

UKRAINE - AMNESTY INTERNATIONAL SUBMISSION FOR THE EUROPEAN UNION ENLARGEMENT PACKAGE 2024

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This submission details Amnesty International's human rights concerns in relation to Ukraine and outlines key recommendations that the EU should address in the framework of Ukraine's EU accession process as well as other ongoing engagement, including the forthcoming EU-Ukraine human rights dialogue.

Ukraine's path to EU membership opens the door for strengthened engagement, additional avenues of EU support and an unprecedented drive for reforms within the country. Building on this momentum, the EU and its member states should ensure that the accession [Negotiating Framework](#) for Ukraine and the development of benchmarks – including around technical and financial support foreseen under the [Ukraine Facility](#) – are effectively used to protect and promote human rights and encourage and support genuine reforms in the field of the judiciary and fundamental rights.

While focusing on recommendations towards the Ukrainian authorities, in the context of Russia's ongoing war of aggression against Ukraine, this submission does not by any means absolve Russia of its responsibilities and obligations. Indeed, Russia's full-scale invasion has triggered an extensive human rights, humanitarian and displacement crisis and many of the human rights challenges people in Ukraine face today, must be placed within the broader context of Russia's aggression in Ukraine.

It will therefore be crucial that efforts to support human rights reforms in Ukraine are coupled with and reinforced by the EU and its member states' unwavering commitment towards:

- Upholding international law in the context of Russia's war of aggression and holding perpetrators of gross human rights violations and war crimes to account;
- Providing sustainable humanitarian, recovery and reconstruction assistance to the people of Ukraine.

This briefing covers the following key issues which the EU should address in the framework of Ukraine's EU accession process and other ongoing engagement with the authorities:

1. [Strengthening Ukraine's judiciary and securing comprehensive justice for victims](#)
2. [Support to at-risk groups affected by the war](#)
3. [Women's rights and gender-based violence](#)
4. [LGBTI people's rights](#)

STRENGTHENING UKRAINE'S JUDICIARY AND SECURING COMPREHENSIVE JUSTICE FOR VICTIMS

Over the past year Amnesty International has documented and reported on war crimes and other violations of international humanitarian law by Russian forces, including [deadly strikes on civilian infrastructure](#), [ill-treatment of prisoners of war](#), illegal practices of enforced disappearance, arbitrary and incommunicado detention of civilians residing under Russian occupation including their ill-legal transfer to the territory of Russia, torture and other forms of ill-treatment in detention, and violations of the rights of children and older people who have been disproportionately

affected as a result of the full-scale invasion. Attacks on critical infrastructure, including the [destruction of Khakovka dam](#), have also led to violations of the rights to housing, health and education and will have long-standing negative consequences for the environment.

However, it is important to stress that the armed conflict in Ukraine did not begin on 24 February 2022. It has been raging since February 2014, when Russia sent its troops to occupy Ukraine's Crimea and subsequently entered parts of eastern Ukraine. Amnesty International has [documented](#) widespread violations of international humanitarian and human rights law, including war crimes, over the past ten years of this international armed conflict and it is paramount that the people of Ukraine receive truth, justice and reparations for the devastating impact this war has had over the past decade.

Indeed, urgent steps are needed to ensure effective, independent and impartial investigations into crimes under international law, including the crime of aggression, and that anyone against whom there is sufficient admissible evidence of responsibility for such crimes is prosecuted in fair trial, which also uphold victims' rights to truth, justice and reparations.

The EU and its member states have pursued multiple pathways for international justice and accountability, including through the principle of universal jurisdiction. This response has been crucial in the pursuit of international justice and must serve as a blueprint for the EU's response to other crises across the world. However, achieving justice in Ukraine will require long-term political commitment and **sustained support for the various accountability mechanisms** established and duly proposed at both national and international levels. To ensure that justice triumphs over impunity, the EU and its member states must now see their efforts through to the end by guaranteeing adequate resources and redoubling their efforts to promote a victims-focused approach to justice.

