



**TRANSGENDER
PEOPLE IN UKRAINE:
SOCIAL BARRIERS
AND DISCRIMINATION**

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INTRODUCTION AND BASIC CONCEPTS

Transgender (*eng. trans — between, gender — social characteristics connected to sex*) — is term which is used to describe people whose gender identity is different from the sex assigned to them at birth.

Gender identity — inner sense of belonging to a social group of men, women or other gender different from the two "standard". The sex recorded in the birth certificate of transgender people differs from their gender identity.

In particular, Yogyakarta Principles on the Application of International Human Rights Law in relation to Sexual Orientation and Gender Identity determines that gender identity means a deep perception by the individual of their inner and personal peculiarities of belonging to a certain gender, which could both match and differ with the sex documented at birth. This includes individual perception of one's body (may be accompanied by the change of appearance or physical functions by medical, surgical or any other means) and other manifestations as clothing, speech and manners.

The concept **transgender** combines various groups and identities. In Ukrainian context it is often used to refer to transsexual people — individuals who are experiencing a significant psychological discomfort from the gender they've been raised in and wish to socialize in a different gender role and, consequently, to make their appearance as close as possible to that of an opposite gender (by means of hormonal therapy, various cosmetic and surgical procedures) and also to change their name and sex in the identification documents. Transsexualism is listed in the 10th revision of the International Statistical Classification of Diseases (ICD) as a diagnosis under the code F64-0.

Transgender people can use various terms in order to refer to their identity: transgender, transsexual, genderqueer, agender or simply male or female. They can also refer to themselves in a different grammatical gender including the neutral gender. In order to show respect towards transgender people and the person's identity, it is important to use those terms and grammatical gender which they choose themselves.

Tabooing of non-normative gender self-expression creates **transphobia** — disgust, hatred or irrational fear towards transgender people. Transphobia appears through emotional, verbal and physical violence to transgender people.

Transgender people become victims of hate crimes more than other minorities. Ukraine does not keep official statistics of murders on grounds of transphobia. Most of these murders are posed as "hooliganism" or domestic conflicts. Transphobic hate crimes are hushed up and many victims remain nameless.

The ability to gain access to necessary medical interventions and changes in identity documents in Ukraine is regulated by:

- ✓ Order of the Ministry of Health (MOH) No 60 of 03/02/2011 (registered in the Ministry of Justice of Ukraine on 25.02.2011 by №241 / 18979) (hereinafter — MOH Order №60);
- ✓ Law of Ukraine "Fundamentals of the legislation of Ukraine on Health Care" from 19.11.1992 No 2801-XII (Article 51) (hereinafter — Fundamentals of Health of Ukraine);
- ✓ Rules on amendments to the act records of civil status and their renewal and cancellation, approved by the Ministry of Justice of Ukraine 12.01.2011 №96 / 5 and registered in the Ministry of Justice of Ukraine 14.01.2011 №55 / 8793 (paragraph 2.15.5) (hereinafter — Rules on amendments to the act records of civil status).

Only people with a diagnosis of "transsexualism" have access to this procedure. Changing legal gender is a lengthy, complex procedure which includes a number of discriminatory requirements and restrictions. In particular, the existing procedure cannot be undertaken by transgender people who have children under 18, married, have no permanent job and residence, etc. Moreover, the diagnosis "transsexualism" is included in the list of diseases which prohibit the adoption of a child — it is classified as a mental disorder and is recorded in a chapter of ICD "Disorders of mature personality and behavioral disorders".

The only body in Ukraine that decides whether to provide medical assistance to persons in need of gender reassignment and that issues the medical gender reassignment certificate, which is the basis for amendments to the birth record, is the Sex change commission (hereinafter — the Commission, created by Order №60 of the MoH of Ukraine).

