

# Discrimination Issues in the Context of the Russian-Ukrainian War: An Analysis of Anti-LGBTQ+ Politics and State Rhetoric

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The study sheds light on the different positions that the main actors involved in the Russian-Ukrainian war and the relevant international institutions express towards the specific issues of LGBTQ+ communities that were or still are on their territory, highlighting that Romania is a much more tolerant space towards these communities than the one of origin or in the vicinity. The institutionalised and statist approach to the situation of LGBTQ+ communities highlights a much more delicate and burdensome idea: the existence of discriminatory practices that join another set of possible discriminations, based on ethnicity and other criterias. All of these have become ideological arguments for starting and pursuing war.

*Keywords:* Russian-Ukrainian war, LGBTQ+ discrimination, aggression, refugee

## Role and Purpose of the Study

The act of discrimination, in the opinion of the two authors, is probably the most significant legal tool for analyzing future national public policy designs, especially regarding the Russian Federation and Ukraine, from an international law perspective. The consequences resulting from various analyses on the issue of discrimination are extremely difficult to foresee in their entirety, but certainly some of them can already be identified using the legal and social criterion, of existing discriminations in relation to the current conflict situation generated by the Russian Federation official state policy. What could be the arguments in synthesis to formulate such a conclusion? First of all, one of the theories made public by President Vladimir Putin on the occasion of the invasion of Ukraine was that of the denazification of the Ukrainian territories, where, he claims, the policies of the Ukrainian state were systematically discriminatory against the Russian-oriented populations and also against the ethnic minorities in Ukraine. The truth about this statement (which is also an ideology!) may lead to the substantiation to a certain extent of the Russian military intervention and may become the centerpiece in any future international process with the strict object of determining whether the military intervention constitutes an aggression in the sense of public international law, with all the liability consequences

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of such a finding. Furthermore, the same truth will underlie any future peace negotiations or Russian foreign policy orientations.

Secondly, the issue of discrimination appears as a public mirror of the Russian intervention in Ukraine, because, in the end, the entire action generated by the Russian Federation with its vast consequences produced, can be passed through a filter of discrimination against the population and the Ukrainian state, all the atrocities, the loss of human life, materials, the consequences of the refugee crisis and displacement of people and populations, can be brought to a common point: systematic discrimination and the denial of the sovereign rights of a nation. The truth about the existence and concrete circumstances of such discrimination will serve, and already serves, all avenues of redress and defense of human rights, materialized through legal actions, through actions of national and international criminal tribunals, and through various approaches at international level by international governmental and non-governmental organizations.

Thirdly, and perhaps most importantly, the issue of discrimination represents the subject of transforming the Ukrainian state policies, because the support of neighboring states, European Union, and the North Atlantic Treaty Organization (NATO) is strictly dependent on the creation in Ukraine of a political, legal, and social framework that incorporates and reflects the fundamental values of its citizens, including the equality and other human rights including sexual affiliation, on the basis of which damages that are produced through discrimination would be fairly repaired and a certain category of persons that were disadvantaged, would be compensated.

This study only aims to highlight the presence of signals and elements of discrimination in this context and proposes to demonstrate and to highlight how different theories and ideologies that are based on the same legal reasoning, that of discrimination, are used in the current international affairs.

### **The Methodology Used**

The main source of research is represented by the various statements of various officials from both the Russian and Ukrainian sides, as well as some international personalities, representatives of states, and international organizations, appearing in the Romanian and international press. Also, the way to highlight the delicate and precarious nature of the issue of discrimination is emphasized by bringing together the positions of relevant international actors, often divergent, regarding the same topics analysed in this paper. Thirdly, we sought to identify those topics of discrimination that are among the most sensitive and that often come into conflict with certain local or even global cultures, and here we have LGBTQ+ communities in mind.

## **The Crisis of LGBTQ+ Rights in Russia: An Analysis of Anti-LGBTQ+ Politics and State Rhetoric: Its Ideological Connection With the War in Ukraine**

### **The Russian Vision**

In Russia, recent years have seen a dramatic escalation of homophobic rhetoric and actions. Through a series of legislative measures and public statements, the Russian government has fueled a deeply anti-LGBTQ+ rhetoric.

In 2020, the Russian Constitution was amended to ban same-sex marriage. In addition, at the end of 2021, many LGBTQ+ organizations, including the Russian LGBT Network, known for its work to rescue queer people

in Chechnya<sup>1</sup> in 2017, they were labeled as “foreign agents”<sup>2</sup>. The terrifying episodes of the “gay purge”<sup>3</sup> in Chechnya in 2017 is undoubtedly a nightmarish moment in recent Russian history<sup>4</sup>, where the violent genocide of LGBTQ+ people shocked the rest of the world<sup>5</sup>.