Beyond these efforts, a long-term and comprehensive approach to justice requires Ukrainian investigations, prosecutions, and trials, alongside complementary international justice mechanisms and processes. Given the ongoing conflict, as well as the scale and nature of crimes being documented, it is likely that significant international assistance will be required to strengthen, and further develop the capacity of, Ukraine's existing architecture of justice, and enhance its determination and capabilities to investigate and prosecute all crimes under international law committed on its territory in line with international standards.

Amnesty International believes that a comprehensive '**needs assessment**' of the **Ukrainian justice system** which, while recognizing the willingness of the Ukrainian authorities to undertake international justice processes, aims to assess the existing capacity of the Ukrainian justice system, as well as any gaps in technical and legal capacity is a critical exercise to ensure justice and accountability for victims of Russian aggression in Ukraine. To this end, Amnesty International intends to publish, with a Ukrainian partner organization, a report, setting out findings of such a needs assessment, and corresponding recommendations, in 2024. It is hoped that the 'needs assessment' document will serve as a tool for policy makers in their decision-making process aimed at further developing Ukraine's justice architecture to improve its capability to deliver effective and meaningful justice to the victims of international crimes and other serious violations in Ukraine.

Even prior to the full-scale invasion of 2022, Ukraine's legal system faced challenges with regard to the investigation and prosecution of crimes committed in the context of the Russian occupation of the Crimea and Donbas. Many of the challenges that faced the justice system prior to 2022 (including technical and legal capacity issues) have been dramatically exacerbated by the full-scale invasion which has led to an enormous number of cases involving crimes under international law. While financial and technical assistance from Ukraine's international partners has been forthcoming, challenges are not of resources alone. Training and capacity building are prerequisites of the development of an effective justice architecture and should be significantly increased given the scale of the challenges. In addition, structural issues, such as issues of coordination between agencies involved in collecting and documenting violations, or concerns regarding the system of professional training and judicial appointments have hindered such efforts. Critically, the dearth of domestic legislation incorporating both substantive and procedural elements of international law threatens to undermine national-level justice efforts.

Ukraine should **urgently ratify the Rome Statute** and harmonize its domestic legislation with international law. This call must be a key component in the ongoing EU accession process and should be consistently and publicly reiterated in the EU's engagement with the authorities, given Ukraine's commitment to ratify and implement the Rome Statute

in the [EU-Ukraine Association Agreement](#). In light of the arrest warrants issued by the ICC, including most recently against [two senior officers of the Russian Armed Forces accused of the war crime of directing attacks against civilian objects](#), it is imperative that Ukraine ratifies the Rome Statute to ensure that it can: fully cooperate with the Court most effectively as a state party; gain full benefit as a member of the ICC's Assembly of States Parties and; demonstrate its willingness to take on obligations incumbent on ICC member states. Indeed, Ukraine's position in calling on ICC states parties (and non-states parties) to arrest those indicted by the ICC will be strengthened if Ukraine has itself fully ratified the Rome Statute and demonstrated that it has assumed obligations within the Rome Statute. This would also be important in responding to allegations of a selective approach to justice.

In addition to these technical challenges, Ukraine needs further reform to **enhance judicial independence and impartiality** and ensure effective enforcement and implementation of court decisions. While [some steps](#) have been taken to reform the country's judicial system, Ukraine needs to do more to address the issue of public trust in the judiciary and in the justice system as a whole, and to further reform and invest in the system of recruitment, further professional development and retention of judges. There are also specific issues that predate Russia's invasion that need to be addressed, including strengthening safeguards against torture and other ill-treatment, addressing widespread impunity for perpetrators and ensuring suspected perpetrators are held to account, while providing effective access to legal remedies and adequate reparations for the victims.

Moreover, comprehensive justice for Ukraine will only be achieved through a **victims-centred approach** that needs to be mainstreamed by domestic and international justice mechanisms. This entails providing effective support, protection and empowerment to victims while guaranteeing their right to truth, justice, and reparations at both national and international levels.