Since in Ukraine transgender people do not have the right to change their passport without undergoing a number of complex and expensive surgeries, many of them are in a situation when their appearance, which has changed

under the influence of hormone therapy, does not match gender stated in the identification documents. This brings about difficulties during any social interactions that require providing documents, such as opening a bank account, appealing to the authorities and the police, applying for social and health care, getting employed or entering educational institutions, railway and air travelling, renting a flat, receiving money orders etc.

Having extensive experience in providing social and legal assistance to transgender people and often facing insufficient knowledge about the situation of transgender people in Ukraine by experts, officials and citizens in general, we decided to create a brochure which would provide specific examples explaining in which areas and situations transgender people face difficulties and discrimination.

This publication may be useful to journalists, lawyers, students, human rights activists and to all those interested in the social and legal status of transgender people in Ukraine.

MARRIAGE

According to MoH Order № 60 (paragraph 4, part 3) "patient's being married at the time of his applying to the Commission" is a contraindication to a correction of gender identity. This requirement occurs due to a legal collision — in Ukraine same-sex marriage is not legal, and in case a married transgender person has their sex record in the passport changed, the marriage formally becomes homosexual. In practice, this requirement actually leads to forced divorces.

Example: *A 55-year-old transgender woman during the procedure of legal gender reassignment in Ukraine was denied to proceed because she was married at the time. Despite the fact that she was in good relationship with her wife, has been living with her more than 20 years, had common children and grandchildren, because of existing legislation she had to choose between the marriage (and corresponding legal protection) and the ability to change the name and sex record in identification documents. For a long time her appearance did not correspond with the passport. The couple was forced to formally divorce.*

The definition of "marriage" gives us the Family Code of Ukraine, according to which marriage — is a family union of a woman and a man registered in the state registration of civil status acts (Article 21).

By defining marriage as a contraindication to gender change the legislator actually made the transgender person choose between marriage dissolution and an ability to undergo gender change right at the stage of obtaining permission for it.

Analyzing the national courts' practice, it is worth noting that currently there have been no trials appealing against such contraindication to staying married.

However, there are relevant judicial decisions in some European countries, for example, the Constitutional Court of Austria has given a transgender woman the right to change sex to female while remaining married to her wife (Decision of 08.06.2006). The court ruled that their marriage cannot prevent changing the gender in the birth certificate.

The Federal Constitutional Court of Germany also made a similar decision noting that the sex change should not lead to compulsory divorce (Decision of 27.05.2008). Among other things these decisions were containing a call for the state to agree that the protection of all people, without exception, from state forced divorce should be considered as something more significant than isolated cases where a change of legal sex leads to same-sex marriage. It was also noted that we should welcome this approach because it will put an end to forced divorce for people who are married to a transgender.

European Court of Human Rights recognizes that in these cases a legislative consolidation of a requirement to divorce puts transgender people in a difficult position because they have to choose between recognition of a preferred sex and ability to stay married (H. against Finland (complaint №37359 / 09)).

CHILDREN

Example 1: *After two years of hormone therapy a 28-year-old transgender man has decided to temporarily stop it in order to have a baby. After he had become the happy father of his daughter he resumed taking male hormones. Under current procedures he can't undergo sex reassignment therapy and change his legal gender for over the next 18 years. The appearance of a transgender man no longer matches his passport.*

According to the MoH Order № 60 having children under 18 is one of the many contraindications to obtaining permission for gender change.

In fact, by introducing the specified requirement in the list of contraindications the legislator intervened in the person's private and family life violating the rights and freedoms of a human and a citizen which are guaranteed by the Constitution of Ukraine, the Convention for the Protection of Human Rights and Fundamental Freedoms and other existing legislation.

In 2014, activists of the transgender movement made an attempt to cancel the mentioned contraindications through court. And the local court answered the claim because the state's intervention in the realization of the right for identity by setting restrictions (contraindications) has signs of violation of the right to respect of privacy. Unfortunately, the Court of Appeal overturned this decision taking another side. Thus, according to the court "correction (change) of gender of a parent can cause moral or psychological trauma of a child that is it violates the rights and interests of the child". Thus, the case file lacked any evidence that could be the basis for making such a decision. At this time, it is known that the case is pending in the Supreme Administrative Court of Ukraine.

