

BRIEF HISTORY OF HOMOSEXUAL REPRESSION IN UKRAINE

SECOND HALF OF THE 16TH CENTURY – END OF THE 18TH CENTURY PUNISHMENT FOR HOMOSEXUALITY IN ZAPORIZHZHYA SICH

According to Dmytro Yavornytsky (1855–1940), Cossacks historian at the Academy of Sciences of the Ukraine Soviet Socialist Republic (SSR), one of the most serious crimes in Zaporizhzhya Sich, the name for part of what is now Ukraine, was sexual intercourse between two men. As punishment, they were chained to what was commonly called a “pole of shame,” beaten with sticks and sometimes to death.

Yavornytsky, D. *The History of Zaporizhzhya Cossacks*. Kiev: Nauk. dumka, 1990–91.

APRIL 26, 1715 PENALTY FOR THE “SIN OF SODOM” UNDER PETER THE GREAT

The Military Article is enacted. Chapter twenty, “On the sin of Sodom, violence, and fornication,” cites punishment for voluntary sodomy (though the form of punishment is not specified) and for violent sodomy (punishable by exile or death penalty).

<http://www.hist.msu.ru/ER/EText/articul.htm>

AUGUST 15, 1845 FIRST CRIMINAL CODE THAT PENALIZES SODOMY

Decree of Czar Nicholas I (1796–1855) confirms a code of criminal penalties and corrective actions, effective May 1, 1846. It requires that a person who commits an act of sodomy be deprived of all property rights and exiled to Siberia. Additional punishment includes beating by whip. If the offender was Christian, he was also required to repent before a spiritual leader (Article 1293). Aggravated sodomy, that is an act committed with violence, to a minor, or to a developmentally disabled person, merits a brutal sentence: ten to twelve years of hard labor, beating by whip, and the imposition of a stigma (Article 1294).

<http://www.istorya.ru/referat/6279/1.php>

1885 REDUCED PENALTIES FOR CONSENSUAL HOMOSEXUAL ACTS

Voluntary sodomy is penalized by depriving the individual of all “special personal and property” rights and imprisonment for four to five years. Christians are still mandated to repent (Article 995). The same article disciplines men who engage in anal sex with women. Violently sodomizing a minor is still punishable by hard labor in exile for ten to twelve years.

<http://sproi.d3.ru/comments/584659>

MARCH 22, 1903 NEW ARTICLE ON SODOMY

The Criminal Law of 1903 combines the laws about voluntary and violent sodomy in Article 516, “On Lasciviousness.” A guilty verdict for consensual sex earns one up to three months in prison. Aggravated sodomy requires three years and, during crackdowns, up to eight years of hard labor.

<http://sproi.d3.ru/comments/584659>

1917–1934 DECRIMINALIZATION OF HOMOSEXUALITY – RELATIVE TOLERANCE

After the criminal code is repealed following the October Revolution of 1917, the anti-homosexual law also ceases to be valid. The first two editions of the Criminal Code of the Ukrainian SSR (1922 and 1927) have no specific laws against homosexuality (usually termed “sodomy”). However, gay men could be pursued by other laws (e.g., rape).

Kolos, M. *Criminal Law Ukraine*. 2011.

JANUARY 11, 1934 RECRIMINALIZATION OF SODOMY

Chairman of the All-Ukrainian Central Executive Committee Grigory Petrovsky (1878–1958) signs the Kharkiv resolution of criminal liability for sodomy. This act reimposes a law against sodomy in the national criminal code. Article 165 (1) states that the penalty for voluntary intercourse between two men is imprisonment for up to five years. Sodomy committed with violence, by taking advantage of the dependent status of the victim, or by sex workers, or in public, warrants up to eight years.

Of Criminal Liability for Sodomy. Resolution of the Presidium of the USSR on January 11, 1934. PO SSR. ~ 1934. Number 5, Article 38.

MARCH 7, 1934 CRIMINAL LIABILITY FOR SODOMY IN RUSSIA

Criminal liability for sodomy (intercourse between men) was introduced in the Russian Soviet Federative Socialist Republic (RSFSR), after having been passed at the Presidium of the All-Russian Central Executive Committee of the RSFSR on December 17, 1933. This decree makes several amendments to the Union of Soviet Socialist Republics (USSR) criminal code, which duplicates the article for sodomy that had been in the Russian code. Voluntary sodomy in the USSR is punishable by three to five years in prison, and aggravated sodomy, due to violence or the dependent status of the victim, is five to eight years. The law will last until 1961.

http://www.libussr.ru/doc_ussr/ussr_3970.htm

APRIL 1, 1961 NEW LAW ON SODOMY IN UKRAINE SSR

The updated criminal code of Ukraine SSR, which duplicates the Russian code and was adopted on October 27, 1960, goes into effect. Article 122 mandates for sodomy up to one year in prison and for belonging in a homosexual relationship, expulsion from one’s home and mandatory resettlement for up to three years.

