



Human Rights Watch

Item 6 - Adoption of the UPR outcome of Ukraine

14 March 2013

The Universal Periodic Review of Ukraine addressed a range of concerns, two of which Human Rights Watch will address in particular: discrimination based on sexual orientation and gender identity including homophobic legislation currently pending in parliament; and access to pain care medicine and the right to health.

We deeply regret that Ukraine rejected over a dozen recommendations to prohibit discrimination based on sexual orientation and gender identity and to drop homophobic laws.

Despite protections enshrined in the Ukrainian Constitution, LGBT people remain a discriminated and stigmatized group in Ukrainian society. Throughout 2012 and in early 2013 there have been a growing number of attacks by neo-Nazi and nationalist groups targeting LGBT-related events, including peaceful public protests.

These recent attacks on LGBT activists also underline the urgency in strengthening anti-discrimination legislation and police response to attacks against LGBT people. Human Rights Watch has documented a number of attacks on LGBT activists and others in 2012 and 2013. For example, in June 2012, an unidentified man approached Kiev Pride head Taras Karasiichuk near his home, asked his sexual orientation, and beat him, breaking his jaw and giving him a concussion. Investigators were unable to identify the attacker. In December 2012 and February 2013, Karasiichuk was approached by groups of men who warned him against organizing Kiev Pride and threatened to beat him. The authorities opened criminal investigations, but failed to consider the activist's sexual orientation or activism as a motivating factor.

In light of these developments and Ukraine's obligations under international law, we call on the Ukrainian government to:

- Speak out against the homophobic laws currently pending before the parliament, making clear that they breach Ukraine's international obligations and for President Viktor Yanukovich to reject the laws should the parliament adopt them;
- Ensure effective investigations into acts and threats of violence against members of the LGBT community and hold accountable those responsible for such actions;
- Ensure adequate protection for organizers of LGBT-related events and their participants;
- Condemn, at the highest levels, rhetoric likely to incite discrimination, violence, or hostility against LGBT people and make clear such expressions have no place in Ukrainian society;
- Include sexual orientation and gender identity as non-discrimination grounds in all anti-discrimination legislation.

In this regard we welcome the Ukrainian Cabinet of Ministers' recent proposal to include sexual orientation as ground prohibited for discrimination in Labor Code.

Regarding the right to health, we welcome Ukraine's acceptance of three recommendations on health. Ukraine has committed to take effective measures to develop the health sector, including by increasing budgetary allocations to it. We also recognize Ukraine's recent registration of oral morphine, an essential pain medication and a cornerstone of treatment for cancer pain, as a major step toward improving end-of-life care.

We hope the government will now ensure doctors are trained in the use of oral morphine and that public clinics have budgets to procure the medication so that the tens of thousands of patients who require oral morphine each year in Ukraine will be able to access it. We also hope that the government will adopt the draft new drug control regulations, currently under consideration by the Ministry of Justice, which would remove several barriers to access to opioid analgesics.

Thank you.

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