Example 2: *A 35-year-old transgender man underwent the gender reassignment procedure, changed documents and having man's documents entered into a marriage with a woman. The couple cannot have their children, and, consequently, wants to adopt a child. But they are officially not allowed to do that because the transgender is diagnosed with transsexualism, which is included in the list of diseases which prohibit the adoption. Till up to the present time the couple cannot get an opportunity to become parents.*

The concept, procedure, terms of adoption, determination of persons who are allowed to adopt a child and people who cannot be adoptive parents are defined by Chapter 18 of the Family Code of Ukraine. In particular, Article 212 of the Family Code of Ukraine provides that a person who suffers from the disease, which is included into the list approved by the Ministry of Health of Ukraine cannot be an adoptive parent.

The list of diseases prohibiting a person to be an adoptive parent (approved by Order №479 of MoH of Ukraine of 20.08.2008) contains, among other diseases, the diagnosis "Transsexualism" ("adulthood personality and behavior disorder") — F.64.0.

According to the mentioned above, the procedure of adoption for transgender persons is directly prohibited by the laws of Ukraine.

In this case, the European Court of Human Rights (Case of Pini and Bertani and Maner and Artypaldi against Romania (application №78028 / 01 and 78030/01)) stated that determining the best interests of the child are of greater importance. The most important thing in the cases on adoption is to provide the advantage of child's interests over those of the parents, as adoption means "providing a family for a child, not providing a child for a family."

In the nearest future the situation may change for the better since on 11.23.2015 the Action Plan of the National Strategy on Human Rights was accepted. One of its goals is to make amendments to the Order №479 of the Ministry of Health of Ukraine from 20.08.2008 and to exclude "Transsexualism" — F.64.0 from the list of the diagnoses till 4th quarter of 2016.

RENEWING PASSPORT PHOTOGRAPHS DUE TO ACHIEVING THE APPROPRIATE AGE

Example: *A transgender woman who has been undergoing hormonal therapy for a long time and looks feminine but has man's documents came to the migration service to paste a new passport photo in connection with the reaching 25 years of age. Her photos portraying long hair and makeup were not accepted. She was demanded to give the photos, which would correspond to the sex stated in the passport.*

The procedure of pasting the additional photograph into the passport in reaching by the person age 25 or 45 years regimented by the procedure of registration and issuance of a passport of a citizen of Ukraine is approved by the Ministry of Internal Affairs of Ukraine №320 from 13.04.2012. This document provides (paragraph 1.3 and Section 3) that in order to paste new photos into the passport the citizen must submit passport-size photos which match their present appearance within a month. It also contains the requirements to the photos: they must be made from one negative portraying a full face view directly facing the camera, no hat, made on a thin white or color photo paper without a cut corner; for the citizens who wear glasses on the permanent basis it is compulsory to make a photo wearing them. The photos are compared to the appearance of the person and then to the already existing photos in the passport. After that, one of the photos is glued to the appropriate place in the passport. If the identity of a person

cannot be established during the comparison procedure, or there appears a certain incongruity between the data about the passport holder specified in the message with the data represented in the application, the photocopies of the application and message are sent to the appropriate department which attached the photos in order to determine the reasons of the differences and the adoption of appropriate measures.

In order to achieve a positive resolution on this issue, before visiting the State Migration Service of Ukraine, it is important to carefully examine the legislation of Ukraine to understand the procedures that one needs to follow while the registration of the documents or consult experts who can organize legal support and take most of communication with official on themselves.