<http://zakon4.rada.gov.ua/laws/show/2001-05/ed19911212>

19205 - 19805 LESBIANS IN THE USSR

Lesbian sex was not a crime as the laws only prosecuted men. Young women charged with homosexuality (especially those age fifteen to nineteen) were sent to a psychiatric hospital for three months and treated with drugs. Once released, they had to register as mentally ill with a local psychologist, a designation that hindered careers and even the ability to pass a driver’s license exam.

The first widespread exclusively lesbian subculture that appeared in Soviet times arose from Joseph Stalin’s concentration camps and in women’s prisons. Historian Olga Zhuk, who has explored the subculture at camps, believes that it gradually spread from these zones of exile to all Soviet society. The culture reflected a clear division of gender roles in a strictly patriarchal structure (i.e., butch/femme), making it especially popular among working-class and lower-class women.

<http://www.savanne.ch/tusovka/ru/pilot/homosexuality-russia.html>

1973 QUESTIONING THE PROSECUTION OF GAYS

In a criminal-law manual, Soviet legal scholar, criminologist, and Odessa native Michael Shargorodskii (1904-1973) becomes one of the first to question the prosecution of unqualified (that is, consensual) sodomy. He writes that “in Soviet legal literature no one has never tried to bring sound scientific basis for criminal liability for voluntary sodomy, and the only argument that is usually given (moral depravity of the subject and a violation of the rules of socialist morality) cannot be upheld, because the negative properties of the individual cannot serve as a basis for criminal liability and immoral actions are not to declare them criminal. There are ... serious doubts about the feasibility of preserving criminal liability for unqualified sodomy.”

M.D. Shargorodskiy and P.P. Osipov. *Rate of the Soviet Criminal Law*. 1973.

DECEMBER 20, 1973 ARREST OF SERGEI PARAJANOV

Prominent film director Sergei Parajanov (1924–1990) is arrested in Kiev—where he was visiting his sick son—and charged with sodomy under Article 122, Ukrainian Criminal Code, parts 1, 2. Parajanov will be sentenced to five years in prison but released in early December 1977, thanks to a letter of amnesty signed by other major filmmakers.

<http://www.segodnya.ua/ukraine/vcja-pravda-o-cudimocjtjakh-cetheja-paradzhanova.html>

1987 FIRST CASE OF HIV/AIDS

The first cases of HIV/AIDS are discovered in the Ukraine SSR during the first large-scale screening of people with antibodies to HIV. By the end of the year, six HIV-positive permanent residents and seventy-five HIV-positive foreigners are found and, following the law, deported. By 1994, the spread of HIV/AIDS remained slow, and its main means of transmission were through heterosexual acts.

International HIV/AIDS Alliance in Ukraine. *People and HIV*. Russian edition. Kiev: International HIV/AIDS Alliance in Ukraine, 2006. <http://www.aidsalliance.org.ua/ru/library/our/peopleandhiv/pdf/ph3.pdf>

DECEMBER 12, 1991 DECRIMINALIZATION OF HOMOSEXUALITY IN UKRAINE SSR

The Supreme Council of the Ukrainian SSR passes law abolishing “criminal responsibility for voluntary homosexual relationships,” effective January 20, 1992. Article 122 remains on the books but only criminalizes sex between men that is “committed with the use of physical violence, threats, or use the helpless state of the victim”—with punishment of two to five years in prison—and “committed by a group of persons or against a minor, or a person who has previously committed a crime”—with up to eight years.

<http://zakon4.rada.gov.ua/laws/show/1974-12/ed19911212>

1993 MYKOLAYIV ASSOCIATION FOR GAYS, LESBIANS, AND BISEXUALS ‘LIGA’

The Association of LGBT People, which will form the basis of the later Mykolayiv Association for Gays, Lesbians, and Bisexuals (LIGA), begins its activities in city of Nikolaev. LIGA is the oldest active LGBT organization in Ukraine.

<http://www.lgbt.mk.ua/league.php>

MAY 13, 1994 GANYMEDE

The Ministry of Justice registers Ganymede, the first national association to position itself as an LGBT organization. It will cease operations in 1999.

<http://www.dtsu.gov.ua/show/211>

FEBRUARY 15, 1996 ONE OF US MAGAZINE

One of Us Magazine is registered as a media company. The first issue of this LGBT publication will be released on December 19, 1996. Now subscription-only, the magazine could previously be found in Kiev, regional centers, and other major cities and by subscription.