Vladimir Putin (“Putin”), the president of Russia, has used this anti-LGBTQ+ rhetoric to justify his actions in Ukraine, claiming that this is a war to protect “traditional values” against Western “false values”, “contrary to human nature”.<sup>6</sup> In 2022, in a speech celebrating Russia’s annexation of four Ukrainian regions, Putin accused the West of promoting “Satanism” and “sexual deviance” and “teaching children sexual deviance.”<sup>7</sup> He also stated that: “Today we are fighting for freedom. Nothing should be based on what someone thinks about another country. We must protect our children and grandchildren from these experiments.”<sup>8,9</sup>

On November 24, 2022, the Russian State Duma adopted a package of laws banning any form of LGBTQ+ “propaganda”, including on the Internet<sup>10</sup>. These laws specifically prohibit the promotion of the concept that homosexual relationships are normal<sup>11</sup> and assimilate the information about “non-traditional lifestyles” with pornography.<sup>12</sup> According to the Moldavian press agency Agora.Md: “Homosexual propaganda” has been banned in Russia since June 2013—but only “among minors”. Now, the authorities have significantly expanded the list of restrictions: “propaganda” and “imposition” are not allowed to children or adults—and this applies to almost everything: films, books, advertising, television, and social media. The law does not explain what “propaganda” or “imposition” means, leaving it to the discretion of the courts to determine this. The fine for LGBT+ “propaganda” will be up to 200,000 Russian rubles (Approximately USD 2,186; EUR 1,964.40; as of July 2023) for citizens and up to five million rubles (USD 55,044; EUR 49,480 as of July 2023) for legal entities.<sup>13</sup>

<sup>1</sup> The 2017 evacuation of *queer people* from Chechnya by the Non-governmental organization “Russian LGBT Network” was documented in the recent film *Welcome to Chechnya* directed by the American reporter, author, and documentarian David France.

<sup>2</sup> <https://www.bostonreview.net/articles/putins-anti-gay-war-on-ukraine/>.

<sup>3</sup> In the run-up to the Ukrainian invasion, the United States (“US”) wrote a letter to the United Nations claiming that LGBTQ+ people, along with ethnic and religious minorities, were on Russia’s kill list. <https://www.nbcnews.com/news/world/russia-plans-target-dissidents-ukraine-killed-sent-camps-us-says-rcna17031>; <https://www.abc.net.au/news/2022-03-28/lgbtq-rights-russia-invasion-kyiv-queer-activism/100932590>; <https://www.washingtonpost.com/context/read-u-s-letter-to-the-u-n-alleging-russia-is-planning-human-rights-abuses-in-ukraine/93a8d6a1-5b44-4ae8-89e5-cd5d328dd150/>; <https://www.forbes.com/sites/jamiewareham/2022/03/16/ukrainian-lgbtq-soldiers-fight-against-darkness-of-russian-invasion/?sh=3bee7bd83177>.

<sup>4</sup> <https://www.hrw.org/news/2019/05/08/russia-new-anti-gay-crackdown-chechnya>.

<sup>5</sup> <https://www.forbes.com/sites/jamiewareham/2022/03/16/ukrainian-lgbtq-soldiers-fight-against-darkness-of-russian-invasion/?sh=3bee7bd83177>.

<sup>6</sup> <https://m.activenews.ro/ucraina/Urgenta-de-Razboi-in-Ucraina-Parteneriatele-Homosexuale-180426>.

<sup>7</sup> Euractiv, Hotnews (Article by Gideon Rachman Material made with the support of Rador Press Agency).

<sup>8</sup> <https://informatialibera.ro/vladimir-putin-explodeaza-vrem-parinte-unu-si-doi-vrem-ca-micutilor-sa-li-se-prezinte-deviatii-sexuale-nu-acceptam-dictatura/>.

<sup>9</sup> [https://www.stiripesurse.ro/vladimir-putin-explodeaza-vrem-parinte-unu-si-doi-vrem-ca-micutilor-sa-li-se-prezinte-deviatii-sexuale-nu-acceptam-dictatura\\_2582830.html?fbclid=iwar3hdwyghk15s44dxnphoa2lxvmlqgds2f2gnody1fss9qn0f5aessmbo](https://www.stiripesurse.ro/vladimir-putin-explodeaza-vrem-parinte-unu-si-doi-vrem-ca-micutilor-sa-li-se-prezinte-deviatii-sexuale-nu-acceptam-dictatura_2582830.html?fbclid=iwar3hdwyghk15s44dxnphoa2lxvmlqgds2f2gnody1fss9qn0f5aessmbo).