EDUCATION

Example: *An 18-year old transgender student, who started his hormone therapy six months ago, faces incomprehension and disrespect at the university. Despite numerous requests to call him with his male name, teachers and other students continue to refer to him by his passport name and in female gender, causing him stress and discomfort.*

One of the ways to deal with the problem is to file the official appeal by a transgender person to the administration of the university presenting a written application which contains a request of relevant instructions about the requirement to refer to the person in the masculine gender and by the name which he uses in everyday life to be given to lecturers. However, such an appeal may not guarantee a fast solution of the problem, although, if the application is compiled by the experts and is duly justified, the probability of a positive resolution of this issue is quite significant.

In 2010, the Committee of Ministers of the Council of Europe gave appropriate recommendations (CM / Rec (2010) 5) "About measures to combat discrimination on grounds of sexual orientation and gender identity" to the member states (including Ukraine). In particular Section VI contained recommendations connected to the sphere of education, paying due attention to the primary interests of the child, member states should take appropriate legislative and other measures aimed at educators and students to ensure that the right to education is in fact carried out without discrimination on grounds of sexual orientation or gender identity; such measures should include the protection of the right of children and youth to education in a safe

environment free from violence, bullying, social exclusion or other forms of discriminatory and derogatory treatment on grounds of sexual orientation or gender identity. Given the proper attention to the greater interests of the child in order to provide mutual tolerance and respect in schools regardless of sexual orientation or gender identity, the appropriate measures should be undertaken at all levels. This should include providing the protection and support to pupils and students in order to enable them to live according to their sexual orientation and gender identity.

EMPLOYMENT

Example: *Transgender woman with a degree in economics is looking for a vacancy in accounting. She had at least 5 successful interviews, but received refusal for no reason once a passport, which indicated man's name and gender was introduced. Although her appearance is distinctly feminine — as she has done over 4 years of hormone therapy. The woman earns some money through freelance but has not been able to find a formal job, yet. It is not possible for her to make enough money to pay for surgery without which she will not receive permission to make changes in the documents, and without a change in the documents she cannot find a job to earn enough money.*

On the one hand, current legislation of Ukraine secures the right to work, which is guaranteed by the Constitution of Ukraine (Art. 43), which includes the ability to earn one's living by working at a job they chose or freely agreed to; provides mechanisms for protection from discrimination (the Law of Ukraine "On Principles of Prevention and Combating Discrimination in Ukraine"); declares the quality of labor rights of the citizens of Ukraine, including the prohibition of any kind of discrimination in employment, including violation of the principle of equal rights and opportunities, direct or indirect restriction of the rights of workers based on gender identity, sexual orientation, etc. (Labor Code of Ukraine). On the other hand we have a huge problem in practical use of the granted rights and protection of these rights. Unfortunately, the problem with the official employment of the transgender people is fairly common; in fact, they do not have same rights in employment as other citizens, which is one of the varieties of discrimination. Solutions to this problem include: involvement of professional lawyers who can provide appropriate consultations, prepare documents during the employment, carry out the procedure of pre-trial settlement of the conflict and, if appropriate, bring the guilty person to the trial.

BANKING

Example 1: *A transgender man, who is going through hormone therapy for a long time and looks masculine but has documents indicating female sex, uses a personalized credit card which has female name and an old photo which doesn't match his appearance. When he tried to use this card to pay in a supermarket the cashier loudly asked him why he is using someone else's card, then makes a conclusion that the card is stolen and calls security. There starts a scandal during which a transgender man shows his passport where the picture looks more similar to his present appearance and is finally released. Since then he tries to pay cash in shops and cafes.*

Example 2: *A transgender woman, who has been undergoing hormone therapy for a long time and looks feminine but has documents indicating male sex, cannot get a credit card because bankers suggest that she shows them someone else's documents.*

Example 3: *A transgender man, who earns money through freelance and receives payment via Western Union, asks customers to send payments addressed to his neighbor and asks the neighbor to receive the money for him, because he cannot do that because his passport photo doesn't match his appearance.*

Indeed, the problem of identification of transgender people during the use of payment cards and issuance of such cards in banks is quite common. According to the recommendations made by the National Bank of Ukraine in the Letter N 25-312 / 519-3299 of 03.03.2010, the payment card is to be used by the person who it was granted to. When you use the card to pay for goods or services the vendor / cashier may require the holder of the card to provide a document confirming their identity.