<https://www.facebook.com/odynznas>

MARCH 15, 1996 OFFICIAL PROCEDURE FOR SEX-CHANGE OPERATIONS

Ukrainian Ministry of Health issues the first decree in the independent Ukraine regulating sex transitions. The ministry will repeal the decree on February 3, 2011 (Order of Ministry of Health of Ukraine N. 60).

<http://www.pravda.com.ua/news/2013/12/14/7006832>

APRIL 4, 1998 BIG BOY CLUB

Big Boy Club, the first and longest-running gay nightclub in Ukraine, opens on April 4, 1998 in Kiev. In 2002, it will change its name to Androgin and will close in early 2014.

One of Us Magazine. Number 2-3 / 11 (68), March-June 2008.

APRIL 17, 2000 FIRST LESBIAN ORGANIZATION

Ministry of Justice officially registers the first lesbian organization, Women’s Network. Its participants will organize flashmobs, summer camps for lesbians, and Race for Life events, as well as actively advocate for LGBT rights. Today the organization has nearly ceased to exist.

Geidar, L. and A. Dovbakh. *Being a Lesbian in Ukraine: Gaining Strength*. Kiev: Zhenskaja set, 2007.

SEPTEMBER 1, 2001 EXCLUSION OF SODOMY FROM THE NEW CRIMINAL CODE

Article 122, which criminalized “sodomy,” defined as consensual or violent intercourse between two men, which was severely punished with imprisonment of different durations, with fines and other forms of punishment, is removed from the new Criminal Code.

<http://zakon2.rada.gov.ua/laws/show/2341-14>

OCTOBER 2001 SUNNY BUNNY

Molodist International Film Festival presents The Other Love, a program dedicated to the LGBT community. Later renamed Sunny Bunny, it will become a world-class queer program within a major festival. The Sunny Bunny Prize for LGBT films is second only to the Berlin International Film Festival’s Teddy Award in importance and reputation.

<https://www.facebook.com/sunnybunnyfest/info>

SEPTEMBER 21, 2003 MILEAGE IN THE NAME OF LIFE

During Mileage in the Name of Life, the mass-sports charity event to support people living with HIV/AIDS along Khreshchatyk Street in Kiev, members of the LGBT community were confronted by representatives of religious sects and were attacked by fascists. In 2003 Women’s Network started the event to express solidarity for men, women, and children living with HIV/AIDS as well as draw public attention to the disease.

<http://neuletay.aids.ua/gazeta/7-82003.htm>

SEPTEMBER 21, 2003 LOVE AGAINST HOMOSEXUALITY MOVEMENT

First Love against Homosexuality protest is held. For three hours, homophobic activists stand in Independence Square with banners that read “Homosexuality = AIDS,” “Homosexuality = a sin,” “Gays are not born. They become gays,” “Same-sex love does not exist,” “Ukraine = Christian country,” “Freddie Mercury died. Decidel” and “Homosexuality = enemy of the family.” Over the next eleven years, the organization will organize public actions against LGBT people and advocate for the homophobic laws, among other activities. On April 21, 2009, Love against Homosexuality, now a non-governmental organization (NGO), described as a “social movement of people from the future,” will receive a state registration.

<http://love-contra.org>

MAY 17, 2005 FIRST PROTEST FOR LGBT RIGHTS

On March 22, 2005, a gay student at the Interregional Academy of Personnel Management (MAUP) was expelled because he was distributing to his classmates printed materials with a call to protect the rights of gays and lesbians. He later sued the school. The Holosiyvsky Court ruled in favor of the student and ordered the IAPM to pay him compensation of 600 hryvnias (US\$120). In response, on the International Day against Homophobia (May 17), the NGO Our World organized the first public action for LGBT rights in Kiev to protest the student’s removal from the university.

Bureau of Democracy, Human Rights, and Labor. Department of State, United States. 2006. Country Report on Human Rights Practices: Ukraine (March 6, 2007).

FEBRUARY 15, 2011 ADOPTION OF CHILDREN BY SAME-SEX COUPLES

Verkhovna Rada (Supreme Council of Ukraine) ratifies the revised European Convention on the Adoption of Children, which allows same-sex couples to adopt. In April 2011, the Ministry of Justice will issue an explanation of parliament’s unprecedented decision, noting that the convention “gives the right (but does not establish the obligation) to States, taking into account their national law, to apply this Convention to same-sex couples.”

