

# Summary of Legislation Related to the Rights of LGBT, other MSM, and PLWH

## Ukraine



| Legislative Aspect                                                                          | Law                                                                       | Practice                                                                                                                                                                                                                                                                                                                                                                        |
|---------------------------------------------------------------------------------------------|---------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Travel and Immigration Bans on People Living with HIV (PLWH)                                | There are no legal obstacles for PLWH to travel or immigrate to Ukraine.  | Since 2015, PLWH have been able to legally immigrate to Ukraine. However, people with an AIDS diagnosis may be refused entry.                                                                                                                                                                                                                                                   |
| Criminalization of HIV Transmission                                                         | Transmission of HIV is criminalized.                                      | Knowingly subjecting another person to the danger of HIV infection is punishable by imprisonment of up to 3 years; infection of another person with HIV by someone who knows they are infected is punishable by imprisonment of up to 5 years; HIV transmission resulting from professional negligence of medical professionals is punishable by imprisonment of up to 3 years. |
| Ban on Blood Donation by MSM                                                                | MSM are prohibited from donating blood.                                   | Both men and women engaging in same-sex sexual relations are prohibited from donating blood, as it is considered a form of risky sexual behavior.                                                                                                                                                                                                                               |
| Criminalization of Same-Sex Sexual Activity                                                 | Same-sex sexual activity is legal.                                        | Same-sex sexual activity was decriminalized in 1991. Age of consent is 16 for both men and women.                                                                                                                                                                                                                                                                               |
| Ban on "Homosexual Propaganda"                                                              | There is no ban on "homosexual propaganda".                               | A draft bill "On the Prohibition of Propaganda of Homosexuality Among Children" was submitted to the Ukrainian Parliament in 2012. The bill was later removed from consideration in 2014.                                                                                                                                                                                       |
| Laws on Gender Identity and Expression (changing one's legal gender and related procedures) | A person may change their legal gender according to existing legislation. | In order to change one's legal gender, a person must undergo irreversible sterilization, hormonal treatment, and other necessary surgical procedures. Gender reassignment procedures are available in the country, but are not covered by state medical insurance. Many Ukrainians cannot afford the costs related to these procedures.                                         |

Eurasian Coalition on Male Health



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| <b>SOGI Antidiscrimination Laws</b>         | Discrimination on the basis of sexual orientation and gender identity is prohibited in the field of labor. | In November 2015, the Ukrainian Parliament approved a bill that prohibits discrimination on the basis of sexual orientation or gender identity in the field of labor. In other areas of public life, discrimination is prohibited by the Constitution of Ukraine. However, the Constitution does not expressly mention sexual orientation or gender identity. |
| <b>Hate Crimes Legislation</b>              | There is no comprehensive hate crimes legislation.                                                         | Aggravating criminal circumstances arise when a crime is committed on the basis of the victim's nationality, race, or religion, but there are no provisions including sexual orientation or gender identity.                                                                                                                                                  |
| <b>Recognition of Same-Sex Partnerships</b> | There is no recognition of any kind of same-sex partnership or union.                                      | Marriage is the only form of legal partnership and is only available to opposite-sex couples. However, the government of Ukraine intends to enact a gender-neutral civil partnership law by 2018.                                                                                                                                                             |
| <b>Adoption</b>                             | There is no legal act allowing LGBT people to jointly adopt children.                                      | Single parents are eligible to adopt children. Thus, it is still possible for LGBT people to adopt                                                                                                                                                                                                                                                            |



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