In fact, the only effective solution to the problem is making the appropriate changes to official identification documents after following the procedure of gender change (correction) which currently operates in Ukraine or receiving a new passport (in case of loss, theft, damage); but the latter process may involve difficulties similar to those that occur when pasting new photographs when reaching the appropriate age.

USAGE OF TRANSPORT

Example 1: *A transgender woman is refused of getting on the train because of the disparity of her appearance and the photo and the data in her passport.*

Example 2: *A transgender woman gets stopped by the police patrol for speeding. As there is a man's name in the documents, the policemen intend to charge her for driving someone else's car. The woman has to explain her being transgender and show the medical certificate stating the diagnosis of transsexualism. Upon that, the policemen write the appropriate speeding ticket out, accompanying it with rude mockery.*

These examples are identical to problems in the banking sector in the way they are resolved. In addition, it should be noted that in the event of a dismissive attitude towards transgender rights on the part of any officials (cashiers, trainmen, policemen, etc.) the case should be recorded and documented, providing the details of the circumstances and the time of the event, people involved or the witnesses, etc.). This is recommended to be done with the help of professional lawyers who are familiar with the specifics of life of transgender people and know where a complaint is to be sent to.

CROSSING THE BORDER

Example 1: *At the airport when passing border control two transgender men are rudely questioned for having women names in the documents. They are shown out to a separate room and forced to get off their clothes to "prove" that they are really "the women whose documents they are showing".*

The document inspection procedure in this case is defined by The Regulation of Crossing the State Border by Citizens of Ukraine, approved by the Cabinet of Ministers of Ukraine with the Decree №57 of 01.27.1995. In particular, passport and supporting documents of citizens who cross the state border are to be checked by authorized officers of the state border unit in order to establish their validity and belonging to the person who presents them. Shall the authorized officer establish that the passport belongs to another person, which is possible if a transgender person is involved, the possibility of crossing the border will be denied and the documents will be suppressed. The decision of temporary prohibition to leave the country (exit ban) and temporary passport detention or suppression may be appealed as set by law. It should be noted that the above example of a situation where a transgender person is forced to undress to be

checked for sex identification is a gross violation from the officers' side. Such circumstances are subject to obligatory registration to initiate the verification of the legality of such actions and to further call the perpetrators to account.

Example 2: *A transgender woman undergoes passport control procedure on a train, when a border guard notices that her appearance does not match with the photo in the passport. Being told of her gender variance, he starts to inspect her belongings more meticulously, sees the hormonal drugs, and makes the assumption that it could be narcotic drugs. Then the guard demands money from the transgender woman, threatening to otherwise force her to leave the train ostensibly because of the need to carry out the drugs examination.*

It has to be remembered that medicines can be brought along in the hand luggage or in accompanied or unaccompanied baggage. The medicines sold without prescription are to be carried only in an amount not exceeding five packages of each item per person (except the medicines containing narcotic or psychotropic substances). Otherwise, the person must bring the prescription for the medicines in question. These medicines are transported only in an amount that does not exceed the one specified in the prescription which is issued in the name of the person and sealed by the physician and / or health institution.

The requirement of official as given in this example is illegal and is regarded as a criminal offense and therefore should be registered to call the perpetrators to account.

MEDICAL CARE

Example 1: *A transgender man who rents an apartment in Kiev gets denied to be issued with a medical card in the clinic chosen according to place of residence, due to the mismatch in the documents and the appearance of the man.*

Example 2: *An old transgender woman, who has been undergoing hormone therapy for a long time and looks feminine but has man's documents, gets to hospital with a fractured leg. Upon seeing the passport indicating a man's name a receptionist says they cannot put her into a ward with other women but only into a men's ward. The transgender woman tries to persuade them, saying that it would be uncomfortable for her to explain to other patients why, being a woman, she is in their chamber. In response, she is offered to pay for staying in a separate ward, which she is forced to accept, despite the limitations in finances.*

The Constitution of Ukraine guarantees that every citizen has the right to health protection, medical care and medical insurance (article 49).