<http://zakon4.rada.gov.ua/laws/show/3017-17>

JUNE 20, 2011 COPYING THE RUSSIAN BAN ON GAY PROPAGANDA

Draft Law 8711 is first registered in parliament. The authors are six members, representing all parliamentary factions (Communist Party of Ukraine, Our Ukraine, former prime minister Yulia Tymoshenko Bloc, Party of Regions), except the Lytvyn Bloc. The bill calls for amendments to the laws governing the media and bans the products that “promote homosexuality.” For importing, manufacturing, or distributing alleged gay propaganda, individuals face up to three to five years in prison. Later parliament will file two bills prohibiting “homosexual propaganda” aimed at minors (No. 10290) and propaganda “of homosexuality, lesbianism, bisexuality, and transgenderism” (No. 10729). None of these homophobic laws have been adopted to date.

http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=40734

2012 UKRAINIAN OMBUDSMAN BECOMES THE FIRST AUTHORITY TO RECOGNIZE DISCRIMINATION AGAINST LGBT PEOPLE

With the election of Ombudsman Valerie Lutkovska in 2012, the LGBT community’s visibility problem begins to change. The office’s 2012 report contains the first mention of the community, stating in particular: “The Commissioner draws attention to the fact that the recent cases of outright daring attacks and committing physical violence against sexual minorities, including LGBT activists.” In 2014 for the first time, the ombudsman’s annual report, which covers 2013, will include a special section, “Discrimination Based on Sexual Orientation and Gender Identity.”

http://lgbt.org.ua/lgbtruh/advocating/show_1574

MAY 16-19, 2012 FIRST KIEVPRIDE – MARCH CANCELLED

KievPride, the first LGBT Pride celebration, takes place. However, the march is cancelled due to threats from right-wing activists. As part of KievPride, the first Equality March will occur in 2013.

<http://www.amnesty.org/en/news/ukraine-first-ever-kyiv-pride-cancelled-face-ultra-right-threat-2012-05-20>

JUNE 30, 2012 ELTON JOHN’S APPEAL

Elton John used an AIDS charity concert in Kiev to make an emotional appeal to Ukraine to stop what he called “persecution of gays.”

<http://www.reuters.com/article/2012/06/30/entertainment-us-ukraine-elton-idUSBRE85TOLD20120630>

OCTOBER 2, 2012 LAW 8711

A public action is held against the Draft Law 8711, criminalizing “homosexual propaganda.” Unfortunately, that day the bill passes during the first reading with 289 deputies, including the Chairman of the Verkhovna Rada Volodymyr Lytvyn, in favor. The law is not adopted at its second reading, due to harsh criticism from the international community and from human-rights organizations.

http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=40734

MAY 25, 2013 FIRST EQUALITY MARCH

Approximately fifty to sixty participants of the Equality March for LGBT rights march on Victory Avenue near the Dovzhenko Film Studio in Kiev. The police arrest thirteen people for trying to interfere with the march.

<http://kiyany.obozrevatel.com/politics/41972-marsh-ravenstva-vzglyad-iznuti.htm>

NOVEMBER 6, 2013 BOGDAN GLOBAL’S COMING OUT

Speaking before parliament, Bogdan Globa, LGBT activist and executive director of the Ukrainian charitable organization Tochka Opory (Fulcrum) becomes the first openly gay person to formally address the state’s highest legislative body.

http://lgbt.org.ua/news/show_919

DECEMBER 14, 2013 PRIME MINISTER ON LGBT RIGHTS

At a meeting of authorities as well as supporters and opponents of the anti-government Euromaidan (during the first month of the Dignity Revolution), Prime Minister Mykola Azarov says that in order to establish visa-free travel to the European Union (EU) countries, Ukraine should “legalize same-sex marriage and adopt a law of equality for sexual minorities.” Azarov, however, insists that Ukrainian society is not ready for this change and that religious organizations of various denominations will oppose it.

<http://www.pravda.com.ua/news/2013/12/14/7006832>

MAY 2014 79 PERCENT OF THE REPRESENTATIVES OF THE UKRAINIAN LGBT COMMUNITY WERE DISCRIMINATED

From May 8 to 18, the main LGBT website, known as the National LGBT Portal, conducts an online nationwide survey about discrimination. Of the 1,024 respondents, ranging in age from sixteen to sixty-eight and hailing from all twenty-four regions and Crimea, seventy-nine percent had experienced discrimination based on sexual orientation and gender identity at least once in their lifetime. The biggest offenders were relatives, classmates, friends, and acquaintances.

http://lgbt.org.ua/en/news/show_1459

MAY 13, 2014 ANTI-DISCRIMINATION LAW IGNORES SEXUAL ORIENTATION AND GENDER IDENTITY

With 233 votes in favor, Verkhovna Rada adopts an anti-discrimination law that does not specify sexual orientation and gender identity as the EU, human-rights organizations, and the Ukrainian LGBT community had earlier demanded.

http://lgbt.org.ua/news/show_1413



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