

## Human Rights Protection of PLWH and Marginalized Groups in Ukraine

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## Legislative Gaps

1. Criminal liability for HIV transmission and exposure to HIV-infection (Article 130 of the Criminal Code of Ukraine);
2. No provision in Ukrainian law prohibiting discrimination of any kind as to sexual orientation;
3. PLWH diagnosed with B21-24 forms of HIV/AIDS (ICD) can not adopt or take into family care children;
  - In March 2013 Network's lawyer helped to HIV-positive family to receive custodianship for a child by requesting from local AIDS center to issue medical document certifying Z21 diagnosis of potential custodians and persuading officials of Service for Children to permit establishment of custodianship

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## Legislative Gaps



4. PLWH can not access reproductive health technologies;
5. Overstrict regime of patent protection and data exclusivity protection for branded pharmaceutical products is causing high pricing of ARVs and therefore it is in conflict with the right to health

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## Violations in Healthcare Setting

1. Refusal to provide treatment;
2. Demanding money for medical services that should be provided free of charge
3. HIV-status disclosure;
  - On 22 January 2013 Central District Court of Simferopol prohibited for 1 year to conduct medical practice and fined for 1700 UAH to the medical practitioner of orphan home that disclosed HIV-status of a child



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## Violations by Law-Enforcement Authorities

1. Dishonest attitude by law-enforcers to professional duties;
2. Use of unlawful measures during investigation;
3. Bribery;
4. Psychological and physical violence

➢ Citizen D., was suffering from psychological and physical violence from police in Sadgir district Chernivtsi oblast due to being IDU, upon lawyer's request to desist this practice to the Civil Council of the Ministry of Internal Affairs oblast department, abusive actions from police stopped.



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## Factors Contributing to Violations

- High level of discrimination and stigma of PLWH and marginalized groups representatives, including self-stigma and unwillingness to stand for own rights
- Low level of legal awareness (PLWH and patients' rights) by PLWH, medical practitioners, social workers and law-enforcers
- Corruption of state authorities, healthcare and social services providers



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## Legislative Ban of "Homosexual Propaganda" - update

- Ombudsman of Ukraine stated that she will oppose the draft law #0945 (former #8711) and will appeal for President's veto in case of its approval.
- Draft law #0945 since the first reading has been under revision in the relevant committee before second reading in the Parliament.
- On December 24, 2012 the similar draft law #1155 "On prohibition of propaganda of homosexual relations aimed at children" was registered in the Parliament of Ukraine.

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## Legislative Ban of "Homosexual Propaganda" - update

### Ongoing battle:



8th of December 2012 – **protest action** in Kyiv against homophobic legislation – **violently attacked** by right-wing groups.

**Equality March** aimed at adoption of anti-discrimination law and rejection of homophobic draft laws was planned for 25th of May in Kyiv within festival Kyiv-Pride 2013.



On May 23th 2013 – Kyiv's District Administrative **Court banned the Equality March** due to "protection of national security and public order".

*Human rights and LGBT organizations keep on fighting for the right to peaceful gathering, freedom of speech and principles of non-discrimination in Ukraine.*

# Thank you!