

**TRANS\* AND NON-BINARY  
PEOPLE IN UKRAINE IN 2025:  
THE TEST OF WAR  
AND EUROPEAN INTEGRATION**

Situational Analysis

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## Imprint

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# LIST OF ABBREVIATIONS

Abbreviation	Meaning
AIDS	Acquired Immunodeficiency Syndrome
ART	Antiretroviral Therapy
CC of Ukraine	Criminal Code of Ukraine
CF	Charitable Foundation
CJEU	Court of Justice of the European Union
CMU	Cabinet of Ministers of Ukraine
CO	Charitable Organisation
CRSV	Conflict-Related Sexual Violence
ECtHR	European Court of Human Rights
ECHR	European Convention on Human Rights
eHealth	Electronic Healthcare System of Ukraine
EU	European Union
F64.0	Diagnosis code for “Transsexualism” in ICD-10
GDPR	General Data Protection Regulation
HRP	Humanitarian Response Plan
HIV	Human Immunodeficiency Virus
ICD-10/11	International Classification of Diseases, 10th / 11th Revision
ICF	International Charitable Foundation
IDP	Internally Displaced Person(s)
KIIS	Kyiv International Institute of Sociology
LGBT / LGBTI / LGBTIQ+	Lesbian, gay, bisexual, transgender, intersex, queer people and others (as indicated by the “+”)
MDT	Multidisciplinary Team
MESU	Ministry of Education and Science of Ukraine
Ministry of Digital Transformation	Ministry of Digital Transformation of Ukraine
MMC	Military Medical Commission(s)
MoH	Ministry of Health of Ukraine
NHSU	National Health Service of Ukraine
NGO	Non-governmental Organisation
PrEP	Pre-exposure Prophylaxis
PTSD	Post-traumatic Stress Disorder
SBGS	State Border Guard Service of Ukraine
SOGI	Sexual Orientation and Gender Identity
SRCSA	State Registration of Civil Status Acts
STIs	Sexually Transmitted Infections
SRI	Scientific Research Institute (SRI of Psychiatry of the Ministry of Health of Ukraine)
TB	Tuberculosis
Trans* / T*	An inclusive term for the transgender spectrum, including non-binary and gender-variant experiences
TRSSC	Territorial Recruitment and Social Support Centre
UDF	Ukrainian Defence Forces
UN	United Nations
WPATH	World Professional Association for Transgender Health
YNGO	Youth Non-governmental Organisation

# METHODOLOGY, LIMITATIONS AND DATA HANDLING PRINCIPLES

The data used in this report form an analytical corpus of requests for assistance, documented cases and relevant materials, including open sources, official documents and aggregated information provided by organisations. The purpose of this corpus is to identify typical barriers, procedural gaps and risks arising in interactions with institutions and public services. It is not a representative study of the entire transgender and non-binary population in Ukraine and is not used to assess the prevalence of particular phenomena. The analytical corpus covers events documented during 2025 and includes materials from territories under the control of the Government of Ukraine. Where court proceedings concerned events from 2025, rulings delivered in early 2026 were also included in the analysis.

The report's findings concern, above all, institutional practices, their implications for human rights and wellbeing, and possible solutions and pathways for implementation.

In 2025, the number of sociological surveys and studies allowing reliable stand-alone conclusions specifically about transgender and non-binary people remained critically limited. A significant share of the available research aggregates data for the entire LGBTIQ+ group or relies on samples that do not permit the transgender and non-binary subgroup to be isolated without a substantial margin of error. For that reason, sociological findings in this report, where used, are supplementary. They describe the broader context rather than provide quantitative estimates of the situation of trans\* people as a distinct group.

## 1. Building the information base

The primary body of data consists of the paralegal support practice of the NGO "Cohort" network, together with information provided by NGO "Projector", NGO Human Rights Bureau "We Are!", YNGO "Partner" and NGO "T\*South".

During the information-gathering process, the team of the ICF "Alliance for Public Health" also reached out to a wider circle of specialised organisations, including NGO "Gender Stream", NGO "Trans Generation" and NGO "Resistance". By the date on which data collection was closed, not all invited organisations had been able to provide aggregated materials for inclusion in the report.

**To ensure analytical precision, events were recorded using a unified formula:**

Event → Right violated / barrier to accessing services → identified barrier → consequence for the individual → institutional response, or absence of such response.

Cases were selected for inclusion in the report on the basis of clear relevance and verification criteria. Verification included checking the internal consistency of the description of the event, the presence of at least one corroborating source, such as a document, official notice, extract

or record, correspondence, screenshot or link to the judicial decisions register, or confirmation from a partner organisation, and excluding cases with critically incomplete data.

The final analysis included 60 situations that met the criteria of relevance to trans\* issues and contained verified data on violations relating to documents, safety, or access to services, as well as relevant court cases. At the data normalisation stage, the author deduplicated the material by merging repeated requests concerning the same problem into a single coherent story and anonymised the cases by assigning each of them a unique identifier. This made it possible to avoid distorting internal counts within the corpus and to protect individual privacy. Any quantitative figures used in the report reflect only the structure of this analytical corpus, namely the distribution of cases by domain and barrier type and should not be read as an estimate of prevalence in the wider population.

## 2. Coding and analysis procedure

The author used a “Codebook” to process the dataset. Coding made it possible to classify cases by domain, for example “Military Registration”, “Medical Confidentiality” and “Employment Discrimination”, and by type of barrier. In more complex cases, multi-coding was used because a single violation often sets off a chain of problems across different spheres, from the disclosure of gender identity in a hospital to further complications in mobilisation procedures.

## 3. Ethical foundations and security

In handling sensitive data, the author was guided by the principle of “Do No Harm”. All examples in the report are presented in aggregated form. Identifying details were altered or removed in order to eliminate entirely the risk of accidental disclosure of personal data through the context of the event. The author proceeded on the basis that the safety of respondents and clients takes priority over the degree of descriptive detail. Access to primary materials is restricted to those responsible persons directly involved in documentation and analysis. Data is stored in a way that minimises the risk of unauthorised access, and the principle of data minimisation was applied when preparing the public version of the report.

## 4. Methodological caveats

It is important to understand the limits of interpretation of the data presented here. The body of analysed cases reflects only those situations in which people had sufficient motivation and access to human rights support networks to seek assistance. Geographical coverage is also uneven and depends on the existence of partner networks, communication channels and security conditions in different regions, all of which affect the visibility of particular types of barriers. The data therefore do not constitute a representative census of the entire community. Rather, they serve as a qualitative indicator of the most acute systemic gaps.

The full-scale war also left its mark on the documentation process in 2025. Forced displacement and unstable connectivity often made it difficult to collect complete information. Martial law, together with related mobilisation processes and border-control arrangements, shaped people’s routes to services and the nature of the cases reaching human rights networks in 2025. In particular, the corpus includes a higher proportion of cases related to

border crossing, freedom of movement, military registration, medical examination procedures and the use of personal data within those processes. This has influenced the structure of the analytical corpus: it may disproportionately reflect domains in which individuals encounter the sharpest administrative barriers under wartime conditions and should not be used as a basis for conclusions about the prevalence of these problems across the wider population. In this report, that context is used to support a proper interpretation of institutional practices and risks, without assessing mobilisation policy as such.

At the same time, these limitations underscore the value of the documented cases as some of the most visible manifestations of the barriers faced by the community in the context of Russia's armed aggression against Ukraine.

## EXECUTIVE SUMMARY

In 2025, the rights of transgender and non-binary people in Ukraine were shaped by a combination of regulatory and organisational changes in the healthcare system, including the launch of the transition to ICD-11, and the continued existence of systemic barriers in legislation, administrative procedures and digital services.

This situational analysis does not seek to assess the “intent” of state actors. Rather, it compares stated objectives with the actual functioning of procedures: where barriers arise, which mechanisms reproduce them and what foreseeable consequences this has for access to services, privacy and non-discrimination in the context of the continuing armed aggression of the Russian Federation against Ukraine.

Within the legal environment, legal uncertainty remains the principal risk. This is due less to the absence of isolated decisions than to the lack of completed legislative acts establishing uniform rules for family relations and effective mechanisms for countering crimes motivated by intolerance, as well as to the fragmented nature of secondary regulation in related procedures. As a result, the protection of rights in a range of situations is pushed into the realm of individual disputes and ad hoc, manual solutions, which, under martial law, are particularly resource-intensive and carry heightened risks.

As of February 2026, several parliamentary initiatives, including those concerning registered partnerships and countering hate crimes, remained under consideration, while parallel debates around other draft laws raised additional questions about compliance with the principle of non-discrimination.

At a time when society is showing a gradual increase in tolerance and the executive branch is implementing European medical and media standards, the legislative vacuum and administrative inconsistency remain sources of security-related risk that lead to human rights violations affecting transgender and non-binary people.

### Key findings of the year:

#### 1. A shift in social values without commensurate political progress

According to the nationwide survey “Perceptions of LGBT People and Their Rights in Ukraine”<sup>1</sup> (KIIS, September-October 2025, commissioned by the NGO “Nash Svit” Centre), 78% of respondents in territory controlled by the Government of Ukraine agreed that LGBT people should enjoy the same rights as other citizens. The figure has increased compared with 2024. At the same time, it primarily reflects declaratory support for the principle of equality and does not automatically imply a reduction in discrimination or institutional barriers, particularly for transgender and non-binary people.