Each citizen of Ukraine has the right to health protection, which provides, inter alia, professional medical care, including free choice of a doctor, the choice of treatment methods in accordance with the recommendations and the health institution; legal protection against any health related illegitimate form of discrimination; compensation for health damage; the right to appeal against unlawful decisions and actions of health institutions and authorities; the possibility of an independent medical examination when actions of health care workers may affect widely recognized human and civil rights (Art. 6 of the Fundamentals of the Legislation of Ukraine on Health Care).

According to p.33 of the Recommendation CM/Rec(2010)5 of the Committee of Ministers to member states on measures to combat discrimination on grounds of sexual orientation or gender identity, the member states should take appropriate legislative and other measures to ensure that the highest attainable standard of health could actually be obtained without discrimination on grounds of sexual orientation or gender identity; in particular, they must take into account the special needs of the lesbian, gay, bisexual and transgender when developing national plans of medical care, including measures to prevent suicides, medical examination, medical curricula, training courses and educational materials, and also when monitoring and evaluating the quality of health services.

Currently a sufficient number of means are available to defend one's rights in case of violation. The question is whether we want to use them and whether there is such a possibility. Given that in Ukraine there are a number of human rights organizations who can provide qualified legal assistance, the conclusion can be drawn that there is the opportunity and it should be made use of.

There are two problematic aspects related to the medical field: the first and, surprisingly, more widely known is the issue of medical procedures for changing sex. The second one, health care not associated with such procedures; it is hardly ever paid any attention to. The reason for this lies primarily in the fact that there are no complaints against doctors and medical staff from transgender people. Many believe that the complaint will not only leave the problem unsolved, but also create other ones, but it is

hard to agree. A well-timed complaint with proper justification makes it possible to draw attention to the problem and initiate its resolving. Here, attention is to be paid to the "well-timed" and "proper justification", as only under these conditions a result can be expected, since the complaint against the actions of health workers filed, for example, a year or two after the incident itself will not only give no positive result, but also create undesirable negative precedent.

Despite the clear indication from the legislative authorities regarding the free choice of doctor and medical institution, the mess in clinics still exists. Indeed, now it is possible to register to outpatient clinics according to the place of factual residence. But this is not easy, especially for a transgender person who has not made appropriate changes to the documents. Firstly, one should always remember that a clinic is obliged to issue a medical card. If rejected at the front desk, one should contact the chief physician. If rejected again, one is to prepare and file a complaint against the actions of medical staff. Secondly, there is a medical card form approved by Ministry of Health of Ukraine, as well as the instruction on how to fill the card, which does not include a comparison of the patient's appearance and the photograph in their passport. Therefore, the actions of a medical worker who refuses to issue the medical card are illegal, and healthcare workers are well informed of the fact. Therefore, once a person turns to the institution authorities or writes a complaint against a medical officer, the conflict is usually resolved in their favour.

Regarding the second example: during hospitalization of a person health professionals are rely on a number of documents approved by the Ministry of Healthcare of Ukraine, and internal documents that are compiled in each health institution: internal regulations, hospitalization procedure etc. They usually contain the reasons for hospitalization and its procedure, the actions of medical staff described in steps, the list of documents which are to be submitted during the hospitalization etc. Unfortunately, none of these documents includes paragraphs that would describe the procedure in case of hospitalization of a transgender person who has not yet changed the official documents in the process of gender reassignment. Given that the wards are divided into "male" and "female", the distribution of persons admitted to a hospital is also performed in the same way. There are rare cases when the health institution authorities give instructions to provide a transgender person with a separate ward (free of charge) as a special concession, but this is an exception rather than the rule. Can this problem be solved? Yes, and for

this it is essential that the problem becomes "visible" not only to transgender persons and professionals who provide them with the assistance needed, but also to the public and to officials, as it is the only way to achieve the desired changes in the documents. Currently, our media portrays only medical specialists' view regarding the diagnosis of "transsexualism", or "the yellow press" materials or TV shows that are not designed to reflect real problems of the transgender persons.