The Ukrainian authorities have expressed their commitment to upholding the rights of victims and survivors, which needs to be affirmed in practice, at multiple levels. While these commitments are welcome, more must be done to build public confidence in the criminal justice system and effect sensitization of society as a whole to prevent stigmatization of the survivors and victim-blaming in the context of conflict related sexual and gender-based violence. Specifically, with regards to at-risk groups, the authorities should prioritize such groups' needs and rights in the investigation and prosecution of international crimes, including through closer cooperation with affected communities and individuals. Psychological and psychosocial support and rehabilitation, legal support, travel facilitation, witness protection arrangements, and other practical measures will also be essential to assist the generations deeply affected by war and at-risk groups who may require specialized support, such as children, older people, people with disabilities and survivors of sexual and gender-based violence.

Recommendations for EU engagement with the Ukrainian authorities:

In light of these findings, the EU should ensure that its engagement as well as its financial and technical assistance to Ukraine contributes to supporting reforms to the judiciary, the wider criminal justice system, and securing comprehensive justice for victims.

Among other things, the EU should urge the Ukrainian authorities to:

- **In consultation with expert Ukrainian civil society organizations and other key national and international stakeholders, develop a clear roadmap to reform the domestic criminal justice system and strengthen and build the capacity of Ukraine's architecture of justice, including the issues of:**
 - Strengthening and increasing the technical and legal capacity of agencies responsible for investigation and prosecution of crimes under international law as well as other reforms to the criminal justice system.
 - Developing and implementing specific, practical measures to strengthen legal safeguards against torture and other ill-treatment, ensure impartial investigation of all related allegations, past and present, and ensuring accountability for the alleged perpetrators.
 - Providing effective access to legal remedies and adequate reparations for the victims, including those from at-risk groups.
 - Developing and strengthening of the domestic witness protection system.
 - Scale up training and capacity building for judges, prosecutors and investigators on the prosecution of international crimes. With the support of international stakeholders, this could include enhancing accessibility to international standards and best practices, including through

the translation and sharing of legislation and other documents.

- **Immediately ratify the Rome Statute and implement its statute into its domestic legal framework.**
- **Harmonize domestic legislation related to the definition of crimes under international law with international standards**, including in particular laws related to war crimes, crimes against humanity, and those setting out modes of individual criminal responsibility for such crimes.
- **Harmonize domestic legislation related to Ukraine's cooperation with international mechanisms and processes with international standards.** This includes by guaranteeing a clear and complete framework for cooperating with the ICC in relation to all crimes committed in Ukraine and generally as a state cooperating with the Court pursuant to the Rome Statute.
- **Prioritize the needs and rights of victims in the investigation and prosecution of international crimes**, including by ensuring that:
 - **Victims and survivors are adequately informed of their right to provide evidence and testimony to investigating and prosecuting authorities.** All authorities involved in collecting, documenting and preserving evidence and witness testimony should engage as early as possible in outreach and public information campaigns to affected communities.
 - **Information and support provided by competent authorities is accessible and provided in a manner that can be understood by victims**, with particular consideration for children, older people, and those who may have disabilities of any kind.
 - **Evidence is collected sensitively by trained individuals and does not further traumatize victims** including survivors of conflict-related sexual violence.
 - **Victims and survivors are able to meaningfully participate in criminal processes and trials by national or international courts** and their needs and priorities are considered, including through witness and victims' protection programs and efforts to ensure their participation is substantive and effective.
 - **Victims and survivors are able to access psychological support and counselling, comprehensive medical care including sexual and reproductive healthcare, social support services, and reparation.**
- **Enhance the national judiciary's recruitment base, expertise, capacity and resourcing, ensure its effective independence and impartiality, its lasting protection against external pressure, obstruction, intimidation or violence**, particularly in the context of war-related criminal proceedings.
- **Comprehensively address mental health and psychosocial needs** resulting from the armed conflict by tackling access and allocation of resources to the relevant services as well as enhancing their institutional coordination, legal regulation, monitoring, and evaluation.

SUPPORT AT-RISK GROUPS AFFECTED BY THE WAR

Russia's full-scale invasion in Ukraine has put certain groups – namely older people, people with disabilities, and children – at heightened risk of human rights violations due to the intersecting challenges they face. The Ukrainian authorities and the international community should ensure that these at-risk groups are among those prioritized in the provision of assistance and ensure that all relief, recovery and reconstruction efforts are tailored to meet their specific needs.