<sup>1</sup> <https://gay.org.ua/blog/2025/12/01/stanovyshche-lgbtq-v-ukraini-u-sichni-veresni-2025-roku/>

In wartime, the participation of LGBTIQ+ people in the Defence Forces of Ukraine have become more visible in public discourse, but this has not translated into political decisions on a comparable scale.

At the same time, parliamentary initiatives concerning the introduction of registered partnerships (Draft Laws No. 9103<sup>2</sup>, No. 12252<sup>3</sup>) and stronger accountability for crimes motivated by hatred (Draft Law No. 13597<sup>4</sup>) remained pending as of February 2026. This delay sustains legal uncertainty and often shifts the protection of rights into the sphere of individual litigation within a justice system operating under the constraints of martial law.

In 2026, further challenges to legal certainty arose with the emergence of legislative initiatives that became the subject of sharp public debate as to their compatibility with the principle of non-discrimination, including the draft of the new Civil Code of Ukraine (registration No. 14394<sup>5</sup>).

## 2. Administrative challenges

The most significant source of documented violations in 2025 was the crisis of interoperability between registers. The absence of automatic inter-agency synchronisation of data between the civil status registration authorities (State Registration of Civil Status Records (SRCSR)), the Ministry of Health of Ukraine and the structures of the Territorial Recruitment and Social Support Centres (TRSSC) or Military Medical Commissions (MMC) forces individuals to disclose sensitive information repeatedly and on their own initiative. This heightens the risk of unauthorised dissemination of personal data, including data related to gender identity, stigmatisation and refusals of administrative or medical services.

## 3. The implementation of new medical standards and sectoral adaptation

Ukraine formally began the transition to ICD-11 through Ministry of Health Order No. 703 of 23 April 2025<sup>6</sup>, which is a foundational step towards the depathologisation of transgender identity. However, in the absence of approved national clinical guidelines, unified protocols and a clearly defined patient pathway capable of ensuring the proper practical application of ICD-11, notwithstanding the existence of working translations of certain materials, access to medical care in practice still depends on the human factor and the level of local professional competence.

## 4. Mobilisation and border procedures: confidentiality, non-discrimination, and data protection

In the documented practice of 2025, interaction with the TRSSC, passage through MMC examinations and border-control procedures emerged as some of the highest-risk points of contact between transgender and non-binary people and state institutions. Discrepancies between data contained in official documents and a person's gender expression, combined with

<sup>2</sup> <https://itd.rada.gov.ua/billinfo/Bills/Card/41497>

<sup>3</sup> <https://itd.rada.gov.ua/billinfo/Bills/Card/45293>

<sup>4</sup> <https://itd.rada.gov.ua/billinfo/Bills/Card/56933>

<sup>5</sup> <https://zmina.info/columns/novyj-czyvilnyj-kodeks-yak-modernizaciya-pryvatomogo-prava-vede-do-vidkatu-prav-ly-udyny/>

<sup>6</sup> [https://moz.gov.ua/storage/uploads/9c93d257-2f63-43fd-b6ba-4136a94f8ac7/dn\\_703\\_23042025\\_dod.pdf](https://moz.gov.ua/storage/uploads/9c93d257-2f63-43fd-b6ba-4136a94f8ac7/dn_703_23042025_dod.pdf)

the lack of unified instructions on communication and observance of the need-to-know principle when handling sensitive personal data, increase the likelihood of involuntary disclosure, the use of excessive or degrading identity-verification procedures and disproportionate interference with private life. This, in turn, leads to delays, additional checks and explanations, refusals to carry out certain procedures or heightened risks to the individual's safety.

**The report calls for a shift from ad hoc responses to individual cases towards a systemic approach:**

1. The Verkhovna Rada of Ukraine should close legislative gaps by adopting laws on registered partnerships and strengthening liability for crimes motivated by intolerance.
2. The Cabinet of Ministers and the Ministry of Digital Transformation should implement the principle of Privacy by Design in all electronic services, ensure automatic inter-agency synchronisation between registers and remove unnecessary collection of sex and gender data wherever possible.
3. The Ministry of Health of Ukraine should approve a unified medical protocol based on ICD-11 and integrate training modules on trans\* competence into the continuing professional development system for healthcare personnel.
4. In the context of mobilisation procedures and related registration and medical examination processes, mandatory internal standards of confidentiality and non-discriminatory communication should be adopted and implemented for staff of the TRSSC, MMC and the State Border Guard Service of Ukraine.
5. International partners should support technical expertise for register audits and sustain the networks of transgender and non-binary organisations as a critically important link between the individual and the state.

Overall, 2025 shows that the implementation of European integration commitments and sectoral reforms requires integration at the level of practical procedures through register interoperability, clear service pathways, minimisation and proper protection of sensitive personal data and the training and accountability of frontline service providers. Translating regulatory intent into operational standards is the most practical way to reduce foreseeable risks to dignity, privacy and equal access to services in the context of the ongoing armed aggression of the Russian Federation against Ukraine.

Ukraine has the potential to become a regional leader in the field of human rights, provided that social solidarity is transformed into institutionally stable, safe and inclusive state mechanisms and services for vulnerable groups.

# I. INTRODUCTION: CONTEXT, CHALLENGES AND THE ARCHITECTURE OF SOLUTIONS

For transgender and non-binary people in Ukraine, 2025 was marked by two parallel processes that reinforced one another.

On the one hand, the full-scale war had a daily impact on the security situation, the scale of forced displacement and the nature of interaction with state authorities. At the same time, it gave practical significance to the duty to defend the state through mobilisation procedures, military registration and MMC examinations. Martial law raised the stakes of administrative delay and legal uncertainty: even technical failures or procedural inconsistencies could have a cumulative effect, limiting access to healthcare, employment and social support.

On the other hand, 2025 was marked by intensive European integration processes and further institutional strengthening, within which compliance with human rights is increasingly treated as a measure of governance quality, from the accuracy of data in state registers to the effectiveness of appeal mechanisms. Combined with the wartime context, this has created an environment in which requirements of procedural predictability, confidentiality and non-discrimination have acquired practical rather than merely declaratory significance.

For transgender and non-binary people, the war has not only created immediate security risks. It has also intensified pre-existing systemic barriers to the enjoyment of rights and the provision of basic wellbeing. A significant share of the complications recorded in 2025 stemmed from discrepancies between data held in state registers and the way in which that data was used in practice by different authorities. This was most acute where inconsistencies in documents triggered additional verification procedures within mobilisation or other administrative processes, thereby increasing the risk of involuntary disclosure of gender identity, stigmatisation and de facto refusal of services.

This report analyses that context through the prism of good governance, human rights, gender equality and non-discrimination, with a focus on institutional practices and procedures and without assessing mobilisation policy as such. The analytical framework is structured around four dimensions that shaped key risks and institutional gaps throughout the year:

1. Mobilisation and medico-administrative procedures, including the TRSSC, military registration and MMC examinations, viewed through the lens of confidentiality standards, non-discriminatory communication and the minimisation of personal data;
2. Practical readiness for the implementation of ICD-11, including the training of medical personnel and the unification of clinical approaches;
3. The development of digital state infrastructure and the risks of algorithmic discrimination arising from the architecture of information systems and the quality of data;
4. The changing role of civil society organisations, which, in addition to documenting violations, have strengthened their participation in developing practical solutions for the executive and legislative branches.

The purpose of this document is to provide a holistic picture of the situation of transgender and non-binary people in Ukraine in 2025 on the basis of documented practice and relevant materials. The report systematises information on the observance of rights, identifies systemic procedural gaps and places the national context alongside international standards relating to the right to respect for private life, the protection of personal data and non-discrimination. The final section contains recommendations aimed at practical results in the areas of legislative reform, procedural standards, digital-system architecture and the professional training of officials.

## II. TRANS ORGANISATIONS AND INITIATIVES: FROM EMERGENCY RESPONSE TO EXPERT ADVOCACY

The landscape of transgender initiatives in Ukraine underwent significant qualitative change in 2025, marked by a shift from general humanitarian assistance to specialised human rights and expert work. This development points to growing institutional maturity within the sector, with key actors becoming increasingly integrated into domestic and international decision-making processes.

### Legal protection, healthcare, and regional resilience

In 2025, the NGO “Cohort”, acting as a human rights organisation, maintained an extensive network of 12 paralegals across different regions of Ukraine. Their focus was to support transgender and non-binary people through complex administrative and medical procedures, as reflected in the handling of 58 specialised cases<sup>7</sup>. In addition to direct assistance, “Cohort” advocated for the harmonisation of administrative practice within the civil status registration system and for the implementation of ICD-11, with a view to addressing structural barriers such as inconsistent local practice and the technical incompatibility of state registers.

During 2025, a training module<sup>8</sup> for healthcare professionals on trans health, confidentiality standards and non-discriminatory communication also entered a phase of practical testing.

YNGO “Partner” provides HIV prevention and related health services for the transgender and non-binary community in Kyiv, Odesa, Mykolaiv, Kharkiv, Kherson, Dnipro and Uzhhorod. The organisation also supported a Telegram bot — a personal assistant for complex questions related to gender transition. The tool brings together consultations, legal information and support in a single access point available around the clock. A particular achievement was the establishment of a multidisciplinary team of inclusive specialists, including psychologists, endocrinologists, lawyers and psychiatrists, which is critically important under conditions of high mobility and shortages of specialised professionals in frontline regions.

The principal donor of the above organisations and initiatives in 2025 remained the Global Fund to Fight AIDS, Tuberculosis and Malaria.

