting No.9103 in Inna Sovsun's team

On February 28, 2022, Ukraine officially applied for membership in the European Union, and on June 23, it was granted EU candidate status.

Our further integration into the political and legal space of European countries requires active efforts in various areas. One important aspect is the implementation of standards in the areas of human rights, democracy and the rule of law.

Human rights standards are often set by the Council of Europe. Therefore, Ukraine's fulfillment of its obligations to the Council of Europe is also an important criterion for the EU. 30 of the 46 member states of the Council of Europe already offer same-sex couples the opportunity to obtain legal recognition of their relationship.

European countries follow different paths: some move to marriage equality after introducing partnerships (e.g. Denmark, Sweden, Finland, Norway or Germany). Others leave the institutions of partnership and marriage equally accessible to all (France, Austria, Belgium, Spain, etc.). Some states have not introduced marriage equality and only partnerships are available in the country (Latvia, Hungary, Czech Republic, Italy).

On June 1, 2023, the European Court of Human Rights, which operates within the Council of Europe, in its judgment in the case of Maymulakhin and Markin v. Ukraine confirmed that Ukraine, as a state party to the European Convention on Human Rights, is also obliged to provide a legal framework for same-sex couples to receive proper recognition and protection of their relationships.

It is up to us to decide which path Ukraine will take. According to the draft law submitted to Ukrainian Parliament, partnerships will be available to both same-sex and different-sex couples. Conceptually, a partnership is a new form of family.

Currently, the Family Code stipulates that a family is created on the basis of marriage, blood ties, adoption, or other grounds. Partnerships will become a new basis for creating a family.

Partnerships are similar to marriages, but they differ somewhat in the scope of rights and obligations, as well as procedural features.

In terms of rights and obligations, the main difference concerns paternity and maternity, as this is not regulated in a partnership. However, there are other differences as well

Partnerships in Ukraine: a concept

Difference in the scope of rights and obligations

	MARRIAGE	PARTNERSHIP
Status of family and first-degree relatives	✓	✓
Automatic joint property	✓	✓
Possibility to conclude an agreement for a different property regime	✓	✓
The right to divide property at any time	✓	✓
Declaration of property of another person in a couple	✓	✓
The right to inheritance by law	✓	✓
The right to inherit by law	✓	✓
Mutual loans	✓	✓
Program assistance to families	✓	✓
Receiving insurance payments for the other person in the couple	✓	✓
Benefit for the loss of a breadwinner	✓	✓
Medical decision-making	✓	✓
The right to visit in intensive care	✓	✓
Decision on pathological examination	✓	✓

Residence permit for foreigners	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Simplified acquisition of citizenship	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Vacation at a time convenient for the other person in the couple in the cases provided	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Leave due to the birth of a child for the other person in the couple	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Rights regarding the child of the other person in the couple	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Adoption, custody of a child of another person in a couple	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Adoption, custody of another child by a couple together	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Child support and alimony	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Accompanying a child on trips abroad	<input checked="" type="checkbox"/>	<input type="checkbox"/>
The right to study and establish the causes of death	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
The right to familiarize oneself with the conclusion on the cause of death and, if necessary, to appeal it	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Receiving payments that should have been received by the deceased	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

Material compensation as a result of the death of another person in a couple under special circumstances	✓	✓
Compensation for damages due to the death of a partner in cases provided for by law	✓	✓
Refutation of inaccurate information	✓	✓
After the death of another person in a couple to dispose of his/her tissues and organs	✓	✓
Burial, cremation, receipt of ashes, decision-making on the ceremony and details of the burial site	✓	✓
The right to be buried next to each other	✓	✓
Compensation for desecration of the grave of the other person in the couple	✓	✓
Rights in connection with the disappearance of the other person in a couple	✓	✓
The right not to testify against the other person in a couple	✓	✓
The right to apply for the restriction of civil capacity and custody of another person in couple	✓	✓

The right to receive visits in places of detention	✓	✓
Recognition in case of registration abroad	✓	✓
Ability to marry foreigners	✓	✓
Change of surname	✓	✗

Rights that are not provided in a partnership may be available through other institutions. For example, the payment of alimony may be regulated by the provisions of the law regarding the parents of a child who are not married to each other. That is, if the partners are people of different genders, their rights in this area will be regulated by the rules of another area.

