**Submission: Report on Peace, Security and SOGI**

**Topic: Russo-Ukrainian War**

1. Does the response relate to a particular armed conflict? If so, please indicate the type under international legal standards (Non-International Armed Conflict, International Armed Conflict), the parties involved, the duration in time, the overall characteristics of such conflict with special focus on the root causes and drivers (ethnic, religious, political, gender, territorial domination, control over illegal economies, among others). Please reserve one or two paragraphs to describe generally the sex- or gender-based dimensions of the conflict (for example, forced recruitment of girls and boys, specific rules imposed to civilian population regarding dressing and other norms of conduct informed by gender roles/stereotypes, situation of sexual violence).

This response relates to the ongoing international armed conflict in Ukraine–the Russo-Ukrainian War. Belligerents include Ukraine versus the Russian Federation and pro-Russian separatists from the breakaway regions of the Donetsk People’s Republic (DPR) and Luhansk People’s Republic (LPR).

The Russo-Ukrainian War, which began in February 2014 with Russia’s forced annexation of the Crimean Peninsula and the conflict in the Donbas, has persisted for the past eight years and resulted in over 14,000 deaths. Starting in November 2021, the Russian Federation began amassing a large number of troops along its border with Ukraine. On February 24, 2022, Russia launched a full-scale invasion of Ukraine and since then has attacked numerous cities throughout the country, including Kyiv, Kharkiv, and Mariupol, among others. Russia’s war against Ukraine has resulted in one of the world’s greatest humanitarian and refugee crises in recent history, with over 3.7 million refugees[[1]](#footnote-1) fleeing to neighboring countries and more than 6 million[[2]](#footnote-2) displaced internally.

The root causes and main drivers of the war include Ukraine’s orientation toward the West, particularly the European Union (EU) and the North Atlantic Treaty Organization (NATO). Following its independence in 1991, Ukraine remained firmly entrenched in Russia’s sphere of influence up until 2014, when the pro-Russian Azarov government and President Viktor Yanukovych were deposed after a long series of pro-EU protests supported by a diverse group of civil society actors. Through the protests, which came to be known as Euromaidan or the Revolution of Dignity, Ukrainians expressed their desire to move closer to the EU and further away, geopolitically, from Russia. However, Euromaidan and Ukraine’s closer orientation to the West was perceived by the Russian government as a threat to its sphere of influence. This, as a cause of the current conflict, is also rooted in Russia's imperialist and colonialist relationship with Ukraine, which was historically controlled by Russia under the Soviet Union and the Russian Empire.

There are several sex- and gender-based dimensions of the Russo-Ukrainian War that deserve consideration. Since the invasion, President Volodymyr Zelenskyy of Ukraine implemented martial law throughout the country, thereby prohibiting all men ages 18 to 60 from leaving. This has presented unique challenges for transgender persons attempting to flee Ukraine, particularly transgender women, who have been subjected to invasive examinations and prevented from leaving the country, even if they have legal status as women.[[3]](#footnote-3) Additionally, the majority of displaced persons–whether they have been displaced internally or fleeing across the border–are women, girls, boys, and other vulnerable groups such as persons with disabilities and elderly persons. According to the International Organization for Migration, over 53 percent of internally displaced people are women, and an estimated 80,000 women are expected to give birth in the next three months and are without adequate access to maternal healthcare.[[4]](#footnote-4)

1. *Has the relevant State ratified, signed, or adhered to regional or international human rights/ humanitarian law / international criminal law treaties, declarations, programs or policies or any other international instruments aiming to address the causes and consequences of armed conflict? If so, please indicate which ones, the date of ratification/adherence, and the correspondent domestic act/instrument. Please also consider the following questions:*
	1. *Have any of these instruments been utilized or interpreted by domestic courts or other authorities with a gender-specific perspective? (i.e., to provide redress for victims of conflict-related sexual violence, individualize reparations for gender-based violence, criminal responsibility for serious breaches to IHL or grave violations of IHRL).*
	2. *Have SOGI-specific considerations been incorporated in such interpretative process? If so, please detail the domestic sources and provide a brief summary of the relevant rulings/standards adopted.*
	3. *Is there an ongoing National Action Plan (NAP) aiming to implement the recommendations of the Women, Peace and Security agenda (Res. 1325 and subsequent)? If so, are there any SOGI-related measures included in the NAP? If not, please outline the reasons as to why it has not been considered, as well as any information you deem fundamental provide a comprehensive picture of the SOGI situation in the relevant NAP.*

In 2016, in the wake of the war in the Donbas, the Government of Ukraine (GoU) established its first National Action Plan (NAP) for the period of 2016-2020 for the implementation of United Nations Security Council Resolution 1325 (UNSCR 1325) on Women, Peace, and Security. The GoU has also established a new NAP for the period of 2020-2025, which can be accessed at this link: <https://www.msp.gov.ua/projects/619/>. The current NAP does not include SOGI-related measures.