Alongside national initiatives, the regional dimension remains particularly important in the work of the “T\*South” NGO, which covers Odesa, Mykolaiv and Dnipro. During 2025, the initiative completed its transition from an emergency humanitarian-response format to functioning as a systemic service-provision centre. Despite the security risks in frontline regions, the organisation focused on raising community awareness of safety issues and developing inclusive employment practices.

<sup>7</sup> <https://cohort.com.ua/go-kogorta-prezentu%d1%94-analitchnij-zvit-za-rezultatami-vprovadzheniya-pro%d1%94k-tu-zahist-prav-transgendernih-lyudej-ukra%d1%97ni-za-dopomogoyu-rivnih-parayuristiv-u-2025-r/>

<sup>8</sup> [https://aph.org.ua/wp-content/uploads/2024/09/trans\\_med\\_web.pdf](https://aph.org.ua/wp-content/uploads/2024/09/trans_med_web.pdf)

In 2025, the leader of “T\*South”, Yulia Familieva, continued to represent transgender and non-binary communities on the National Council on HIV and TB and in programme committees.

Although NGO “Projector” does not specialise directly in the protection of the rights of transgender and non-binary people, it contributes to their systemic inclusion in broader human rights and judicial processes through sustained cooperation with partner civil society organisations.

In 2025, a strategic priority was the formation of a coalition of persons affected by conflict-related sexual violence. Including transgender and non-binary people within this network increases their visibility as a distinct category of victims of war crimes, supports cross-sectoral coordination among lawyers, psychologists and documenters, and lays the groundwork for further national and international advocacy.

At the same time, the organisation has been working to change institutional practice by training representatives of law-enforcement bodies, the prosecution service and the legal community. Training programmes are being delivered on the proper legal qualification of war crimes and standards for working with survivors of CRSV. Particular emphasis is placed on gender-sensitive and non-discriminatory approaches that take account of the specificities of interacting with transgender people, thereby strengthening the professional competence of justice-sector specialists.

## Consolidation and international partnership

The main event of the year, which set the direction for the further development of the civic sector, was the 18th National LGBTIQ+ Conference of Ukraine, held in November 2025 under the slogan “Hardened by Struggle. United by Freedom.”

More than 150 participants, including diplomats and representatives of the Secretariat of the Ukrainian Parliament Commissioner for Human Rights, discussed wartime challenges such as access to hormone replacement therapy and legal gender recognition.

Significantly, the conference included a dedicated trans track, supported by the ICF “Alliance for Public Health”. Throughout the day, consecutive hybrid sessions were held with the participation of representatives of the transgender and non-binary community, invited experts and allies. The programme focused on community capacity-building, sexual and reproductive health, the training of service providers and legal and medical issues, while also creating a dedicated space for open discussion in a “Community Voice” format. Logistical support for participation increased the accessibility of the event for regional participants. Taken together, the conference and the trans\* track confirmed a strategic conclusion: progress in securing equality in Ukraine is directly linked to the integration of trans-inclusive approaches into nationwide policies and procedures in social protection, healthcare and the administration of personal data.

At the international level, the institutionalisation of inclusive approaches also advanced in 2025 through the integration of LGBTIQ+ communities into the coordination architecture of the humanitarian response in Ukraine. In particular, the LGBTIQ+ Communities Technical Working Group within the Protection Cluster, co-chaired by UNHCR and Outright International, was formalised as a permanent mechanism for consultation, alignment of needs and the preparation of recommendations for clusters and cross-sectoral planning processes.

A practical outcome of this work was the inclusion in the Ukraine Humanitarian Needs and Response Plan 2025 of specific provisions addressing the needs of war-affected persons belonging to LGBTIQ+ communities, as well as additional references to those needs in different

parts of the document. According to a case study by Outright International<sup>9</sup>, the plan contains 13 references to LGBTIQ+ needs in sections devoted to inclusivity and programme quality, the prevention of and protection from sexual exploitation and abuse, and sectoral components, in particular protection, health, food security and livelihoods.

At the same time, the inclusion of needs in planning documents does not automatically guarantee access to services for transgender and non-binary people as one of the key subgroups within LGBTIQ+ communities. For this institutional shift to produce practical results, it must be operationalised through cluster plans and budget decisions, minimum standards of confidentiality and non-discrimination for service providers, measurable coverage indicators and safe, accessible feedback and complaints mechanisms.

The expert capacity of the community in 2025 was further demonstrated through the work of an informal coalition of transgender and non-binary organisations on the implementation of ICD-11. The coalition brought together NGO “T\*South”, NGO “Resistance” and NGO “Emancipation”, which joined forces to support the Ministry of Health in the practical implementation of ICD-11 in the field of trans health. The coalition’s results and priorities were presented at the National LGBTIQ+ Conference of Ukraine in 2025.

In 2026, the coalition plans to strengthen the representation of transgender and non-binary interests within the reform process, focusing on the preparation of mapping tables, procedural solutions and recommendations for service providers aimed at reducing legal and practical risks during the transition to ICD-11 and updated approaches to medical care.

More broadly, civil society in 2025 remained one of the key actors advocating the development and approval of national clinical guidelines, unified protocols and a patient pathway based on modern international standards, including those of WPATH. This approach is intended to minimise inter-institutional variation in practice and reduce the extent to which access to healthcare depends on the subjective decisions of individual specialists.

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<sup>9</sup> [https://outrightinternational.org/sites/default/files/2025-09/LGBTIQ\\_Inclusion\\_Ukraine\\_Final.pdf](https://outrightinternational.org/sites/default/files/2025-09/LGBTIQ_Inclusion_Ukraine_Final.pdf)

### III. MEDIA AND PUBLIC DISCOURSE: BETWEEN SOCIAL RECOGNITION AND TARGETED RADICALISATION

In 2025, the media and digital landscape affecting transgender and non-binary people in Ukraine was shaped by two interrelated dynamics: responsible reporting practices coexisted with localised forms of radicalisation in certain segments of the digital environment. This is directly relevant for policy analysis because it affects patterns of visibility and participation, people's sense of safety and the conditions under which state institutions define the boundaries of permissible content, standards of privacy protection and approaches to preventing and countering discrimination.

#### Quality of coverage and personal stories of transgender and non-binary people

In 2025, improvements in media standards of coverage were accompanied by heightened risks to privacy, above all through practices of outing and sensationalisation.

At the same time, an important positive shift was the growth of explanatory formats and personalised materials in which transgender people were presented not as objects of "sensation" but as full citizens<sup>10</sup> interacting with state procedures, the healthcare system and the labour market. Importantly, some materials documented trans\* experience in the context of national defence and military service<sup>11</sup>, while also showing how gender transition intersects with procedural issues such as changing documents, interaction with the TRSSC and registration processes. A separate thematic block concerned risks faced by LGBTIQ+ people in temporarily occupied territories, where transphobia appears as an element of violence and persecution under Russian occupation<sup>12</sup>. Taken together, these formats shift the focus away from value-laden labels and towards rights, procedures and access to services, while also strengthening the legitimacy of trans\* visibility in the public sphere.

#### Disinformation, radicalisation and criminalising frames

In the digital environment of 2025, the topic of transgender identity was increasingly used to undermine trust in state institutions and to generate moral panic around reform and the course of European integration. Disinformation campaigns increasingly relied on short videos, memes and fragmented clips that scale quickly, affect audiences emotionally and are harder to verify promptly. Common narratives, such as "external imposition", "a threat to children"

<sup>10</sup> <https://suspilne.media/cherkasy/1091066-vsi-mene-hotili-perevihovati-istoria-transgendernoi-zinki-sofii-z-cerkas/>

<sup>11</sup> <https://suspilne.media/chernihiv/1182118-transgender-v-zsu-robota-medikom-v-rosii-zitteva-adaptacia-istoria-vijsk-ovogo-z-cernigova-akij-buv-zinkou/>

<sup>12</sup> <https://gwaramedia.com/rosiya-sistemno-pereslidue-lgbtk-lyudej-na-okupovanih-teritoriyah-ukraïni/>

and “replacement of values”, perform a mobilising function by legitimising the exclusion of the group from the supposedly normative social space and intensifying stigma.

An important effect of this period was the stabilisation of exclusionary framing without formal consolidation in law or state policy. LGBTIQ+ people, and transgender people in particular, were increasingly represented not as equal rights holders but as a group whose presence in public space allegedly requires additional “justification” or “qualification”. Even without direct normative entrenchment, such framing influences what becomes socially tolerated in public communication and reshapes patterns of visibility, participation and perceived safety. In part of the content, one can also trace a criminalising frame — the association of transgender and non-binary people with serious crime or social danger — which heightens risks to dignity and safety<sup>13</sup>.

### Institutional response and regulatory boundaries

In 2025, institutional attention to discriminatory content in the media became more visible, particularly in the practice of the National Council of Television and Radio Broadcasting of Ukraine. Alongside preventive approaches, enforcement also strengthened: instances of discriminatory framing on SOGI grounds and the dissemination of stigmatising generalisations were increasingly treated as grounds for regulatory response<sup>14</sup>. This sends an important signal to the market, but response measures on their own do not guarantee a lasting transformation of the information environment.

Achieving a systemic result depends on several preconditions: clear criteria and thresholds for what counts as discriminatory content, transparency in the reasoning behind decisions and appeal procedures and alignment of regulatory practice with professional media standards on privacy protection, personal-data minimisation and the use of non-discriminatory language.