Or, for example, the right to change one's surname is available under a general procedure and does not necessarily have to be related to marriage. That is, partners can still use this right and change their surname, but there is no separate procedure related to partnership.

It should also be borne in mind that the currently submitted draft law does not yet enshrine all of these rights, as it does not regulate issues in the criminal, criminal procedure or tax spheres. Therefore, such rights as the right not to testify against the other person in a couple or the right to receive visits in places of detention are yet to be further elaborated.

Difference in the procedure

According to the draft law, partnerships will be registered at registry offices within 10 days of filing an application. There is an option to submit applications through Diia, and there are special provisions for those who cannot come to the registry office to register a marriage, including military personnel. Their documents can be certified by their commanders or doctors, and this can be done via video communication.

Marriages are also registered through registry offices, but the deadlines are different - one month from the date of application. Similarly, it is possible to submit applications through Diia. During martial law, marriages can also be concluded without the presence of a person, and there are special provisions for military personnel or persons in hospitals.

Dissolution has a few more differences. A partnership is mostly dissolved through the registry office - if there is a mutual consent of the partners, the procedure takes a month. In marriage, the provisions are similar, but dissolution through the registry office is possible only if the spouses have no minor children.

If only one of the partners wants to dissolve the partnership, it is provided that the partnership is dissolved by the court. This occurs in a separate proceeding, i.e. it is an indisputable case where the court only confirms the existence of the fact that there is a person's will, and the other party is duly notified and aware of the dissolution procedure.

In the case of marriage, if only one of the spouses wants to dissolve it, court intervention is necessary. The law provides for “reconciliation” procedures, the court must clarify the circumstances and grounds for dissolution, which involves a longer procedure.

According to the draft law, both same-sex and different-sex couples can register partnerships if the partners are at least 18 years old. For same-sex couples, this will be the first opportunity for official recognition. However, the institution can also be beneficial for different-sex couples as an alternative to marriage or cohabitation without registration.

This format of relationship registration can be useful if a different-sex couple wants to register a partnership as a preliminary step before registering a marriage; or if the couple does not want to get married because of the length and complexity of the divorce process; or if they do not want to get married because of religious reasons, social expectations regarding the role of “husband” and “wife”, etc.

In general, partnerships can better reflect the real dynamics, essence and nature of the relationship between people, especially if the individuals live in the same family but are not a couple. That is why they are popular worldwide and between different-sex couples. For example, in France, where marriages and partnerships are accessible to all, both institutions are almost equally popular: in 2022, the number of partnerships amounted to 192 thousand (10 thousand of them same-sex), and marriages - 244 thousand (7 thousand of them same-sex).

Partnerships for different-sex couples

At the same time, a partnership protects different-sex partners more than just cohabitation without any registration, and there is no need to go to court to recognize it.

How to support

In order for the draft law to be supported in the Parliament, it needs to be supported at all levels.