It should be remembered that any actions of medical workers, especially the denial of medical care and / or improper health care treatment, cases of violations of human and civil rights, discrimination by medical staff, must be appealed.

HOUSING

Example 1: *A transgender woman, who has been undergoing hormone therapy for a long time and looks feminine but has man's documents, has for a long time been looking for a single-bedroom flat for long-term lease using a realtor. She finds many acceptable offers, but when it comes to signing the agreement and the apartment owners learn about her gender variance, she gets denied immediately. Currently, this transgender woman is forced to rent an apartment at a price two times higher than the average at the market, because it is the price the owner asked for having learnt about her situation with the documents and realized that another option is very difficult to find.*

Example 2: *A transgender man, who shares a rented room with neighbors, asks a neighbor to sign the lease agreement so that he does not have to show his documents to the landlords. The neighbor agrees, but if they sour the relationship, he may have housing problems.*

The issue is quite complicated despite the fact that the rights to housing and to an adequate standard of living are secured by the existing legislation as well as by the international law.

Thus, the Constitution of Ukraine guarantees everyone the right to housing, while the state creates conditions that provides every citizen with the possibility to build, purchase or rent housing (art. 47) and with the right to an adequate standard of living for themselves and their families, including adequate food, clothing and housing (art. 48).

Terms of tenancy (rent) agreements are covered by the Civil Code of Ukraine (Chapters 58 and 59).

International legal standards guarantee the right to a standard of living which includes food, clothing, housing, medical care, and necessary social services, which are necessary for the health and well-being of a citizen and their family. There is also a guaranteed right to security in the event of unemployment, illness or disability, widowhood, old age or other reason for the lack of livelihood due to conditions beyond a person's control (Universal declaration of human rights).

According to p.37 of the Recommendation CM/Rec(2010)5 of the Committee of Ministers to member states on measures to combat discrimination on grounds of sexual orientation or gender identity, actions should be taken to ensure that access to normal living conditions could be effectively and equally available to all persons without discrimination on grounds of sexual orientation or gender identity; such measures should, in particular, aim to provide protection against discriminatory evictions, and to guarantee equal rights to acquire and preserve ownership for land or other property.

In fact, given that most of the rent agreements are concluded informally, advising any effective measures as for the rights protection is impossible in this case, each particular situation requires a separate detailed examination.

RECEIVING CERTIFIED MAIL, PARCELS

Example: *A transgender girl who lives and studies in Kiev, asks parents to send parcels as addressed to a friend because the last time she tried to get it with her passport she was not given the parcel because of the mismatch of the passport data and her appearance. So the parcel was returned to sender.*

The procedure for providing postal services, the rights and duties of both postal operators and users of postal services are established by the Regulations of Postal Services approved by the Cabinet of Ministers of Ukraine № 270 of 05.03.2009.

Money transfers, parcels, insured letters or parcels and direct-route containers, grouped mailings marked "Consignment", "EMS" sending, insured international post, small packages, "M" bags are issued to a receiver provided he shows an identification document or to an authorized person upon

showing their identification document and relevant letter of delegation certified in accordance with legislation (paragraph 104 of the Rules). In order to receive such mail items the receiver should present a document proving their identity, and in these cases problems arise due to the mismatch between the transgender person appearance and the documents.

An effective solution to this issue can be 1) a single contact with the post office authority (preferably in the presence of a lawyer or a human rights organization), during which appropriate explanations will be provided; 2) issuance of a letter of delegation to another person who is entitled for receiving mail items, or addressing such items to another person. In any case it is necessary to record such cases and send them to the relevant organizations that deal with the protection of the rights of transgender people.