1. *Has the country undergone a peacebuilding (including peace talks /negotiations) or any other process aiming to conclude the armed confrontations? If so, please provide the following information:*
	1. *Have LGBTI and GD persons participated in those processes? Indicate the forms of participation (civil society, appointed officials) and elaborate on specific examples that inform the overall characteristics of that participation process. Indicate also if through the participation of other affected groups LGBTI and GD people have had indirect involvement in those processes.*
	2. *Are/were SOGI-related issues part of the negotiations and/or agreements reached by the parties involved in conflict? Indicate the extent of both the debates and the measures adopted. Include any gender-specific measures or gender-blind measures that have been understood as benefiting or undermining of LGBTI and GD people’s rights in the aftermath of conflict.*
	3. *Describe the overall engagement of LGBTI and GD persons (organized or unorganized) with such processes. Provide any relevant sources documenting such engagement.*
	4. *If no engagement or participation has been planned or taken place, please indicate the hindrances for such participation as well as its causes (cultural, social, political, legal). Provide any relevant source on this subject.*

There have been some negotiations between Ukraine and Russia resulting in humanitarian corridors, although Russian forces have routinely violated the agreed upon humanitarian corridors preventing the movement of humanitarian aid and evacuations of civilians. Negotiations have focused on establishing humanitarian corridors, security guarantees, and a potential ceasefire, in public statements on the subjects discussed during negotiations SOGI-related issues have not been mentioned and there is no indication that SOGI-related issues are being discussed during these negotiations. Delegations to the negotiations are male dominated. There has been no apparent involvement of LGBTI and GD persons in these processes. Hindrances for their participation include social and political barriers, such as pervasive homophobia and transphobia and the lack of legislation protecting LGBTI and GD rights, preventing openly LGBTI and GD persons from holding key government positions and a lack of awareness of the particular challenges facing LGBTI and GD persons in conflict zones.

While negotiations are in the early stages and have made little progress towards establishing an agreement to end the war, given the Russian Federation’s repressive legal and social conditions for LGBTI and GD communities, the lack of participation and consideration for LGBTI and GD persons in Ukraine is concerning given the risks for LGBTI and GD under present or potential future Russian occupation.

1. *Has any documentation process of gender-specific forms of conflict-related violence been undertaken by local, regional, or international actors regarding the conflict described in section 1? If so, please provide the following information:*
	1. *Which type of relevant stakeholders have conducted such assessment? (i.e., Truth Commissions, public data officials, special judicial mechanisms, reparations programmes, international organizations, NGOs, others). Provide the specific sources and describe the general outcomes of such documentation process.*
	2. *Has any of the information gathering and/or analysis processes included any SOGI-related data/reflections? If so, please indicate the specific sources with its respective authority and utilize one paragraph to summarize its core outcomes.*
	3. *Have any official processes of statistical data gathering regarding conflict been in place? If so, indicate if those processes include any specific information on SOGI, its extent, development, problems in the implementation and any other information you deem relevant to provide a comprehensive picture of those initiatives.*
	4. *Provide any information you consider valuable in understanding the SOGI-specific logics that underlie armed violence in the relevant conflict, as well as any source narrating or documenting the lived experience by LGBTI and GD people.*
	5. *If no substantial information has been collected or no documentation process has taken place, please indicate the obstacles impeding such actions and describe them (cultural, social, political, legal). Provide any relevant source on this subject.*