Amnesty International has [found](#) that older people continued to be disproportionately affected by the conflict, killed and injured at higher rates than any other civilians. Those displaced struggled to access private housing independently due to very high rental prices and pensions that are below real poverty levels. As a result, older people appear to make up a disproportionate number of residents in temporary shelters and many older people had lived there since the very first days of the war despite these facilities being unsuitable for long-term residency. Older people

who did not have disabilities were placed in shelters in schools and kindergartens where former classrooms were turned into dormitories with very little or no privacy. The number of hygiene facilities were not enough. In rare cases, Amnesty International observed temporary shelters having kitchens where residents could cook and store food. Same applies to laundry facilities. Many older people who had disabilities or required support were placed in specialized residential institutions or medical facilities, which is a violation of their rights under the Convention on the Rights of Persons with Disabilities (CRPD) and exposes them to isolation, segregation and neglect. Hostilities were not the only reason for displacement; many older people fled their homes because of a de facto care crisis in their local communities, with family members relocating and understaffed social services failing to cope with increased needs. Given Ukraine's rapidly ageing population and the increased proportion of the population with a disability due to the war, Ukraine's wider social and economic recovery will depend in part on how it incorporates support to these groups into its reforms.

Respect for [the rights of children](#) is an ongoing concern throughout Ukraine. Children are killed and injured during indiscriminate attacks on residential areas, while their mental health is severely impacted by the ongoing horrors of the full-scale invasion. The fate of many children who were illegally transferred to Russia remains unknown. Amnesty International is aware of cases when children were threatened with adoption by Russian families after they were taken to summer camps in the territories under Russian control. Parents, in the territories controlled by Ukraine, were given tight deadline to travel to the occupied territories to pick up their children. In case of missing the deadline, they were told by the Russian authorities their children would be given for adoption.

The same threat was widely used to force attendance of schools in Russian occupied territories of Ukraine all of which were forced to teach Russian curricula. Parents were threatened with having their children taken away if they did not attend school. If the use of online platforms to access Ukrainian schooling was detected on personal electronic devices parents were at risk of arbitrary detention and ill-treatment. As such, the Ukrainian authorities' decision to suspend any Ukrainian education in areas under Russian control was justified on security grounds. Nonetheless, it is vital that the Ukrainian authorities ensure systematic monitoring of existing educational provisions and needs of all school-age children, including those in areas occupied by Russia where safety and security issues permit.

Recommendations for EU engagement with the Ukrainian authorities:

In light of these findings, the EU should cooperate with the Ukrainian authorities to ensure that all relief, recovery and reconstruction efforts are tailored to meet the specific needs of at-risk groups affected by the war and to ensure that the EU's financial and technical assistance supports Ukraine in achieving these objectives.

Among other things, the EU should urge the Ukrainian authorities to:

- **Meaningfully consult at-risk groups in the development of evacuation, relief and reconstruction plans,** including older people, persons with disabilities and women.
- **Facilitate the voluntary evacuation of older people** ensuring that information about evacuation plans, and evacuation routes are accessible for older people and people with disabilities.
- **Ensure that temporary housing and emergency shelters are accessible and take into account the specific needs of people with disabilities and older people:** In the development of long-term reconstruction plans as well as the construction of temporary accommodations such as "modular towns" for displaced persons, the authorities could consider requiring that a certain percentage of such housing be physically accessible to and offered on a first-priority basis to older people and people with disabilities.
- **Amend legislation (Law No. 7198) on compensation for damaged or destroyed housing to include older people amongst those groups prioritized for compensation:** assess barriers that individuals from at-risk groups face in applying for compensation, with particular attention to ensuring that the requirements do not impede the ability of older people and people with disabilities to receive compensation on an equal basis with others.
- **Ensure that older people and people with disabilities have access to information about compensation schemes and reconstruction plans:** and ensure that this information is delivered in accessible formats;