<sup>10</sup> <https://stirileprotv.ro/stiri/international/duma-de-stat-din-rusia-interzice-zpropaganda-lgbt-si-strainii-care-distribuie-informatii-pe-internet-risca-pedepse.html>.

<sup>11</sup> <https://ziare.com/ucraina/ucraina-razboi-rusia-invazie-vladimir-putin-propaganda-antigay-iuri-kovalciuk-1780894>.

<sup>12</sup> <https://www.libertatea.ro/stiri/rusia-cauta-sa-inaspresca-legislatia-impotriva-propagandei-lgbt-activistii-avertizeaza-ca-membrii-comunitatii-vor-trai-din-ce-in-ce-mai-mult-in-umbra-4356043>.

<sup>13</sup> <https://agora.md/stiri/111759/make-love-not-war-cum-razboiul-din-ucraina-a-catalizat-discutia-despre-legalizarea-casatoriilor-gay-si-ce-ecou-gaseste-aceasta-idee-in-r-moldova-longread?fbclid=iwar0bgayjrl0d4hvxqtyc1bn2ckuyor9qqy1nzswws1hfy6bs37kg0mkcn4>.

These legislative measures were supported by key figures such as the Speaker of the State Duma, Vyacheslav Volodin<sup>14</sup>, and the leader of the Russian Orthodox Church, the latter blaming Ukraine's gay pride parades as partly responsible for the Russian invasion<sup>15</sup>.

Given these drastic changes, there is major concern for the future of the LGBTQ+ community in the Russian Federation. Alexei Sergheev, the leader of the Alliance of Heterosexuals and LGBT, warned<sup>16</sup> that society will become more closed and that these new laws will lead to self-censorship among the LGBTQ+ community. Many also believe that the fear of fines and prison terms will cause LGBT Russians and organizations associated with the LGBT+ community to begin self-censoring and take more measures to hide their identity.<sup>17</sup> Graeme Reid, LGBT+ rights director at Human Rights Watch said: "Religious figures and political commentators outside the conflict zone have also argued that the promotion of LGBT rights in Ukraine is partly to blame for the Russian invasion."<sup>18</sup>

At the same time, Russian media has stepped up its anti-LGBTQ+ rhetoric. In his shows, the West is often portrayed negatively<sup>19</sup>, suggesting that it is on the way to disintegration and children are being controlled by smartphones, being encouraged towards a non-conformist lifestyle. LGBTQ+ rights, feminism, multiculturalism, and atheism are identified as existential threats to the Russian nation<sup>20</sup>.

In conclusion, the recent developments in Russia indicate a worrying situation for the LGBTQ+ community. In the context of increasingly repressive rhetoric and legislative measures, the future of these people's rights appears uncertain, fueling fears of increased self-censorship and repression of LGBTQ+ identities.

### **Perspectives on LGBTQ+ Rights Legislation in the Context of the Armed Conflict in Ukraine: Implications and Developments. The Ukrainian Vision**

In Ukraine, the rights of lesbian, gay, bisexual, transgender, and queer (LGBTQ+) people face various limitations, although homosexuality is not considered illegal. Despite this, same-sex marriages and civil partnerships are not legally recognized<sup>21</sup>, creating significant difficulties for LGBTQ+ individuals engaged in military service in the context of the armed conflict with the Russian Federation. These institutional restrictions mean that partners cannot pick up the body or bury a deceased loved one, underscoring the importance of ensuring

<sup>14</sup> The speaker of the Russian State Duma, Vyacheslav Volodin, said that the bill is being approved solely in the interests of Russians, telling the Russian state news agency TASS and ABC News: "We must do everything to protect our children and those who want to lead a normal life." <https://stirileprotv.ro/stiri/international/duma-de-stat-din-rusia-interzice-zpropaganda-lgbt-si-strainii-care-distribuie-informatii-pe-internet-risca-pedepse.html>.

<sup>15</sup> <https://www.abc.net.au/news/2022-03-28/lgbtq-rights-russia-invasion-kyiv-queer-activism/100932590>.