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<sup>13</sup> <https://lgbt.in.ua/materiali/mova-vorozhnechi-proti-lgbtik-2017-2025>

<sup>14</sup> <https://webportal.nrada.gov.ua/natsionalna-rada-oshtrafuvala-dvi-kompaniyi-ta-vynesla-7-prypysiv/>

## IV. ICD-11, HEALTHCARE AND MEDICAL COMPETENCE: FROM ADMINISTRATIVE REFORM TO SERVICE QUALITY

In 2025, the healthcare sector for transgender and non-binary people in Ukraine displayed a clear institutional duality. While the regulatory framework for the transition to ICD-11 has already been outlined, the actual availability and quality of medical care remain uneven.

On the one hand, the Ministry of Health of Ukraine formalised a roadmap for the implementation of ICD-11 and set a target horizon for full transition by 2027. On the other hand, the experience of patients still depends to a significant degree on the existence of a clear, standardised and non-discriminatory clinical route — a patient pathway — within a given healthcare facility, supported by appropriate staff training, financial instruments and correctly configured digital systems.

In this context, the key challenge lies not so much in depathologisation itself, which is already built conceptually into ICD-11, as in the institutional capacity to translate classificatory change into practical service-delivery tools: approved clinical guidelines, unified protocols, primary-care routing algorithms, communication standards and the integration of these approaches into the Medical Guarantee Programme and digital processes.

### Administrative changes and risks during the transition period

Order No. 703 of the Ministry of Health of Ukraine, dated 23 April 2025, approving the Operational Plan for the implementation of ICD-11, established the regulatory framework for transition to the new classification and confirmed a move towards approaches under which transgender identity is not treated as a mental disorder. In ICD-11, the relevant conditions are classified under “Conditions related to sexual health” using the term “gender incongruence”, which represents a fundamental step towards depathologisation at the level of classification. At the same time, during the transition period, the system effectively operates in a hybrid mode: in the absence of approved and implemented unified clinical documents and a clear patient pathway, different approaches to coding, referral and record-keeping continue to coexist in practice.

Until the new approaches are fully integrated into clinical guidelines, standard pathways and the relevant financing mechanisms, especially those of the Medical Guarantee Programme, outdated ICD-10 coding, notably F64.0, continues to be used in some medical documentation. This sustains stigmatising frames, creates legal and clinical uncertainty for patients and increases variation in practice between facilities.

## Staff competence, routing and confidentiality

The transition period objectively increases the importance of the human factor and of professional training among staff. According to internal summaries from the corpus of cases documented by NGO “Cohort”, the number of problematic incidents in the healthcare sphere increased in 2025, with 11 incidents compared with 9 in 2024. These violations manifest, in particular, in the absence of clear routing algorithms for primary care and in demands for excessive certificates or “additional confirmations” justified by administrative caution, often with reference to the context of martial law. As a result, the duration and unpredictability of access to care increase, as does the risk of involuntary disclosure of sensitive information.

The most sensitive aspect remains compliance with medical ethics and confidentiality. In the absence of practical standards for personal-data minimisation and adequate skills in non-discriminatory communication, patients may delay seeking care or stop interacting with the system altogether, with direct consequences for their health and wellbeing.

## HIV services as an indicator of the real accessibility of the system

In 2025, the HIV prevention and treatment sector acted as an indicator of the healthcare system’s real accessibility for transgender and non-binary people. Behavioural-biological study<sup>15</sup> data published by the Public Health Centre show a gap between self-reported and laboratory-confirmed HIV status: 1.83% of respondents, or 11 individuals, reported that they were HIV positive, whereas laboratory testing confirmed HIV in 3.1% of cases, or 19 individuals. This discrepancy is a practical sign of an entry barrier: part of the population remains undiagnosed or avoids registration of status because of fears of unwanted disclosure and secondary stigma, especially in interactions with institutions and registers.

At the same time, once people are integrated into the system, the treatment cascade appears relatively effective. Among those with a positive test result, 100 % reported receiving ART. According to the cascade data for 16 individuals, 12 knew their status, or 75 %, and all 12 were receiving ART and had an undetectable viral load. This suggests that the core problem lies less in retention in treatment than in safe and trusted entry into services, namely testing, registration and guarantees of confidentiality.

A similar gap is visible with regard to PrEP: 52.5 % of respondents know about it, but only around 3.8% received it in the previous 12 months, which corresponds to roughly 7 % of those who were aware of it. In this context, social-support practices, and especially case management for PrEP users, should be treated as a systemic tool for overcoming barriers to access rather than an optional activity of the public sector.

In 2025, the network of non-governmental organisations remained the key provider of prevention services for transgender and non-binary people, effectively compensating for gaps in state funding in this area.

During 2025, nine civil society organisations supported by the ICF “Alliance for Public Health” and funded by the Global Fund to Fight AIDS, Tuberculosis and Malaria provided an expanded prevention-service package to transgender and non-binary people in 12 regions and the city of Kyiv. These organisations were INGO “Partner”, “Blago” Kharkiv Charitable Fund, NGO “Perspektyva”, AUCO “Convictus Ukraine”, “Avante” Charitable Fund, “Nashe Maibutnie” (Our

<sup>15</sup> <https://phc.org.ua/naukova-diyalnist/doslidzhennya/integrovani-biopovedinkovi-doslidzhennya/biopovedinkove-doslidzhennya-sered-transgendernikh-ta-nebinarnikh-lyudey-2024>

Future) Charitable Fund, NGO “Health Planet”, “Mongoose” Charitable Fund and the “Victoria” Association of Public Health in Khmelnytskyi.

The core services included:

- counselling and self-testing for HIV, syphilis and viral hepatitis B and C, accompanied by a social worker;
- routing to healthcare facilities for those with positive results;
- distribution of prevention materials and informational resources.

A particularly important component was specialist support from endocrinologists, psychologists and lawyers, as well as tuberculosis screening and psychological support groups.

The principal achievement of the year was the uninterrupted provision of services under martial law.

As of 18 December 2025, the minimum package of services had reached 6,791 people. HIV self-testing with social support had been provided to 5,950 individuals. Following testing, 12 HIV-positive individuals were identified and referred to medical facilities through social support, and 11 of them started ART. Diagnostic coverage for co-infections included 1,792 tests for syphilis, 1,874 for hepatitis B and 1,813 for hepatitis C.

A separate focus of work was support for legal gender recognition. Around 50 individuals successfully completed the document-change procedure, which is critical for the legal recognition of status and for social integration.

To expand access to mental-health services, organisations without their own psychological resources integrated a referral mechanism to Mental Health Centres contracted by the NHSU. Ukraine has 128 such facilities, with the largest networks in Kharkiv Region, where there are 15, Dnipropetrovsk Region, where there are 11, and Kyiv, where there are 9.

Experts at the ICF “Alliance for Public Health” also note that access to HIV and STI prevention services for transgender and non-binary people is complicated by several factors: forced displacement, loss or reduction of income, psycho-emotional instability and a decline in social activity and contact with services against the backdrop of intensified mobilisation procedures.

## Strategic priorities in healthcare and ICD-11 implementation for 2026

The regulatory and methodological framework for implementing ICD-11, together with the related approaches to gender-affirming healthcare, falls within the remit of the Ministry of Health of Ukraine, which is responsible for policy formation and regulatory requirements, as well as specialised expert and scientific institutions and professional associations. The operationalisation of changes in financing, provider requirements and service quality must be aligned with the National Health Service of Ukraine through service-package specifications, contracting conditions and quality indicators. For the transition to ICD-11 to result in tangible improvements in service quality, state policy in 2026–2027 should focus on the standardisation of clinical decision-making, the institutionalisation of competences, financial accessibility, digital privacy and effective accountability mechanisms.

The first priority is the approval of unified clinical guidelines, a protocol and a standardised patient pathway, including algorithms for primary care, referral and follow-up, based on modern international standards, notably those of WPATH. This package of documents should be mandatory at least for providers operating within the Medical Guarantee Programme and contracted by the NHSU, with clear requirements concerning routing, staff competence and

confidentiality. Responsibility for developing and approving the protocol and pathway lies with the Ministry of Health, expert institutions, professional associations in endocrinology, psychiatry, psychology and family medicine and the NHSU in so far as it is responsible for turning standards into service requirements and contracting conditions.

A distinct component should be an age-specific pathway for adolescents and young people, with a focus on continuity of care during transition to the adult system. This should include clinical and organisational annexes to the protocol, rules on involving legal representatives in accordance with the law and clear procedures for the 16–18 age group. To reduce risks and improve implementation management, it would be advisable to pilot the model in at least five regions with formalised routing, local standard operating procedures and clearly identified entry points or referral nodes.

The next priority is the institutionalisation of trans-related competences through the continuing professional development system for healthcare personnel, together with systematic work with professional communities to reduce bias. Minimum standards for a non-discriminatory approach should be established through standard operating procedures for the entire facility team, including reception desks, contact centres, laboratories and administrative staff. These standards should include the use of a patient's chosen name where legally possible, neutral communication, need-to-know access to sensitive information and zero tolerance for humiliation or confidentiality breaches. These requirements should be integrated into internal policies of facilities, provider requirements under the Medical Guarantee Programme and educational curricula.

It is also critically important to include, within the Medical Guarantee Programme, a service package for medical monitoring of hormone therapy for the most vulnerable groups, including IDPs, low-income people, people with disabilities and young people. Such a package should cover consultations, laboratory monitoring and clinical follow-up at defined intervals, together with minimum requirements for continuity of care. Issues of pharmaceutical supply and responses to shortages should be set out in clinical guidelines or protocols through recommended regimens, criteria for substituting medication and action plans for supply disruption.