- **Replace Cabinet of Ministers Decree No. 294 with policies that would provide for non-institutional long-term housing options for older people and people with disabilities who have been displaced.** Decree No. 294 from 16 March 2022 simplifies and expedites the process for placing an older person or a person with a disability in an institution.
- **Establish a time-bound plan to close and limit admission to institutions for older people and adults with disabilities, on par with Ukraine’s deinstitutionalization plan for children.** In line with the objectives outlined in [the European Commission’s 2023 enlargement report](#) on Ukraine, the EU should also assist Ukraine in supporting persons with disabilities, by implementing a process of deinstitutionalisation and transitioning towards community-based care. EU recovery and reconstruction assistance should be directed toward rebuilding Ukraine in a barrier free manner.
- **Regularly monitor the situation of the more than 4,000 older people who have already been institutionalized since Russia’s full-scale invasion and ensure they have access to complaint mechanisms:** Their conditions should be regularly monitored, including by bodies like the National Prevention Mechanism (NPM) and they should be prioritized for alternative, accessible accommodation in their area as soon as it becomes available.
- **Ensure the continuation of social and other support services to older people and people with disabilities in conflict-affected regions,** including by supporting volunteer organizations who have been providing such services during the war. The authorities could also conduct outreach to displaced older people via social workers or community volunteer networks.
- **Establish a time-bound plan for raising pensions to the real subsistence level as calculated by the Ministry of Social Policy:** Ensure that these calculations also reflect the needs that are specific to older people, including higher costs for heating, medical supplies and equipment, and transport. The EU should support these efforts and also consider increasing its support to cash assistance programmes for older people in order to uphold an adequate standard of living for older people and help them pay costs for rent and other essentials.
- **Ensure that the provision of medical aid takes into consideration the needs of people belonging to at-risk groups,** including by ensuring continued access to specialised healthcare for people with disabilities, access to sexual and reproductive health services and commodities including menstruation management products, which are difficult to access due to limited supplies and increased prices.
- **Facilitate the creation of robust family tracing and reunification procedures for civilians transferred to Russia or Russian-occupied areas:** With the assistance of the EU and other partners, the authorities should facilitate the creation of robust family tracing and reunification procedures to foster the return of Ukrainian children to Ukraine or reunification with guardians abroad. It should also facilitate the creation of similar mechanisms for older people and people with disabilities. This includes by cooperating and offering financial, legal, administrative, and practical assistance to reliable organizations and networks of Ukrainian human rights defenders and civil society organizations involved in facilitating the reunification of unaccompanied Ukrainian children with their families.
- **Ensure systematic monitoring and data collection on the existing educational provisions and needs of all school-age children, including, as much as possible, those who remain in the territories under Russian control.** Based on the information collected and constantly updated, conduct needs assessments and design targeted programmes that will seek to address the gaps in their education, by means available at present and that may become available in future, including following their possible relocation or liberation of the respective territories.
- **Consider and put in place measures that would allow local authorities, and in particular educational authorities, in the most conflict-affected areas to respond more flexibly to the needs of school-aged children, at present and in the future.**
- **Evaluate and update online-based and other educational resources,** and seek their further development, to ensure their accessibility to children and families who are forced to rely on remote schooling, and in particular consider and facilitate as much as possible their safe and reliable use, including via discreet access online

and without reliance on high-speed, high-volume internet traffic.

- **Ensure that families across Ukraine, including in Russian-occupied territories, are informed about such resources or about the safest and most reliable ways of accessing them.**

WOMEN'S RIGHTS, GENDER-BASED VIOLENCE AND DOMESTIC VIOLENCE

Amnesty International has [previously reported](#) how Russia's full-scale invasion of Ukraine has had a detrimental effect on women's mental, physical and sexual and reproductive health. While Russia's aggression has imposed many brand-new challenges, it has also exacerbated previously existing inequalities and inequities. Ukraine has made some progress, including the ratification in July 2022 of the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention). However, women remain under-represented in political and decision-making structures, while many of those working with victims of domestic violence reported an increase in gender-based violence and a reduction in the services available to survivors.