<sup>16</sup> <https://www.libertatea.ro/stiri/rusia-cauta-sa-inaspreasca-legislatia-impotriva-propagandei-lgbt-activistii-avertizeaza-ca-membr-ii-comunitatii-vor-trai-din-ce-in-ce-mai-mult-in-umbra-4356043>.

<sup>17</sup> <https://www.libertatea.ro/stiri/rusia-cauta-sa-inaspreasca-legislatia-impotriva-propagandei-lgbt-activistii-avertizeaza-ca-membr-ii-comunitatii-vor-trai-din-ce-in-ce-mai-mult-in-umbra-4356043>.

<sup>18</sup> <https://www.abc.net.au/news/2022-03-28/lgbtq-rights-russia-invasion-kyiv-queer-activism/100932590>.

<sup>19</sup> Putin's speech is duplicated by the Russian televisions which constantly support a homophobic speech. Ziare.com notes: "The West is truly disintegrating. ... Children grown in laboratories and controlled by a smartphone is the new trend of progressive Western society. Africans will soon seem like the cutest creations compared to the cyborgs that will replace them", you can also constantly hear on Russian propaganda television. <https://m.ziare.com/amp/ucraina/ucraina-razboi-rusia-invazie-vladimir-putin-propaganda-antigay-iuri-kovalciuk-1780894>.

<sup>20</sup> <https://www.bostonreview.net/articles/putins-anti-gay-war-on-ukraine/>.

<sup>21</sup> <https://www.digi24.ro/stiri/externe/o-petitie-lansata-in-ucraina-cere-legalizarea-casatoriilor-intre-persoanele-de-aceiasi-sex-zel-enski-trebuie-sa-raspunda-in-10-zile-2009961>.

LGBTQ+ rights in these circumstances<sup>22,23</sup>.

Sociological studies reveal a changing trend in public perception towards the LGBTQ+ community in Ukraine. According to a survey conducted by the Kyiv International Institute of Sociology, a private research company, the proportion of individuals with a negative attitude towards the LGBT community decreased from 60.4% to 38.2% over the past six years, while positive attitudes increased from 3% to 12%<sup>24</sup>.

An analysis of international political discourses demonstrates that the attitude towards LGBTQ+ rights often becomes *a weapon in the ideological struggle*<sup>25</sup>. Notable figures who support Russia's anti-LGBTQ+ view, such as Steve Bannon<sup>26</sup>, former strategist of Donald Trump, and Viktor Orbán<sup>27</sup>, the Prime Minister of Hungary, have adopted anti-LGBTQ+ rhetoric as part of their political discourse, further exposing the vulnerabilities of the LGBTQ+ community.

The military conflict with the Russian Federation highlighted the need for recognition of LGBTQ+ rights in Ukraine, especially among the military<sup>28</sup>. According to various sources, several same-sex military couples have become engaged in the hope that Ukraine will legalize same-sex marriages or civil partnerships<sup>29</sup>. In this regard, Inna Sovsun, member of the Kyiv Parliament and head of the parliamentary group of the pro-EU party Holos, submitted a bill<sup>30</sup> for the legalization of same-sex partnerships in March 2023.

<sup>22</sup> <https://www.digi24.ro/stiri/externe/o-petitie-lansata-in-ucraina-cere-legalizarea-casatoriilor-intre-persoanele-de-acelasi-sex-zelenski-trebuie-sa-raspunda-in-10-zile-2009961>.

<sup>23</sup> <https://www.mediafax.ro/social/ucraina-va-lua-in-considerare-legalizarea-casatoriilor-intre-persoane-de-acelasi-sex-20995727>.

<sup>24</sup> <https://www.digi24.ro/stiri/externe/o-petitie-lansata-in-ucraina-cere-legalizarea-casatoriilor-intre-persoanele-de-acelasi-sex-zelenski-trebuie-sa-raspunda-in-10-zile-2009961>.

<sup>25</sup> Around the same time, Tucker Carlson, perhaps the most influential pro-Trump TV host in America, urged his audience to ask: "Was Putin ever racist? [...] Is he trying to liquidate Christianity?" <https://eu.usatoday.com/story/news/world/2023/05/01/tucker-carlson-fox-news-russia/11757930002/>. The Republican Senator Ted Cruz retweeted in 2021 a clip comparing a Russian recruitment ad full of muscular soldiers with shaved heads to an American one featuring a female soldier raised by a lesbian couple. Cruz opined: "Perhaps a woke, emasculated army is not the best idea". But Euractiv, an pan-European news website specialised in EU policies, noted in the same article that Putin's attempts to find allies in the West "denote gross incompetence" arguing that in a speech, Putin tried to link the fate of Russia with that of the British writer J. K. Rowling (Rowling), arguing that his country, like the British writer, is "canceled". Rowling sarcastically retorted that "perhaps it is better that Western culture's criticism of cancellation is not made by those who are currently slaughtering civilians". <https://www.theguardian.com/world/2022/mar/25/putin-says-west-treating-russian-culture-like-cancelled-jk-rowling>; <https://edition.cnn.com/2022/03/25/world/jk-rowling-putin-intl-scli-gbr/index.html>.