The final priority is the technical configuration of the electronic healthcare system in accordance with the principles of Privacy by Design. This includes role-based access to sensitive data, minimising the visibility of personal fields for functions that do not require them, maintaining access logs for auditing purposes and establishing clear rules for data exchange between facilities. At the same time, the integration of mental-health services and support after incidents of violence should include screening algorithms for distress and PTSD, together with safe referral pathways. The appeals mechanism should function as a closed-loop quality-control system — complaint, review, decision, corrective action and re-verification — with monitoring and public accountability ensured through a dashboard of key indicators.

## V. INTERNATIONAL STANDARDS AND HUMAN RIGHTS PROTECTION MECHANISMS

In this report, international standards do not serve as mere background reference points. They provide the normative framework for assessing the quality of governance in the context of war and European integration. They define the state's positive obligations not only to refrain from violations but also to build procedures, services, digital systems, and appeal mechanisms in a way that makes human rights effective in practice and minimises the risks of discrimination, degradation of dignity and unauthorised disclosure of personal data. For transgender and non-binary people, this means that the formal existence of rules is not enough. The key criterion is how administrative and medical practices function along a person's actual pathway.

### The European protection system: the ECHR, ECtHR case law and Council of Europe recommendations

The primary legal compass for Ukraine is the European Convention on Human Rights and the case law of the European Court of Human Rights. For the purposes of this report, three interrelated standards are of central importance.

**First, Article 8 of the Convention** — the right to respect for private and family life — encompasses the protection of personal identity, including gender identity, and requires that state procedures should not force individuals systematically to disclose sensitive information because of unregulated practice or data inconsistencies between registers. ECtHR case law consistently recognises gender identity as an integral component of private life and assesses state-imposed barriers to legal recognition or procedural access through the lens of necessity and proportionality, especially in cases concerning legal gender recognition and access to related procedures.

**Second, Article 14 of the Convention** — the prohibition of discrimination — requires an assessment not only of the formal neutrality of rules but also of their actual effect. If a supposedly universal procedure in practice creates disproportionate barriers for a particular group, the state must justify why that approach is necessary and, where appropriate, introduce safeguards such as reasonable procedural adjustments, confidentiality standards, data minimisation and staff competence. For Ukraine, this is directly relevant to mobilisation and medico-administrative procedures, in which discrepancies in data and divergent practice can trigger unnecessary verification and generate heightened risks for privacy and dignity.

**Third, Article 13 of the Convention** — the right to an effective remedy — establishes the standard for an effective institutional response to violations. Complaint, appeal and redress mechanisms must be accessible, prompt, intelligible and capable of changing practice in substance rather than producing merely formal replies.

In matters involving safety and violence, Article 3 of the Convention, which prohibits torture and inhuman or degrading treatment, is also of critical relevance. In the context of public radicalisation and hate speech, the Court has likewise confirmed in a number of cases that criminal-law responses to discriminatory statements that undermine dignity and equality may be permissible, underlining the state's positive obligations to ensure effective protection against violence motivated by bias.

A further applied dimension for Ukraine is the European framework for personal-data protection, both as an element of Article 8 and as an independent pillar of alignment in the European integration process. One of the key principles for this report is that access to sensitive information must be restricted according to role and functional necessity. Every redundant field or excessive access point creates a disproportionate risk.

Beyond the Convention, the interpretative standards of the Council of Europe are also practically significant. These include Recommendation CM/Rec(2010)5 on measures to combat discrimination on grounds of sexual orientation or gender identity and the standards developed by ECRI in its General Policy Recommendations, particularly those relating to hate speech and non-discrimination. For the purposes of this report, these standards act as a bridge between legal principles and management tools such as standard operating procedures, professional training, communication rules, internal quality-control mechanisms and safeguards against the unauthorised dissemination of personal data.

## Universal UN mechanisms: privacy, equality, and bodily integrity

Universal UN standards complement the European framework. The International Covenant on Civil and Political Rights guarantees the rights to privacy and equality, especially through Articles 17 and 26, which are directly relevant to administrative practices that may compel unwanted disclosure of sensitive information or create disproportionate barriers to access to services.

The UN Convention against Torture is important for assessing risks of ill-treatment or degrading treatment by officials and for defining the standard of non-discriminatory protection against violence.

The Convention on the Elimination of All Forms of Discrimination against Women may also be relevant in relation to gender-based violence, stereotypes and discriminatory practices that intersect with gender identity, particularly in contexts of displacement and crisis-related vulnerability.

The Yogyakarta Principles can be used as an interpretative, non-treaty guide that explains how existing human rights norms apply to SOGI issues, although they do not constitute an independent source of legal obligations.

## The Istanbul Convention and protection from violence

The Istanbul Convention, together with GREVIO monitoring<sup>16</sup>, translates general guarantees into specific requirements for organising protection services and ensuring professional competence. The ratified Convention requires the state to guarantee access to protection and support without discrimination, including through the work of law-enforcement bodies, access

<sup>16</sup> <https://www.coe.int/en/web/istanbul-convention/grevio#:~:text=The%20Group%20of%20Experts%20on%20Action%20against,serious%2C%20massive%2C%20or%20persistent%20patterns%20of%20violence>

to shelters and medical and psychosocial assistance. For transgender and non-binary people, this means the right to seek help safely and to receive an appropriate institutional response in which gender identity does not become a barrier.

Compliance is monitored through the GREVIO mechanism, which provides a channel for international oversight and recommendations to shape state policy. In this report, that mechanism is treated as an additional tool of accountability in relation to violence, access to support and professional training.

In 2025, GREVIO carried out a monitoring visit to Ukraine to assess the state of implementation of the Istanbul Convention. GREVIO's recommendations are to be incorporated into the State Programme for Preventing and Countering Domestic Violence and Gender-Based Violence for 2026–2030. As with the preceding programme, the new document is expected to address policy coordination, responses to incidents of domestic and gender-based violence, victim protection, perpetrator accountability and the strengthening of professional competence among specialists working in this field. The Ministry of Social Policy, Family and Unity of Ukraine is the lead body in this area.

### Practical use of international mechanisms

In 2025, Ukrainian human rights organisations continued to use international monitoring instruments and special procedures as channels for documenting systemic problems and promoting institutional change. In particular, submissions by NGO “Cohort” and NGO Human Rights Bureau “We Are!” within the ECRI monitoring cycle cover the period 2018–2025 and focus on documented incidents of intolerance on SOGI grounds and related institutional practices.

Work also continued within UN special procedures, notably through engagement with the Office of the UN Resident Coordinator in Ukraine and the Office of the Special Representative of the Secretary-General on Sexual Violence in Conflict. In 2025, the key recommendations addressed to Ukraine focused on strengthening the response to conflict-related sexual violence and protecting the rights of vulnerable groups. Priority areas included stronger inter-agency coordination, legislative improvement and the creation of an effective support system for survivors. Throughout 2025, NGO “Projector” continued documenting and legally qualifying war crimes, primarily CRSV committed against LGBTIQ+ people.

## VI. LEGISLATIVE AND REGULATORY FRAMEWORK: STRUCTURAL IMBALANCES IN REFORM

In 2025, the legal regulation of rights and freedoms for transgender and non-binary people in Ukraine was marked by an asynchrony of pace and priorities in reform. The result of that asynchrony is uneven privacy and non-discrimination standards across administrative and medico-administrative procedures, something felt particularly acutely by transgender and non-binary people.

A clear contrast is visible. While the Cabinet of Ministers of Ukraine and central executive authorities took active steps to implement European integration norms, the legislative process in matters affecting security and family rights did not demonstrate sustained procedural progress. For the EU accession process, especially within Cluster 1, “Fundamentals”, this creates risks for the coherence of reform and the predictability of legal guarantees. Ukraine demonstrates strong institutional capacity to adopt technical regulations, but strategic decisions in the human-rights sphere often remain slow.

### The legislative process: between strategic pause and forced progress

The trajectory of efforts to strengthen accountability for crimes motivated by intolerance changed in 2025. After the withdrawal of Draft Law No. 5488<sup>17</sup>, which had long served as a key advocacy vehicle, the state launched an alternative mechanism by registering Draft Law No. 13597<sup>18</sup>. The new draft was developed as one of the tools for harmonising Ukrainian law with EU approaches. It proposes updated approaches to the qualification of offences motivated by intolerance, including on grounds of SOGI.

Although the registration of Draft Law No. 13597 can be read as an indication of political will, this report found no significant shift in practice by the end of 2025. While legislative procedures remain ongoing, Article 161 of the Criminal Code of Ukraine continues to be applied only in a limited and inconsistent way to hate motive, especially in relation to SOGI. In 2024, 156 criminal proceedings were opened under Article 161, and 98 were sent to court with indictments, but the statistics do not allow cases to be disaggregated by SOGI ground.