According to human rights groups and official police data levels of domestic violence reached the highest level on record in 2023, after having reportedly fallen during the first months of Russia's full-scale invasion. Police registered 349,355 cases of domestic violence from January to May, compared with 231,244 cases over the same period in 2022 and 190,277 in the first five months of 2021. The previous highest number had been registered during the Covid-19 lockdown measures in 2020.

This increase is likely a direct consequence of the full-scale invasion, due to factors ranging from increased stress and traumatization to increased circulation of firearms. While many of these factors are beyond the control of the Ukrainian government, there are concrete steps that could be taken to mitigate them, and ultimately prevent and reduce incidences of domestic violence. For example, certain legislative provisions such as Article 126(1) of Ukraine's Criminal Code prejudice the successful prosecution of domestic violence by maintaining the need to prove the "systematic" nature of the offence. Above all, a zero-tolerance approach to domestic violence must be emphasized at all levels of government, within the security forces and in society at large. Moreover, further sensitization and [psychological rehabilitation](#), including for victims and veterans returning from the front could be considered.

Recommendations for EU engagement with the Ukrainian authorities:

In light of this, the EU should ensure that its engagement as well as its financial and technical assistance to Ukraine contributes to supporting reforms that aim to promote and protect women's rights and gender equality and prevent and combat gender-based violence.

See also recommendations concerning at-risk groups, above.

Among other things, the EU should urge the Ukrainian authorities to:

- **Ensure women's meaningful participation in decision-making processes**, from international deliberations on financial support, reparations, and reconstruction efforts to the provision of humanitarian aid and justice processes for victims and survivors of Russia's full-scale war of aggression, as well as in the development of strategies to combat gender-based violence and to promote women and LGBTI people's rights.
- **Continue to adapt national legislation to comply with the international human rights standards set out in the Istanbul Convention and ensure effective implementation of the policies aimed at preventing and combating violence against women and domestic violence.**
- **In cooperation with the international community develop specialised services to help victims and survivors of gender-based violence, including domestic violence and conflict related sexual and gender-based violence, and ensure that survivors of such crimes are offered comprehensive healthcare:** This should entail the establishment of shelters and hotlines as well as increased support to survivors who wish to leave abusive situations. It would also require stepping up the provision of sexual and reproductive health services to survivors of gender-based violence, including psychological support and trauma counselling, emergency contraception, STIs/HIV counselling, testing and post-exposure prophylaxis, safe and legal abortion and

maternal health care, as well as social and other support services, legal aid and access to reparation. Shelters must be accessible to all women without discrimination including women with disabilities, trans women and older women.

- **Express a clear and firm public commitment to prioritize work on preventing and combating domestic and gender-based violence** and promote “zero tolerance” to such violence at all levels of government, within the armed forces and in the society at large.
- **In consultation with civil society organizations and survivors, put in place an effective and transparent mechanism to regularly assess the effectiveness of national legislation and practices on preventing and combating gender-based violence including conflict-related sexual violence and domestic violence.** Ensure that this mechanism has the authority to initiate legislative changes in order to propose necessary amendments to the laws, put in place necessary by-laws and develop and implement required protocols and guidelines.
- **Amend Article 126-1 of the Criminal Code to ensure that every instance of domestic violence, including the first incident, is a criminal offence under national law,** and remove the requirement to prove its “systematic nature”.
- **Adopt comprehensive definitions of sexual harassment and stalking in national law and make the necessary legislative changes to ensure that these are subject to criminal or other effective legal sanction,** as per the standards set out in the Istanbul Convention.
- **Ensure that other legislative, policy and practical provisions are in place to effectively address sexual harassment and other gender-based violence, including within the armed forces:** This must entail encouraging and facilitating the reporting of such crimes, ensuring effective witness protection and protection from retaliation, guaranteeing prompt, effective and impartial investigation and prosecution of such crimes, addressing issues of trust in the investigating and prosecuting agencies and countering public stigma associated with reporting of such crimes.
- **Ensure that all instances of gender-based violence are promptly and thoroughly investigated, and that perpetrators, be they civilian or military, are prosecuted in fair trial proceedings, and punished commensurately with the gravity of the crime.**
- **Ensure that sexual and gender-based violence survivors have effective access to legal remedies:** In particular, ensure that they are able to report cases and seek protection, support and timely and appropriate redress, without fear of reprisals from the perpetrators or any form of obstruction or discouragement from relevant law enforcement officials or other officials.
- **The Ministry of Defence should develop a disciplinary policy for all members of the armed forces on gender-based violence, including sexual harassment, sexual exploitation and abuse, and other forms of sexual violence, in accordance with international standards:** This must be done in close in collaboration with civil society organizations, including, in particular, women’s rights and LGBTI rights organisations as well as organisations representing minority communities. This policy must strictly and consistently comply with international standards, namely the International Protocol on the Documentation and Investigation of Sexual Violence in Conflict.
- **Ensure the adequate expertise and continuous training of staff responding to sexual and gender-based violence cases, including police, healthcare providers, social services, and judiciary.**