At the early stage of the invasion, there is not much definitive information or reporting on gender-specific forms of conflict-related violence. With regard to the conflict in Luhansk and Donetsk there has been documentation of gender-specific forms of conflict-related violence, including particular SOGI related documentation, although due to challenges in gathering statistics and documentation this information is often fragmented and incomplete. The OSCE Special Monitoring Mission to Ukraine[[5]](#footnote-5), the United Nations Population Fund (UNFPA)[[6]](#footnote-6), The Office of the United Nations High Commissioner for Human Rights (OHCHR)[[7]](#footnote-7), and the Eastern Ukrainian Centre for Civic Initiatives (EUCCI)[[8]](#footnote-8) have all monitored and reported on gender-based violence in the affected areas of Donetsk and Luhansk. These organizations have reported increases in sexual and domestic violence in the occupied regions since 2014 and prosecutions for sexual and domestic violence remain virtually non-existent in LPR and DPR. In particular, EUCCI has reported that gender-based violence, particularly sexual violence, has become widespread in illegal detention facilities in Donbas.

The EUCCI’s report included specific information on gender-based violence targeting LGBTI individuals and the Anti-Discrimination Centre has also published a report on violations of LGBTI rights in Crimea and Donbas.[[9]](#footnote-9) Homophobic and transphobic violence has become widespread in Donbas and Crimea since 2014, including violence by armed fighters in LPR and DPR. Homophobic and transphobic messages and propaganda have become common in the regions in separatist rhetoric as a signal of opposition to pro-European movements in Ukraine.[[10]](#footnote-10)

1. *Has the State adopted any transitional justice-related measures, i.e., truth, justice, reparation, and non-recurrence? If so, please indicate if those measures include a gender-specific approach and if LGBTI people have been considered as specific stakeholders in such measures. More concretely, please indicate:*
	1. *In the truth-seeking measures/experiences, such as Truth Commissions, have there been any form of acknowledgement of SOGI-specific conflict-related violence? If so, describe the extent of such acknowledgement and the characteristics of the SOGI-related conflict dynamics identified.*
	2. *In the justice measures/experiences, such as special or ordinary criminal procedures, have there been any acknowledgement of SOGI-specific conflict-related violence? Have any convictions resulted? Please indicate the extent in which transitional judicial mechanisms have involved with SOGI-related issues.*
	3. *In the reparations and non-recurrence measures/experiences, such as administrative reparations programs, has there been any prioritization or special consideration to facilitate access to LGBTI and GD victims and their relatives? Have SOGI factors been considered as an element to be considered when acknowledging the extent of the harm inflicted to the victims and awarding reparations? What types (individual/collective) and modalities (restitution, rehabilitation, satisfaction, compensation, non-recurrence) have been adopted to address the harms caused to LGBTI and GD persons in conflict? Please provide all relevant information on this subject.*
	4. *If there has not been any reflection or acknowledgment of the situation of LGBTI and GD persons, please indicate the cultural, legal, and political obstacles to such recognition. Specify which discourses, cultural practices or even legislations impede the substantial engagement of LGBTI and GD persons with the transitional justice measures adopted.*

The invasion has been ongoing for only a little over a month, transitional justice measures have not been implemented due to the early stage in the current conflict.

1. *Has the State adopted any other relevant domestic policies or legislation addressing the causes and consequences of armed conflict that explicitly or implicitly benefitted or undermined LGBTI and GD people (for example, internal security legislation, mechanisms forbidding the enrollment of LGBTI or GD people in the military)? Please elaborate on any relevant domestic measures not mentioned above, with a particular emphasis on the acknowledgment of specific-SOGI conflict-related violence and its victims.*

Since the start of the invasion in early February the State has not adopted any policies or legislation that specifically benefited or undermined LGBTI and GD persons. LGBTI and GD persons are free to join the military or territorial defense forces (and are eligible to be conscripted). Under martial law men between 18 and 60, who are eligible to be conscripted are not permitted to leave Ukraine. This applies to a person’s legal gender, so transgender men whose documents and therefore their legal gender indicate that they are male, between 18 and 60 years of age are eligible to be conscripted and cannot leave the country and transgender women with corresponding documents and therefore whose legal gender is female should, legally, be permitted to leave the country. As indicated in the answer to question one, in practice transgender women are routinely being subjected to invasive exams and being turned away at border crossings even if they have documents that mark their gender as female. In addition, the European Union has established that lack of documents should not be a barrier to entry into the EU for Ukrainians fleeing the war, so lacking documents to establish one’s gender should not be a barrier to leaving Ukraine, although this has not been the case in practice.[[11]](#footnote-11)

1. *What reconciliation measures or practices have been adopted? State-sponsored, civil society and community-based experiences should all be mentioned. Have any of those measures/practices or experiences been initiated by LGBTI and GD persons/organizations? Please describe those processes and signal all relevant stakeholders and actors.*

The invasion has been ongoing for only a little over a month, reconciliation measures have not been implemented due to the early stage in the current conflict.