A similar pattern is visible in the area of family rights. Consideration of Draft Law No. 9103<sup>19</sup> on the institution of registered partnerships did not advance procedurally despite the urgent demand articulated by LGBTIQ+ communities. The registration of the alternative Draft Law No. 12252<sup>20</sup> did not produce real progress in 2025 either, but merely returned the issue to the parliamentary agenda. The absence of a legislative mechanism creates a risk of

<sup>17</sup> <https://itd.rada.gov.ua/billinfo/Bills/Card/26573>

<sup>18</sup> <https://itd.rada.gov.ua/billinfo/Bills/Card/56933>

<sup>19</sup> <https://itd.rada.gov.ua/billinfo/Bills/Card/41497>

<sup>20</sup> <https://itd.rada.gov.ua/billinfo/Bills/Card/45293>

non-compliance with the state's positive obligations under Article 8 of the ECHR and shifts the burden of protection to the judiciary, where same-sex couples are forced to prove individually the legal fact of living as a family.

The anti-discrimination framework likewise requires systemic clarification. The framework Law of Ukraine “On the Principles of Prevention and Countering Discrimination in Ukraine”<sup>21</sup> still contains an open list of characteristics without explicitly mentioning SOGI. This creates a normative discrepancy with the Labour Code of Ukraine<sup>22</sup> and the Law of Ukraine “On Media”<sup>23</sup>, where those characteristics are explicitly included. As a result, legal protection is asymmetrical: guarantees are significantly stronger in employment than in access to administrative services, education or healthcare, where human rights actors repeatedly have to establish that SOGI falls within the protected grounds.

### Regulatory initiatives that create risks of retrenchment

Alongside constructive legislative efforts, attempts continue in Parliament to use law-making as a tool of political and social polarisation. One example is the renewed promotion of Draft Law No. 6327<sup>24</sup>, which seeks to ban the so-called “propaganda of homosexuality and transgenderism”. Legal analysis shows that this draft is in direct conflict with Ukraine's international obligations. Established ECtHR case law, particularly the landmark judgment in *Bayev and Others v. Russia*, leaves no room for doubt that such restrictions are discriminatory and violate Article 10 of the ECHR, freedom of expression, read together with Article 14, prohibition of discrimination. Whatever their political utility, such legislative initiatives are incompatible with international standards and ECtHR jurisprudence.

### The executive branch as a driver of sectoral change

By contrast with the slow pace of legislation, the work of central executive bodies and other regulators in 2025 showed notable institutional progress. Executive authorities are effectively using their powers to implement the EU *acquis* regardless of the political dynamics in Parliament.

Following the entry into force and practical application of the Law of Ukraine “On Media”, the National Council of Television and Radio Broadcasting of Ukraine acquired the ability to use sanctioning tools in response to the dissemination of discriminatory narratives in the media. In concrete regulatory decisions, such rhetoric was qualified as discriminatory within the National Council's competence.

A similar dynamic is visible in healthcare. The approval of the operational plan for the transition to ICD-11 and the gradual adaptation of the eHealth system reflect an institutionally anchored direction towards depathologisation, although the practical effect of this course will depend on the pace of implementation and the quality of local practice.

In that sense, 2025 was a year of technical progress against a backdrop of political pause. The executive branch and state regulators developed functioning mechanisms of protection against discrimination in the media and in healthcare, effectively moving faster than the

<sup>21</sup> <https://zakon.rada.gov.ua/laws/show/5207-17#Text>

<sup>22</sup> <https://zakon.rada.gov.ua/laws/show/322-08#Text>

<sup>23</sup> <https://zakon.rada.gov.ua/laws/show/2849-20#Text>

<sup>24</sup> <https://itd.rada.gov.ua/billinfo/Bills/Card/28296>

legislature. For these technical changes — departmental orders, regulatory decisions and implementation roadmaps — not to remain reversible or dependent on local discretion, they must be reinforced by legislative guarantees and effective enforcement mechanisms. Only under those conditions will institutionally progress in media, healthcare and the administration of registers be transformed into a stable standard of protection for the rights of transgender and non-binary people.

## VII. INTERNATIONAL AND NATIONAL JUDICIAL PRACTICE: FROM PRECEDENTS TO SYSTEMIC REFORM

In 2025, judicial practice in Ukraine functioned as a diagnostic tool for the quality of governance. It shows where digitalisation, healthcare and family-law relations come into conflict with the rights to private life, dignity and equality, especially under martial law. For the purposes of this report, it is essential to stress that judicial standards do not replace policy. Rather, they define the boundaries of permissible state interference and establish minimum requirements for procedures, services and appeal mechanisms.

### EU-law benchmarks from the CJEU for approximation to the *acquis*: data accuracy and field minimisation

For Ukraine as a candidate state, the case law of the Court of Justice of the European Union provides operational guidance for alignment with GDPR standards<sup>25</sup>, especially in relation to the accuracy, necessity and proportionality of personal-data processing. CJEU rulings relevant to the 2025 context reaffirm a basic proposition: personal data held in registers must be accurate and up to date, while the collection of additional data, such as gender-marked forms of address or compulsory disclosure of sex, requires a compelling justification linked to the provision of the service<sup>26, 27</sup>.

For Ukraine, this is directly relevant because of the multiplicity of state registers and electronic services. Where data is not synchronised automatically, the burden of continuously proving one's identity across different institutions is shifted onto the individual. That increases the risk of excessive verification and unwanted disclosure of sensitive information. In that context, priority should be given to auditing state electronic services and register forms for excessive fields and to configuring automatic data-update protocols in line with Privacy by Design principles: role-based access, field minimisation, logging with audit functionality and clearly defined standard grounds for requesting and processing sensitive data. Such an approach reduces systemic risk for transgender and non-binary people, for whom discrepancies between registers frequently create situations of heightened vulnerability in administrative and medico-administrative procedures.

A further point to be considered is the European standard concerning the cross-border recognition of civil-status acts and elements of identity in connection with freedom of movement<sup>28</sup>. For Ukraine, this underlines the need for procedurally clear solutions regarding

<sup>25</sup> [https://zakon.rada.gov.ua/laws/show/984\\_008-16#Text](https://zakon.rada.gov.ua/laws/show/984_008-16#Text)

<sup>26</sup> <https://infocuria.curia.europa.eu/tabs/document?source=document&docid=296550&doclang=en>

<sup>27</sup> <https://infocuria.curia.europa.eu/tabs/document?source=document&cid=10129261&dir=&docid=294110&doclang=en&mode=lst&occ=first&pageIndex=0&part=1&text=>

<sup>28</sup> <https://infocuria.curia.europa.eu/tabs/document?source=document&docid=290695&doclang=en>

the recognition of foreign documents so as to minimise legal uncertainty for citizens returning from abroad or holding documents issued under the legal systems of other states.

### **ECtHR case law: privacy, bodily autonomy, family life and standards of treatment**

In 2025, the European Court of Human Rights continued to reinforce the standard that legal gender recognition cannot be made dependent on medical intervention. Excessive medical requirements imposed as a condition of access to an administrative procedure constitute an interference with private life under Article 8 of the Convention<sup>29</sup>.

This is directly relevant to Ukraine during the transition period for ICD-11 implementation. In the absence of a unified clinical pathway and clear procedural solutions, there remains a risk that some commissions or facilities will revert in practice to excessive medicalisation.

ECtHR standards on family life and the best interests of the child are equally important in the Ukrainian context. The Court has made it clear that parental rights cannot be restricted on the basis of transgender stereotypes<sup>30</sup>. In terms of state policy, this calls for training for social services, guardianship bodies and related institutions in anti-discriminatory approaches and the handling of sensitive information, particularly confidentiality standards.

A separate issue is access to medical care in places of detention. ECtHR case law indicates that unjustified restrictions on access to necessary care may amount to a violation of the right to private life under Article 8 and, where consequences for health and dignity are severe, may also raise issues under Article 3<sup>31</sup>. For Ukraine, this strengthens the argument for standardised medical protocols and continuity of treatment, in particular hormone therapy, within the penitentiary system and other places of detention.

### **National judicial practice as a compensatory mechanism**

Against the backdrop of a slow legislative process, Ukrainian courts in 2025 and early 2026 began effectively to fill legal gaps in areas where clear procedures were absent or where administrative bodies relied on formalistic approaches that blocked the enjoyment of rights. In such cases, courts relied on the rule of law, the direct effect of constitutional guarantees, the requirements of legal certainty and the standards of an effective remedy. Judicial practice plays a compensatory role: it delivers individual solutions while at the same time revealing the structural need for systemic regulatory reform, especially through the adoption of Draft Law No. 9103 or No. 12252.

### **Recognition of same-sex family relations by establishing a legal fact**

The decision of the Desnianskyi District Court of Kyiv of 10 June 2025 in case No. 754/12856/24<sup>32</sup> is a clear example of how the courts provide a minimum level of legal recognition of same-sex family life within the existing special-proceedings model. The court established the fact of cohabitation as one family without marriage between the applicant and his partner since 2013,

<sup>29</sup> <https://hudoc.echr.coe.int/?i=001-243567>

<sup>30</sup> <https://hudoc.echr.coe.int/?i=001-234795>

<sup>31</sup> <https://hudoc.echr.coe.int/eng?i=002-14358>

<sup>32</sup> <https://reyestr.court.gov.ua/Review/128012542>

relying on criteria such as shared residence, a common household, mutual support, shared expenses and the stability of the relationship. These elements were supported by witness testimony and documentary evidence, including contracts, records of joint travel, photographs, declarations and other materials.

The practical context of the case — the refusal of the Ministry of Foreign Affairs of Ukraine to recognise the public-law consequences of a same-sex marriage for the purposes of long-term secondment and family accompaniment for a diplomatic employee — shows that the mechanism for establishing a legal fact is used in practice as an alternative path to legal recognition in the absence of specific legislation.