<sup>26</sup> Euractiv and Hotnews publications quoted on February 1, 2023 from an article published by journalist Gideon Rachman that he identified a number of other notorious examples of politicians and personalities who support the extremist vision of the Russian leader, such as: Steve Bannon, former chief strategist of Donald Trump, declared on the eve of the war in Ukraine in his podcast: "Putin is not woke. He is anti-woke", to which Erik Prince, the one he was interviewing, replied: "The Russian people still know which toilet they have to go to". <https://www.independent.co.uk/news/world/americas/us-politics/steve-bannon-russia-trans-woke-b2022537.html>; "Woke" is an adjective derived from African-American Vernacular English (AAVE) meaning "alert to racial prejudice and discrimination".

<sup>27</sup> The Hungarian Prime Minister Viktor Orbán hosted the American Conservative Political Action Conference in May 2022, urging participants to fight together against "progressive liberals, neo-Marxists, drunk on the dream of the woke movement, those in the pay of George Soros [...] They want to abolish the Western way of life". Orbán is seen by many as the EU leader most sympathetic to Putin. <https://www.euractiv.ro/extern/cum-s-a-intersectat-razboiul-din-ucraina-cu-razboaiele-culturale-32480>.

<sup>28</sup> <https://m.rfi.ro/social-153791-razboiul-din-ucraina-impulsioneaza-integrarea-persoanelor-lgbtq-si-acordarea-de>.

<sup>29</sup> <https://moldova.europalibera.org/a/ini%C8%9Biativ%C4%83-legislativ%C4%83-pentru-oficializarea-parteneriatelor-%C3%AEntre-persoanele-de-acela%C8%99i-sex-%C3%AEn-ucraina-/32312326.html>.

<sup>30</sup> On March 7, 2023, Inna Sovsun ("Sovsun"), a member of the Kyiv Parliament and head of the pro-EU Holos party parliamentary group, submitted a bill to legalize same-sex partnerships. The law on civil partnership was registered with the number 9,103. Sovsun motivated its legislative initiative mainly with the alleged need to protect the rights of LGBT servicemen. In this sense she stated that "Every day, Ukrainian LGBT military personnel put their lives at risk defending us. However, if they are in relationships, the state does not recognize them as such." This draft law aims to "determine mutual rights and obligations, issues related to property, inheritance, social protection, rights in case of death or disappearance of the partner", she added. <https://m.activenews.ro/ucraina/Urgenta-de-Razboi-in-Ucraina-Parteneriatele-Homosexuale-180426>.

Social and political developments related to the acceptance of LGBTQ+ rights in Ukraine suggest a possible paradigm shift<sup>31,32</sup>. Ukraine's aspiration to join the European Union, which requires respect for human rights, including those of LGBTQ+ people, as well as the visible growth of the LGBTQ+ community among the military, may be key factors in accelerating this process<sup>33</sup>.

In conclusion, Ukraine is experiencing a significant transition in terms of acceptance and recognition of LGBTQ+ rights. In the context of military conflict, this transition has profound implications for LGBTQ+ individuals engaged in military service, but it can also spur positive developments in public perceptions and legislation<sup>34</sup>. But further research is needed to monitor these changes and better understand the complex context in which these dynamics develop.

### **Increasing Violation of Fundamental Rights: An Analysis of Abuses Against LGBT+ Minorities in the Russian-Ukrainian Conflict. The View of International Organizations**

In the context of recent geopolitical tensions, the United Nations<sup>35</sup> reported an alarming increase in human rights violations in the Russian Federation and the territories occupied by Ukraine, with a particular focus on

<sup>31</sup> In July 2022, A petition launched in Ukraine calling for the legalization of same-sex marriage has collected more than 28,000 signatures, which means that President Volodymyr Zelensky ("Zelensky") has 10 days to respond, the BBC noted. <https://www.bbc.com/news/world-europe-62134804>; Zelensky stated in the written answer of August 2022 that according to the Ukrainian Constitution, marriage is the union between a man and a woman, adding that under the martial law regime established amid the armed conflict with Russia, the Constitution cannot be changed at this time. However, Zelenski mentioned, the Ukrainian government has already prepared options for the legalization of partnerships in the future. <https://www.hotnews.ro/stiri-international-25714415-zelenski-este-acord-legalizarea-parteneriatelor-intre-persoane-acelasi-sex-cand-putea-schimba-constitutia-ucrainei.htm>.