1. *Describe any civil society alliances, coalitions or initiatives aiming to raise awareness on the causes and consequences of armed conflict in the lives of LGBTI and GD people, as well as specific forms of SOGI-related violence. Indicate how their collective action operations and strategies work to make visible the lived experience of LGBTI and GD people during conflict. Outline any obstacles they face in such work and the ways in which they have or have not been addressed.*

According to a 2021 report by the United Nations High Commissioner for Refugees[[12]](#footnote-12), LGBTI refugees and internally displaced persons face stigmatization, sexual and gender-based violence, abuse by or lack of protection from security forces, arbitrary detention, and exclusion from access to essential basic services. LGBTI refugees that cross national borders may also arrive in countries that are hostile to them. In the Ukrainian context, LGBTQI+ refugees have fled to countries such as Hungary and Poland, which have in recent years enacted many anti-LGBTQ+ policies and practices, such as LGBTQI+-free zones in Poland.[[13]](#footnote-13) Despite these challenges, LGBTI and GD civil society organizations in Ukraine have been active since the start of the invasion in providing humanitarian aid, connecting LGBTI and GD IDPs and refugees with resources, and raising funds to support the Ukrainian military. Ukrainian LGBTI and GD civil society organizations have also publicized and connected displaced LGBTI and GD persons with resources as well as organizations and individuals specifically housing LGBTI and GD refugees and IDPs, both within Ukraine and neighboring countries. Likewise, many organizations have publicized the experiences of LGBTI and GD Ukrainians in the conflict through social media and press interviews.

1. *Include any relevant information of international advocacy initiatives before regional and international organizations’ mechanisms and organs, such as the UN Security Council. Describe any obstacles and challenges organizations face in these processes of engagement with international institutions. Furthermore, describe the role such institutions have played (or not) in acknowledging the SOGI-related conflict dynamics and forms of violence.*

N/A

1. *Provide any additional information you consider relevant to enrich the understanding of the overall relationship between SOGI, peace and security that might have gone overlooked in the previous questions.*

N/A

1. https://www.pewresearch.org/fact-tank/2022/03/25/after-a-month-of-war-ukrainian-refugee-crisis-ranks-among-the-worlds-worst-in-recent-history/#:~:text=Russia's%20invasion%20of%20Ukraine%20has,analysis%20of%20United%20Nations%20data. [↑](#footnote-ref-1)
2. https://www.iom.int/news/almost-65-million-people-internally-displaced-ukraine-iom [↑](#footnote-ref-2)
3. https://www.theguardian.com/global-development/2022/mar/22/i-will-not-be-held-prisoner-the-trans-women-turned-back-at-ukraines-borders [↑](#footnote-ref-3)
4. https://www.unfpa.org/ukraine-war [↑](#footnote-ref-4)
5. https://www.osce.org/files/f/documents/2/8/165806.pdf [↑](#footnote-ref-5)
6. https://ukraine.unfpa.org/sites/default/files/pub-pdf/gbv%20in%20the%20conflict-affected%20regions%20of%20ukraine\_eng.pdf [↑](#footnote-ref-6)
7. https://www.ohchr.org/sites/default/files/Documents/Countries/UA/ReportCRSV\_EN.pdf [↑](#footnote-ref-7)
8. https://jfp.org.ua/system/reports/files/110/en/gon\_eng\_220818\_web.pdf [↑](#footnote-ref-8)
9. https://adcmemorial.org/wp-content/uploads/lgbtENG\_fullwww.pdf [↑](#footnote-ref-9)
10. Page 24, https://adcmemorial.org/wp-content/uploads/lgbtENG\_fullwww.pdf [↑](#footnote-ref-10)
11. https://www.vice.com/en/article/akvyxz/ukraine-war-trans-people-lgbtq [↑](#footnote-ref-11)
12. https://www.refworld.org/pdfid/611e16944.pdf [↑](#footnote-ref-12)
13. https://www.npr.org/2022/03/04/1084321690/lgbtq-refugees-fleeing-ukraine-face-discrimination-in-countries-with-anti-gay-la [↑](#footnote-ref-13)