For the purposes of this report, two circumstances are decisive. First, judicial practice recognises “family life” as a legally significant fact independently of access to marriage. Second, this route is individualised, evidence-heavy and costly: each couple is forced to prove the family nature of the relationship in court. That creates inequality in access to legal protection and further strengthens the argument for systemic legislative regulation of same-sex partnerships.

### Civil-status acts for transgender people: the court as guarantor of procedure

The decision of the Donetsk District Administrative Court of 21 November 2025 in case No. 640/17088/22<sup>33</sup> illustrates the compensatory role of the court in ensuring proper administrative procedure in matters concerning the restoration of birth records, the amendment of such records and the issuance of a new certificate following gender reassignment.

The court gave a critical assessment of the practice of the State Registration of Civil Status Records office, which had limited itself to sending an explanatory letter and had failed to adopt a procedurally proper decision in the form of a reasoned conclusion. As a consequence, the court found the failure properly to examine the application unlawful and ordered the State Registration of Civil Status Records office to reconsider it and issue a reasoned conclusion.

This case is important not only as an example involving access to correct documents, but also as an illustration of procedural human-rights protection. The courts require authorities to act in the manner prescribed by law, thereby ensuring legal certainty, reasoned decision-making and a genuine possibility of appeal. At the same time, the case also demonstrates the risk of a procedural circle: where there is no proper administrative decision, the court may find part of the claims premature, thereby extending the individual's path to a final result.

### Military registration and the “Oberig” register after gender change: bridging gaps through the rule of law and non-discrimination

The decision of the Kharkiv District Administrative Court of 21 January 2026 in case No. 520/32460/25<sup>34</sup> is particularly important for the protection of transgender rights in the field of military registration and state registers. The court found unlawful the TRSSC's refusal to remove the claimant from the military register and ordered her removal from that register together with the entry of the relevant information into the Unified State Register of Conscripts, Persons Liable for Military Service and Reservists, known as “Oberig”.

<sup>33</sup> <https://reyestr.court.gov.ua/Review/131948122>

<sup>34</sup> <https://reyestr.court.gov.ua/Review/133457292>

The core of the court's reasoning can be summarised as follows:

1. Gender change, once confirmed by competent state authorities and reflected in official documents, has legal consequences for the person's status.
2. The absence of a specific by-law expressly setting out the procedure for removal from the military register on the ground of gender change cannot justify refusal.
3. Public authorities must act in accordance with legal certainty, equality before the law and non-discrimination, and must provide an effective remedy capable of producing a real result, namely correct reflection of data in the register.

### Moral damages as a tool for deterring discriminatory practices

At the same time, a line of judicial practice is emerging in which courts translate rights violations into the sphere of state financial liability. This report has already referred to the decision of the Malynovskyi District Court of Odesa of 6 March 2025 in case No. 521/11942/24<sup>35</sup>, in which the court awarded UAH 400,000 in non-pecuniary damages to a transgender woman in connection with prolonged unlawful criminal prosecution. This approach strengthens the preventive effect of the law: compensation becomes a tangible mechanism for deterring biased and unlawful practice by state bodies. It does not, however, remove the need for systemic guarantees and procedures capable of preventing violations before they occur.

### Conclusion

International case law, especially that of the ECtHR, together with EU-law benchmarks grounded in GDPR logic and reflected in CJEU jurisprudence, create a single matrix of minimum guarantees for Ukraine in relation to transgender and non-binary people:

1. Legal recognition of gender identity belongs to the core of the right to private life, dignity and bodily autonomy.
2. The state has positive obligations to provide accessible, predictable and non-degrading procedures that do not turn into institutional barriers.
3. The legal remedy must be effective in practice, which means it must produce a practical result rather than merely a formal decision.

In the sphere of data, these standards are specified through the requirements of accuracy, relevance, minimisation and proportionality. If the state maintains multiple registers, it cannot shift onto the individual the burden of constantly proving identity and correcting discrepancies between systems, especially where those discrepancies heighten the risk of unwanted disclosure of sensitive information.

National judicial practice from 2025 to early 2026 gives practical effect to these international approaches in administrative-registry disputes, where the rights of transgender people are undermined not so much by direct prohibitions as by procedural uncertainty, formalism and gaps between registers. The decision of the Donetsk District Administrative Court establishes a key procedural standard: a SRCSR authority cannot replace a decision with a simple letter and avoid the duty to issue a reasoned conclusion that triggers a real procedure and opens the way to an effective appeal. This is a national reflection of ECtHR standards on procedural

<sup>35</sup> <https://reyestr.court.gov.ua/Review/125627467>

predictability and the reality of the remedy: an individual must have access not only to the point of entry of an administrative service, but to a clear process with defined legal consequences.

The decision of the Kharkiv District Administrative Court translates international principles into the field of digital rights and registers. The court recognised that a gender change, once confirmed by competent state authorities and reflected in the passport and demographic register, has direct consequences for legal status in related systems, including military registration and the “Oberig” register. Crucially, the court rejected the argument that no action was possible in the absence of specific regulation and instead applied the rule of law, legal certainty and non-discrimination as tools for closing the gap. In terms of ECtHR standards and EU logic, that means the absence of secondary regulation cannot legitimise the retention of outdated or inaccurate data in state registers where this prolongs restrictions on rights and increases individual vulnerability. The key outcome — not merely setting aside the refusal but ordering amendment of the register — satisfies the standard of an effective remedy because it guarantees a practical and enforceable result.

The line of compensation cases, including the Malynovskyi District Court of Odesa judgment referred to in this report, strengthens this connection with another element of international logic: when the state or its bodies create or maintain a situation of structural harm over a period of years, financial liability becomes not only a form of individual redress but also a signal to the system that practices built on bias or institutional negligence are unacceptable. Taken together, this brings Ukrainian practice closer to a model in which the rights of transgender people are protected not through exceptions or dependence on the discretion of individual officials, but through due-process standards, the accuracy of state data and real accountability for violations.

At the same time, these decisions also show the limits of the compensatory role of courts. Judicial intervention can correct specific cases, but it does not remove the root causes: gaps in the regulation of legal gender recognition, inconsistencies between registers, the absence of standard protocols for the TRSSC, MMC and State Registration of Civil Status Records and the unevenness of local practice.

**In this sense, the move from precedents to systemic reform logically converges around three policy priorities:**

1. Procedural certainty, meaning a single accessible administrative procedure with clear time limits, reasoned decisions and appeal mechanisms;
2. Privacy by Design and data accuracy, including field minimisation, automatic updating between key registers, role-based access and logging;
3. Non-discriminatory implementation in high-risk sectors, including military registration, medico-administrative pathways and places of detention, together with staff training and accountability for practices that cause systemic harm.

It is precisely this framework that allows international standards and national judgments to be linked as an evidentiary basis for reform rather than as a substitute for reform.

## VIII. ANALYSIS OF HUMAN RIGHTS VIOLATIONS AGAINST TRANS AND NON-BINARY PEOPLE: FROM INDIVIDUAL CASES TO SYSTEMIC GAPS

This section is based on cases<sup>36</sup> of legal aid and paralegal support documented by NGO “Cohort” during implementation of the project “Protecting the Rights of Transgender People in Ukraine through Peer Paralegals” in 2025. The material reflects situations brought forward by clients and provides an indicative cross-section of recurring failures in the procedures and practices of state institutions. Although the analysis is not representative of the entire population of transgender and non-binary people, it allows typical risk points and the mechanisms reproducing violations to be identified with clarity. The case database is not published in this report. All examples are presented in anonymised form and stripped of details that might identify individuals or increase risks to their safety.

A crucial methodological caveat concerns legal awareness. In many situations, complications were intensified because people did not know the full sequence of steps required, which may indicate a low level of legal literacy, or because they avoided contact with institutions out of fear of stigma and unwanted disclosure. In this context, failure to complete procedures is more often the result of access barriers, such as the absence of clear instructions or of safe accompaniment, than the fault of the individual. For that reason, this factor is treated as a distinct systemic variable: the amount of accessible information and the clarity of administrative pathways directly affect a person’s ability to restore their rights in a timely way.

### The general logic of violations: a chain reaction involving procedures, data and access to information

The cases analysed here operate as indicators of systemic shortcomings in public administration, where regulatory frameworks and digital solutions break down at the implementation stage. Most violations of the rights of trans\* and non-binary people are systemic in nature and stem from a combination of technical inconsistencies between registers, discretionary application of procedures without written reasons and a lack of clear legal navigation. Violations arise not from a single institutional mistake but from the logic embedded in the data architecture itself: a lack of synchronisation between registers triggers manual confirmation mechanisms, which in turn generate risks of outing, delay and degrading interaction. When this is coupled with the absence of clear instructions, people may miss formal procedural steps, which institutions then invoke as grounds for refusal.

<sup>36</sup> <https://cohort.com.ua/go-kogorta-prezentu%d1%94-analitichnij-zvit-za-rezultatami-vprovadzhennya-pro%d1%94k-tu-zahist-prav-transgendernih-lyudej-ukra%d1%97ni-za-dopomogoyu-rivnih-parayuristiv-u-2025-r/>

## Administrative barriers and the deficit of interoperability between state registers

A significant share of the documented violations — 16 of the 58 cases — arose from the absence of automated interaction between state databases. Transgender and non-binary people find themselves in legal uncertainty when data changed in one register is not automatically reflected in systems held by the TRSSC, the State Border Guard Service or the “Oberig” register. This forces citizens to initiate changes manually, repeatedly re-establish legal facts and expose themselves to the leakage of sensitive information. The complexity of the route and the absence of unified instructions often result in delayed applications, which only prolongs the path to a result.