<sup>32</sup> According to Agora.Md: Things took another turn when a Ukrainian petition supporting the legalization of same-sex marriage easily reached 28,000 signatures, prompting a response from President Volodymyr Zelensky. The Kiev leader, who had declared early in the war that his country was fighting "for values: life, democracy, freedom", said the change to the Ukrainian Constitution, which now recognizes marriage as between a woman and a man, could not be done during wartime. But Zelenski opened another door for the LGBT+ community: he asked the prime minister to consider other options, such as legalizing civil partnerships. If Ukraine legalizes civil unions, it will be the first country in the post-Soviet space to do so. <https://agora.md/stiri/111759/make-love-not-war-cum-razboiul-din-ucraina-a-catalizat-discutia-despre-legalizarea-casatoriilor-gay-si-ce-ecou-gaseste-aceasta-idee-in-r-moldova-longread?fbclid=IwAR0bGYYajRI0D4hVxqtYc1Bn2CkuYOr9Qqy1nzsWmslHfY6bS37KG0mKcnn4>.

<sup>33</sup> According to Human Rights First, the prominent role of many LGBT people in the Ukrainian military could be a factor in changing attitudes. Moreover, we learn that since 2018, a union of LGBT+ military, veterans, and volunteers has also been operating in Ukraine. It was founded by Viktor Pilipenko, a gay man, veteran of the Donbas Volunteer Battalion. Currently, the union has several LGBT+ soldiers, both openly gay and non-gay, many of them on the front line. In an article published on March 2, 2022, the media outlet Vice raised a strong alarm about the violation of the rights of LGBTQ+ people as a result of Russia's invasion of Ukraine, and noted that "Ukrainians from the LGBTQ community were among those who joined anti-war protests around the world." VICE goes on to say that "many of them still have family and friends in the besieged country and are anxious and worried about the consequences if the Putin-led military offensive succeeds, especially when it comes to LGBTQ rights." <https://www.vice.com/ro/article/n7n9kq/lgbtq-in-ucraina-teama-invaziei-rusia>.

<sup>34</sup> Edward Reese, non-binary communications officer at NGO KyivPride, said, "The war has really changed Ukrainians, causing them to come to the defense of human rights, especially as the world sees and is aware of the issues faced by LGBTQ+ military personnel." But Ukraine has taken steps in this direction since 2015 when the Ukrainian Rada passed the law banning discrimination in the workplace.

<sup>35</sup> As the Russian Federation's aggression against Ukraine intensifies, it is essential that states and all stakeholders involved in protecting forcibly displaced persons recognize and respond to the unique gender exposure to risk and protection needs of lesbian, gay and bisexual, trans, intersex (LGBT+) and gender-differentiated refugees, asylum seekers, internally displaced persons, and undocumented persons, a UN expert said on 22 March 2022. <https://www.ohchr.org/en/press-releases/2022/03/ukraine-protection-lgbti-and-gender-diverse-refugees-remains-critical-un>. Victor Madrigal-Borloz, UN independent expert on protection against violence and discrimination based on sexual orientation and gender identity, expressed deep concern about the evidence brought to light confirming that the exposure to dangers faced by people seeking protection during this period is greatly exacerbated for those who identify as LGBT+ and/or gender diverse minorities. <https://www.ohchr.org/en/press-releases/2022/03/ukraine-protection-lgbti-and-gender-diverse-refugees-remains-critical-un>.

LGBT+ communities. The UN Human Rights Committee has denounced both abuses against dissidents and institutionalized discrimination against LGBTQ+ people, highlighted by legislative proposals to ban LGBTQ+ propaganda and hate speech against these minorities<sup>36</sup>.

Following Russia's 2022 invasion of Ukraine, the detrimental impact of xenophobia and anti-LGBTQ+ sentiment on LGBTQ+ communities in the context of armed conflict has been highlighted<sup>37</sup>. ILGA-Europe, an organization that defends LGBTQ+ rights, has shown that existing discrimination and violence can be exacerbated in such circumstances, leading to new challenges<sup>38</sup>. The Equal Rights Coalition (ERC), a 42-member intergovernmental body committed to protecting the rights of the LGBTQ+ community, has expressed concern about the "additional dangers" facing LGBTQ+ people seeking protection from the conflict in Ukraine. The ERC highlighted that displaced LGBTQ+ people are often marginalized and may even be excluded from evacuation and emergency responses<sup>39</sup>.