SOCIAL ASSISTANCE

Example: *A transgender man, who has been undergoing hormone therapy for a long time and looks masculine but has woman's documents, comes to apply for a housing subsidy. The subsidy should be executed in the name of his mother, but currently she is seriously ill and cannot come to the social authorities' office. The transgender man comes with a power of attorney from his mother, but he is denied due to the mismatch between the transgender person appearance and the documents.*

The procedure of obtaining subsidies for housing and communal services reimbursement is defined by Resolution №848 of the Cabinet of Ministers of Ukraine of 10.21.1995 (as amended) "On the simplification of procedures of granting subsidies for reimbursement for housing and communal services, liquefied natural gas, and solid and liquid domestic fuel.

Housing subsidies can be given to a person (not the owner), registered in the house (apartment) and in whose name the personal accounts are registered, or a person who is not registered in the house (apartment) but has the tenancy (rent) agreement and in the name of whom the personal housing and communal accounts are registered. The other person may act on behalf of these persons if they were issued a notarized power of attorney.

Power of Attorney (letter of delegation) is a written document issued by one person to another for representation before third parties. The text should contain the place and date of its drafting (signing), the surnames,

names and patronymic names, residence addresses of the representative and the person represented. The letter must clearly define the legal actions that are to be committed by the attorney. These actions must be legitimate, precise and achievable. Currently, according to the laws of Ukraine it is not required to indicate passport details of the attorney and the trustee, but in the case of registration of power of attorney for a transgender person this shall be asked to be added by the notary officer, because it will facilitate the identification of attorney in the future.

If problems occur during the identification of a person and accepting of documents the head of the institution is to be addressed. The cases of refusal to accept the document on the grounds mentioned in the example are to be obligatory registered.

REGISTRATION OF IDP

Example: *A transgender man, who has long been undergoing hormone therapy and has removed mammary glands and now looks masculine but has woman's documents, had to leave the ATO area. When trying to register as internally displaced person, he was denied due to the mismatch between his appearance and the documents. After a complaint to the Ministry of Social Policy, he receives a reply which states that he must first change the name and sex in the documents and only then register as a migrant.*

The rights, freedoms and legitimate interests of IDPs are guaranteed by the laws of Ukraine, in particular by the Law of Ukraine "On the rights and freedoms of internally displaced persons" of 20.10.2014 N 1706-VII.

The procedure of registration of internally displaced person and issuance of the corresponding certificate is approved by the Cabinet of Ministers of Ukraine of 01.10.2014, N 509 "Procedure of registration of internally displaced person and issuance of the corresponding certificate."

According to this document, an internally displaced person is a citizen of Ukraine, permanently residing in Ukraine, who was forced or decided to leave their residence as a result of or in order to avoid the negative effects of an armed conflict, temporary occupation, widespread violence, massive violations of human rights, and natural or man-made emergency situations. The fact of internal displacement is confirmed by the certificate of registration of internally displaced persons. To receive the document

in question an IDP must apply to the state administration's department of social affairs with the application for obtaining the certificate of registration of IDP. To receive the certificate an adult IDP shall apply personally or through a legal representative.

Information on IDP registration is issued by the state administration's department of social affairs in the day of application, signed and certified by an authorized official of the department free of charge, both in case of the first issuing and in the case of re-issuing, loss, damage or in order to prolong its action.

An applicant can have the certificate issued, prolonged or terminated in the following cases: 1) for the reason of absence of the defined by law circumstances that caused the internal displacement, or if the previously existed circumstances have essentially unchanged; 2) if state authorities possess information on false information being submitted in order to receive the certificate; 3) if the applicant has lost documents certifying his identity and confirming the citizenship of Ukraine, until their reissuance.

Analysis of the above stated shows that grounds for refusal to issue the certificate due to the mismatch of the appearance and the passport are not provided by the law, therefore such refusal is illegal and can be put in issue.

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