RIGHTS OF LGBTI PEOPLE

Support for LGBTI rights in Ukraine has accelerated during the course of the full-scale invasion. According to a [survey](#) conducted by the Kyiv International Institute of Sociology in May-June 2023, the number of people who agreed that LGBTI persons should have the same rights as anyone else in the country was 67%, and in July 2022, a petition calling for the legalization of same-sex marriage received over 25,000 signatures, obliging a presidential response.

The definition of marriage is enshrined in Ukraine's constitution, which cannot be amended during a period of martial law. Nonetheless, President Zelensky promised new legislation concerning civil partnerships, and draft legislation on registration of civil partnerships, including for same-sex couples, was registered in March 2023. Although opposed by many religious organizations, it was supported by key ministries. Crucially, the Ministry of Defence, which had previously opposed the legislation, indicated its support in October 2023. Under the legislation, civil partners, including same-sex partners, would enjoy the same property and inheritance rights, and social protection as married couples. However, the existing prohibition on same-sex couples adopting children would not be lifted.

It has been more than a year since the draft legislation was registered, and it has not yet had its first reading in the Verkhovna Rada. The process of securing ministerial support, as well as those of parliamentary committees, is an essential first step towards ensuring the successful adoption of the draft law. However despite [commitments](#) that the bill would be approved by the end of 2023, it is as yet unclear when the first reading will take place. Ukraine's parliament must move as quickly as possible to ensure the legislation is passed, especially considering Ukraine's current lack of legal recognition and protection of same-sex couples was found to violate Article 14 (prohibition of discrimination) in conjunction with Article 8 (right to private and family life) of the European Convention of Human Rights, according to a June 2023 [decision of the European Court of Human Rights](#). Additionally, Ukraine's Criminal Code currently fails to protect adequately LGBTI people who are the victim of hate crimes. Article 67 sets out the circumstances in which a crime may receive "aggravated" punishment, including the commission of offences against children, people with disabilities, and spouses or ex-spouses. Draft law 5488, originally proposed in 2021, would amend Article 67 to include expressly sexual orientation and gender identity into the definition of aggravated offences. This legislation should also be adopted as soon as practically possible.

Recommendations for EU engagement with the Ukrainian authorities:

In light of this, the EU should ensure that its engagement as well as its financial and technical assistance to Ukraine contributes to supporting reforms that aim to promote and protect the rights of LGBTI people.

Among other things, the EU should urge the Ukrainian authorities to:

- **Ensure the prompt adoption of legislation introducing registered civil partnerships of two people of any gender** and comprehensively implement all necessary legislative changes to ensure equal marital and other rights for married couples and same-sex couples in civil partnership in Ukraine.
- **Expressly include "sexual orientation", "gender identity and expression" and "sex characteristics" as protected grounds in anti-discrimination legislation**, and implement the relevant measures outlined in the National Human Rights Strategy.
- **Adopt a comprehensive anti-discrimination law and introduce explicit provisions against hate crimes against LGBTI people.** By adopting draft law 5488, which would amend Article 67 to expressly include sexual orientation and gender identity into the definition of aggravated offences.
- **Ensure prompt and effective investigation of all reported attacks against LGBTI people and that perpetrators are prosecuted in fair trial proceedings** and punished commensurately with the gravity of the crime.