The American Institute of Peace highlighted the war's impact on social norms, including those related to gender, highlighting the transformations forced by the threatening context, such as the wider acceptance of gay and lesbian soldiers in the Ukrainian armed forces. However, the situation is complex and fraught with risks for LGBTQ+ minorities, some of whom are forced to flee to avoid persecution by Russian or Ukrainian soldiers<sup>40</sup>.

The European Parliament condemned the military aggression of the Russian Federation against Ukraine<sup>41</sup> and emphasized the need for special protection for vulnerable groups and minorities, who are disproportionately affected in armed conflicts<sup>42</sup>. He also criticized the harsh and discriminatory treatment of the LGBTQ+ community in Russia and Chechnya.

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<sup>36</sup> Violations of fundamental freedoms are increasing both in Russia, against dissident voices and LGBTQ people, as well as in the areas of Ukraine occupied by Russian troops, the UN Human Rights Committee reported on Thursday, reports the EFE agency, quoted by the Romanian news agency Agerpres. <https://adevarul.ro/stiri-externe/europa/un-comitet-al-onu-denunta-incalcarea-drepturilor-2217555.html>.

<sup>37</sup> [https://www.europarl.europa.eu/RegData/etudes/ATAG/2022/729412/EPRS\\_ATA\(2022\)729412\\_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/ATAG/2022/729412/EPRS_ATA(2022)729412_EN.pdf).

<sup>38</sup> <https://ilga-europe.org/report/briefing-document-march-2022-ukraine-war-lgbti-people-in-the-context-of-armed-conflict-and-mass-displacement/>. For example, trans and intersex people in Ukraine do not have identification documents with gender markers that correspond to their gender identity; and may lose access to hormone replacement therapy or other medical treatments. Some people may not be able to leave the country because trans women, non-binary people registered "male" at birth, and trans men are considered "male" and—as potential recruits—are not allowed to leave Ukraine. If recruited, trans people face a greater risk of harassment and violence.

<sup>39</sup> <https://epthinktank.eu/2022/05/06/russias-war-on-ukraine-the-situation-of-lgbti-people/>.

<sup>40</sup> Documentaries from the current wartime Ukraine illustrate the complex and dangerous position of LGBTQ+ minorities. News organizations have reported the account of a transgender woman, Zi Fa ámelu, whose documents incorrectly identify her. Following President Volodymyr Zelensky's declaration of martial law, Fa ámelu was forced to remain in Ukraine to perform military service, despite her transgender identity. She said she had to cross the Danube into Romania to escape Ukrainian forces who tried to force her to stay. When official staff apply transphobic stigmas, stereotypes, and personal beliefs in handling documentation issues for transgender people, they often abuse their state-sanctioned authority to punish and harm them. This can be life-threatening for transgender people. Only some LGBTQ+ people have the privilege of being "unicorn" soldiers; others are forced to flee to avoid being beaten, or worse, by either Russian or Ukrainian soldiers. <https://www.usip.org/publications/2022/07/democratic-ukraine-must-include-all-lgbtq-people>.

<sup>41</sup> In a resolution dated March 1, 2022, the European Parliament strongly condemned "the illegal, unprovoked and unjustified military aggression of the Russian Federation against and invasion of Ukraine" and recalled that "attacks against civilians and civilian infrastructure as well as indiscriminate attacks are prohibited under international law, humanitarian law and therefore constitute war crimes". It also called on the Commission, Member States and UN agencies to provide humanitarian assistance to the civilian population of Ukraine. [https://www.europarl.europa.eu/doceo/document/TA-9-2021-0383\\_EN.html](https://www.europarl.europa.eu/doceo/document/TA-9-2021-0383_EN.html).

<sup>42</sup> In a 2021 recommendation to the Council, the Commission, and the EU High Representative for Foreign Affairs and Security Policy/Vice-President of the Commission on the direction of EU-Russia political relations, the Parliament pointed out that "The LGBTQ+ community in different parts of the Russian Federation face widespread discrimination, including harassment, torture, imprisonment and murder". It also pointed out that the situation is of particular concern in Chechnya, "which in 2017 began a purge of LGBTQ+ people, detaining and torturing dozens and killing at least two, leading to them seeking safe haven abroad." [https://www.europarl.europa.eu/RegData/etudes/ATAG/2022/729412/EPRS\\_ATA\(2022\)729412\\_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/ATAG/2022/729412/EPRS_ATA(2022)729412_EN.pdf).

