



His Excellency Petro Poroshenko  
President of Ukraine  
11 Bankova street  
01220 Kyiv, Ukraine

*August 4, 2015*

Your Excellency,

We, the undersigned international human rights organizations, welcome public statements you made on June 5, 2015, in support of the enjoyment of constitutionally protected rights of all Ukrainian citizens without discrimination. We urge you to ensure that as legal and constitutional reforms advance in Ukraine, that the principles of equality and non-discrimination in the enjoyment of human rights and state protection become firmly entrenched in Ukrainian law. In particular, we urge you to ensure that lesbian, gay, bisexual, transgender, and intersex (LGBTI) people are protected, and sexual orientation and gender identity are included as specific and enumerated grounds for protection in the non-discrimination provisions of the new Constitution.

LGBTI people in Ukraine endure regular discrimination and violence for which there is rarely accountability. The most recent example was the June 2015 Kyiv Equality March, which was marred by violent attacks in which nearly two dozen police officers and participants were injured. This attack was clearly targeted at LGBTI people and those who support and promote their constitutional rights. This attack, along with dozens of others documented by Nash Mir<sup>1</sup> and Amnesty International<sup>2</sup>, results from the false belief that it is acceptable to discriminate and use violence against people based on their sexual orientation or gender identity.

Article 42 of the draft of the new Constitution prohibits discrimination on the grounds of “gender, race, skin color, ethnic or social origin, genetic features, language, religion or belief, political or other opinion, belonging to indigenous peoples and national minority, material standing, residence, disability, age or other grounds.” The draft does not explicitly ban discrimination on the basis of sexual orientation and gender identity. By excluding the grounds of sexual orientation and gender identity included in earlier drafts, the current draft misses an important opportunity to send a message that violence and discrimination against LGBTI people is not acceptable and to establish a legal foundation for combatting such violence and discrimination. The failure to include sexual orientation and gender identity in the 2012 anti-discrimination legislation, the National Human Rights Strategy, and the new draft Labor code are similarly missed opportunities.

---

<sup>1</sup> See [http://www.gay.org.ua/publications/lgbt\\_ukraine\\_2014-e.pdf](http://www.gay.org.ua/publications/lgbt_ukraine_2014-e.pdf)

<sup>2</sup> See <http://www.amnestyusa.org/research/reports/nothing-to-be-proud-of-discrimination-against-lgbti-people-in-ukraine> and <https://www.amnesty.org/en/latest/news/2015/06/homophobic-violence-mars-gay-pride-rally-in-kyiv/>

We believe that your strong statements in support of human rights, such as the one you made on June 5, 2015, prior to the Equality March, empower people in Ukraine to take full advantage of their human rights and send a signal to the government and society that everyone should enjoy the same rights without discrimination or fear of violence.

We urge you to continue to actively and vocally support the full enjoyment of all human rights by all people in Ukraine and to push for a comprehensive anti-discrimination provision in the new Constitution (Article 42) that specifically includes sexual orientation and gender identity as protected characteristics and enshrines the full equality of LGBTI people before the law in Ukraine.

We realize some policy makers oppose inclusion of any mention of sexual orientation and gender identity in a new Constitution or any official document based on professed religious or other convictions. However, these opinions should have no bearing on the “compelling positive obligation” of the Ukrainian government to protect the LGBTI community from discrimination and violence, as established by the European Convention on Human Rights and numerous other international human rights treaties to which Ukraine is a party.

Ukraine’s progress in securing the enjoyment of human rights by all and rejecting discrimination should be bolstered by strong non-discrimination language in the Constitution, including based on the grounds of sexual orientation and gender identity. We encourage you, as a guarantor of constitutional rights in Ukraine, and as Ukraine’s President to lead on this important human rights issue and advocate for a policy of non-discrimination without any exception.



Denis Krivosheev  
Regional Deputy Programme Director  
for Europe and Central Asia,  
Amnesty International



Robert Herman  
Vice President for Regional Programs,  
Freedom House



Boris Dittrich  
Advocacy Director  
Lesbian, Gay, Bisexual and  
Transgender Rights Program,  
Human Rights Watch