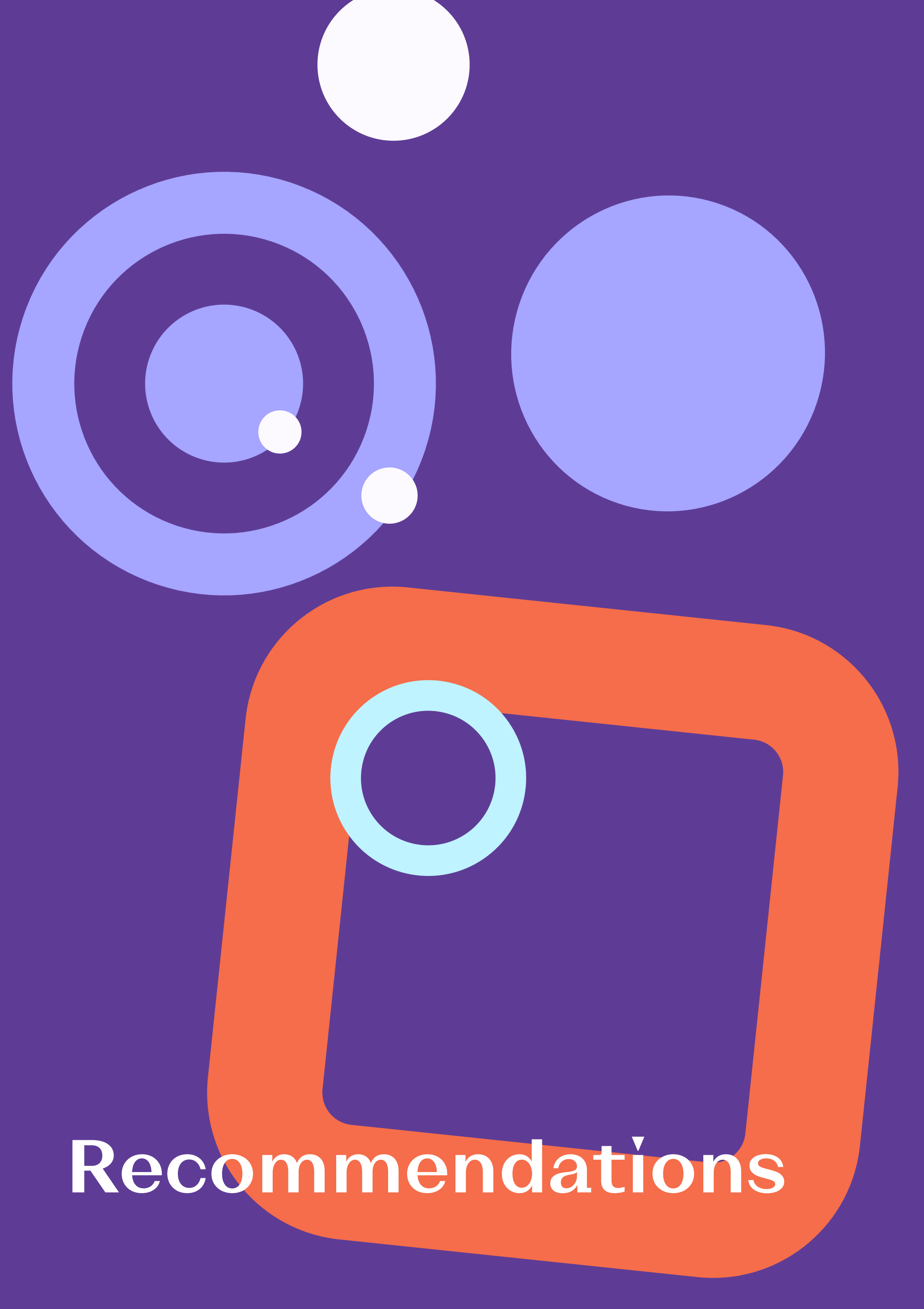
Publicity on social media, in various formats (videos, comments, publications, information dissemination), plays a big role.

It is also necessary to write official letters and emails to MPs asking them to support the draft law during the voting and join its advocacy. Those interested can use a chatbot by scanning a QR code on the left that will help them draft and send a letter to the Parliament.



First of all, we need to send an appeal to the members of the Verkhovna Rada Committee on Legal Policy. After all, it was this committee that was identified as the main committee for this draft law and they will make the most important decisions on it.

It is also worth sending letters to the heads of other committees to which the draft law was distributed. While the decisions of other committees may not be final, they can be important when the main committee makes a decision. It is also important to contact the deputies from your district. You can even make an appointment with them at a public reception center and express your support in person.



Recommendations

To the national government



To take measures to ensure the implementation of anti-discrimination legislation regarding sexual orientation and gender identity on the workplace (namely, Constitution of Ukraine, Law of Ukraine 5207-VI on foundations of prevention and combatting discrimination, Labor Code of Ukraine)



To adopt and implement law 9103



To consider the introduction of employment quotas for the employment of LGBTQ people in public institutions.



To consider encouragement mechanisms (economic, fiscal) to encourage businesses to hire LGBTQ people and to introduce more inclusive HR policies.

To local authorities



To organize police training to make sure that the mechanisms to prevent and combat discrimination at the workplace regarding SOGI works



To consider informational campaigns and other positive reinforcement mechanisms to encourage local businesses to conduct more inclusive HR policy

To international organizations



To support projects covering dialogue, awareness raising, and education/training of public officials, politicians, and local businesses to improve the situation with the inclusion of LGBTQ people in the workplace



To support projects that provide LGBTQ individuals with professional development opportunities, qualification changes, and increased awareness of their rights and mechanisms of protection from discrimination in Ukraine

To businesses



To make sure that principles of non-discrimination (diversity, equality, and inclusion) are clear to all staff members and are a part of hiring and employment policies



To include part of non-discrimination and inclusion training in the staff onboarding process. Ensure that the topic of SOGI is properly covered.