Christophe Lacroix, General Rapporteur for LGBTQ+ rights at the Parliamentary Assembly of the Council of Europe (PACE), noted that human rights violations, including sexual violence, against LGBTQ+ people already occur in peacetime and even more so in wartime, often going unreported and unpunished.<sup>43</sup> According to Lacroix, the conflict in Ukraine is particularly difficult for LGBTQ+ people, given the geopolitical situation, it is enough to recall Russia's repeated violations of the European Convention on Human Rights<sup>44</sup> and LGBTQ+ rights violations in Chechnya and Belarus.<sup>45</sup>

In conclusion, the armed conflict between Russia and Ukraine has exacerbated the vulnerability of LGBTQ+ minorities, with serious consequences for security and human rights. It is essential that states and international organizations recognize these abuses and strengthen their efforts to ensure the protection and equality of all persons, regardless of sexual orientation or gender identity.

### Few Conclusions and Coordinates

Our analysis reveals that, in Romania, people with non-conventional sexual orientations or transgender identities can benefit from a more tolerant legislative and social framework compared to other Eastern European countries. Romania can be considered a state relatively open to sexual diversity, having a higher degree of tolerance than other states in the Eastern European region<sup>46</sup>. This context facilitates the applicability and success of implementing inclusion projects for the LGBTQ+ community<sup>47</sup>.

This idea can also be supported by reference to the opinion of Amia Bishop, senior research advisor for Outright Action International, a global group dedicated to LGBTQ human rights. Bishop argues that "the situation in Hungary and Poland reflects a wider trend, with the center of gravity in Russia." She adds that "LGBTQ+ people are demonized by their governments, citing the preservation of 'traditional values' as a mechanism to consolidate power and create social, political and cultural differences from the West."<sup>48</sup>

Therefore, it is essential to make a connection between the discrimination against the LGBTQ+ community in Ukraine and the individual opinions we are going to collect through interviews.

In the same context, research conducted by the Washington Post on Venezuelan LGBTQ+ refugees in Brazil and the vulnerability of the LGBTQ+ community during the COVID-19 pandemic showed that sexual orientation, gender identity, and other marginalized identities influence how individuals navigate situations of crisis and displacement<sup>49</sup>.

In conclusion, these observations support the idea that in Romania, thanks to a relatively tolerant society and legislative framework, there is a fertile ground for the implementation of projects for the inclusion of the

<sup>43</sup> [https://www.europarl.europa.eu/RegData/etudes/ATAG/2022/729412/EPRS\\_ATA\(2022\)729412\\_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/ATAG/2022/729412/EPRS_ATA(2022)729412_EN.pdf).

<sup>44</sup> [https://www.echr.coe.int/Documents/Stats\\_pending\\_month\\_2022\\_BIL.PDF](https://www.echr.coe.int/Documents/Stats_pending_month_2022_BIL.PDF).

<sup>45</sup> [https://www.europarl.europa.eu/RegData/etudes/ATAG/2022/729412/EPRS\\_ATA\(2022\)729412\\_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/ATAG/2022/729412/EPRS_ATA(2022)729412_EN.pdf).

<sup>46</sup> In Hungary, in recent years, lawmakers have legally defined marriage as a heterosexual union, effectively banned same-sex adoptions, and ended legal gender recognition for transgender and intersex people. In February, a Hungarian judge issued a subsequent ruling that said an article likening a group of lesbians to pedophiles did not damage his reputation, according to the advocacy group Human Rights Watch. <https://time.com/6156672/lgbtq-ukraine-refugees-russia/>.

<sup>47</sup> After Fleeing Ukraine, LGBTQ Refugees Search for Safety in Countries Hostile to Their Rights. <https://time.com/6156672/lgbtq-ukraine-refugees-russia/>.

<sup>48</sup> <https://time.com/6156672/lgbtq-ukraine-refugees-russia/>.

<sup>49</sup> <https://www.washingtonpost.com/politics/2022/04/13/lgbtq-trans-ukraine-asylum-human-rights/>.



LGBTQ+ community. The situation in other Eastern European countries, in contrast to Romania, indicates the need to continue and deepen research in this field in order to improve the human rights situation at the regional level.