### Typical scenario 1:

After a person updates their identity documents to reflect a change in personal data, previous information remains in military-registration systems. The person is then effectively forced to prove the obvious by resubmitting documents and undergoing additional verification. This is not only time-consuming but also creates a risk of unwanted disclosure of confidential data in situations where such disclosure is unnecessary for the delivery of the service.

The problem becomes especially acute in contact with the TRSSC and during MMC examinations, where institutional caution can turn into excessive demands that are not supported by proper written justification. For people without legal support, uncertainty as to which demands are lawful becomes an additional barrier.

### Typical scenario 2:

An MMC requires an in-patient psychiatric examination as an additional check, without explaining why that format is necessary instead of an out-patient assessment. In those conditions, in-patient care creates risks of degrading treatment and may function as a de facto barrier to obtaining the administrative result sought.

A systemic response to this group of problems should include the technical configuration of synchronisation protocols between registers, an audit of redundant fields in services and the implementation of unified MMC examination protocols that contain privacy guarantees. It is also critically important to create public procedural roadmaps in plain language so that outcomes depend less on subjective experience and personal connections.

## Barriers to access to services: discretionary practice and the human factor

The second largest group of violations, 13 cases, concerned healthcare, border crossings and the state registration of civil-status acts. Where clear regulation is absent, the rights of citizens often depend on the subjective approach of the individual official handling the matter. Administrative caution on the part of staff frequently translates into delays or humiliating forms of verification. Vulnerability is intensified when a person does not know how to document a refusal correctly or insist on a written answer for the purposes of appeal.

In healthcare, the front office remains a critical point of risk because practical Privacy by Design standards have not been built into service processes.

### Typical scenario 3:

When a person seeks medical care, sensitive information is spoken aloud or becomes available to third parties on the premises of the healthcare facility, creating a risk of outing. This shows that even progressive reforms, such as the transition to ICD-11, may reproduce discriminatory outcomes if they are not accompanied by practical privacy protocols.

During border control, a discrepancy between a person's appearance and the photograph in their documents often acts as the trigger for escalation. In the absence of standardised soft-verification algorithms, this can result in psychological pressure and the involvement of additional personnel instead of the use of neutral verification tools.

In the sphere of civil-status registration, problems often take the form of a procedural labyrinth, in which individuals are sent from one office to another instead of receiving a reasoned decision. For people with low legal awareness, this becomes an invisible trap that in practice blocks the path to protection.

### The ineffectiveness of protection mechanisms and discrimination in employment relations

In 2025, the law-enforcement system continued to experience difficulties in responding to crimes motivated by intolerance and to digital forms of violence. A typical consequence is the downgrading of legal qualification, which disregards the hate motive and weakens the deterrent effect of the law. In the digital sphere, there is also a lack of capacity to respond to cyber-harassment and sustained online attacks as security incidents. Victims often do not know how to secure evidence, which again points to a deficit of accessible support.

The same pattern extends into the labour sphere, where cases of forced resignation through bullying or blackmail involving the threat of disclosing personal data also occur. Employers may create intolerable working conditions that push an employee to resign "voluntarily". Proving discriminatory motive in such labour disputes is exceptionally difficult, and access to safe mechanisms for restoring rights remains limited.

### The transborder dimension of vulnerability and challenges of international protection

One case documented by lawyers from NGO "Projector" concerned cross-border situations in which people from occupied territories faced administrative collisions outside Ukraine. The seizure or prolonged retention of original documents by foreign authorities can seriously complicate access to basic services. In such cases, vulnerability is increased by the lack of specialised consular mechanisms and the absence of action roadmaps for transborder cases that take account of the risk of stigmatisation linked to gender identity.

### The role of civil society organisations as an institutional compensator

In 2025, civil society organisations effectively performed the function of an institutional compensator. The most effective tools included formalising communication through written requests, paralegal support as a safeguard against discrimination and advocacy grounded in documented cases. These mechanisms also strengthen people's legal capacity by teaching

them how to record violations and communicate with institutions, thereby reducing the risk that violations become entrenched because procedural steps were missed.

## Conclusion

The analysis of documented situations points to three key gaps:

1. A deficit of interoperability between registers, which triggers manual procedures.
2. A lack of unified regulation, which creates space for discretion.
3. Insufficiently effective mechanisms for restoring rights, especially in cases involving violence.

A key cross-cutting factor is the absence of accessible legal navigation, which means that even formally existing rights are difficult to access in practice.

From the perspective of state policy, priority intervention points include the technical synchronisation of registers with field minimisation, the implementation of unified MMC protocols and verification algorithms at the border. It is also necessary to strengthen procedural oversight so that decisions of state authorities are reasoned, and to support legal awareness institutionally through public procedural roadmaps. Such a framework makes it possible to connect international standards with national solutions and to use them as an evidentiary basis for reform.

## IX. GENERAL CONCLUSIONS

### Administrative barriers in implementing European integration standards

The results of the 2025 situational analysis show that the real situation of transgender and non-binary people in Ukraine is determined to a large extent by the functioning of administrative procedures, digital services and inter-agency interaction. In many instances, the decisive factor is not the declaration of principles but the practical mechanisms through which they are applied: the quality of data in registers, the predictability of procedures, the standards by which decisions are justified, the accessibility of appeals and the degree of confidentiality in everyday interactions with institutions.

The full-scale war has amplified the significance of these issues. The same gaps or formalistic approaches that appear as administrative difficulties for the general population often create additional obstacles for transgender and non-binary people in accessing services, frequently requiring them to re-establish legal facts that have already been recognised.

In this context, the course of European integration provides practical criteria for assessing public administration: accuracy and relevance of register data, minimisation of the processing of sensitive information, proportionality of administrative requirements and the existence of effective legal remedies.

### Key trends and challenges:

#### The legislative process and the role of judicial practice

One of the main trends of the year is the gap between existing public demand for equality and the pace at which legislation is resolving questions of family relations and crimes motivated by intolerance. In these conditions, judicial practice becomes more important as a means of individual protection. At the same time, litigation remains a resource-intensive route, and the outcome in complex legal matters depends heavily on the quality of evidence, legal support and the circumstances of the case. This reinforces the case for systemic legislative solutions that reduce the need for individuals to prove the obvious in each separate situation.

#### Technical interoperability of registers and data quality

The most widespread source of documented difficulties in 2025 was administrative and technical inconsistency between state registers and departmental systems. The absence or inadequacy of automated synchronisation between civil-status registers, healthcare systems and elements of the security and defence sector forces individuals to initiate changes manually and to verify data repeatedly across multiple institutions. This increases the number of

contacts with state bodies and makes outcomes highly dependent on procedural discipline, communication standards and the quality of decision-making.

### **Healthcare: a transition period and the standardisation of pathways**

The start of the transition to ICD-11 creates the foundation for a modern medical-care framework and for reducing stigmatising approaches. Practical implementation, however, is hampered by the absence of unified protocols and transparent clinical pathways that can be applied consistently across different regions and facilities. During this transition, the coexistence of differing approaches may affect administrative decisions and the overall experience of interacting with the system. Even where formal guarantees exist, confidentiality and Privacy by Design at the point of entry into the system — reception desks, communication channels and access to electronic records — remain issues of central importance.

### **Mobilisation: procedures, verification and predictability**

In a number of cases, the greatest procedural difficulties were linked to interaction with the TRSSC, the conduct of MMC examinations and particular incidents during border crossings. A critical factor is the absence of sufficiently detailed and unified algorithms capable of ensuring predictability in the actions of officials, correct verification and an appropriate level of privacy. In wartime, these issues carry additional weight because they affect access to related rights and life situations, including employment, social issues and mobility. This makes clear procedural solutions at the level of policy and internal instructions indispensable.

### **Media and public discourse**

In 2025, institutional approaches to countering hate speech and protecting dignity in the media environment continued to consolidate a standard under which freedom of expression may not be used to diminish human dignity. At the same time, issues of ethical coverage, the avoidance of false balance and the proper handling of personal data so as to prevent unnecessary disclosure of sensitive information in online media remain highly relevant.

### **From fragmented solutions to a systemic architecture of guarantees**

The overall conclusion of this analysis is that standards of privacy, non-discrimination and effective legal remedies must be integrated not only into regulatory acts but also into the technical and procedural architecture of state services.

The practice of international judicial institutions — in particular the ECtHR and the CJEU in matters relevant to data protection standards — together with Ukrainian judicial practice, point to a common benchmark: digitalisation and administrative procedures must be designed around human dignity, data accuracy and relevance, the minimisation of sensitive data processing and transparent appeal procedures.

Ukraine already has considerable experience in developing digital public-sector solutions. The next logical step is to move from disjointed practices to a systemic model of guarantees that operates consistently across agencies and regions. Priority areas in that process include:

- Ensuring the once-only principle and data consistency between departmental systems.
- Unifying protocols in healthcare and within security and defence procedures.
- Further aligning national approaches with EU standards in the fields of private life, data protection and countering intolerance.

The European integration process provides a practical framework within which respect for dignity, privacy and equality is not merely a declaratory goal but a measurable standard of governance quality. It therefore offers a basis for evaluating progress not only by the existence of policies but by the way they function in procedures, services and daily interaction between the individual and the state.

## X. RECOMMENDATIONS

To reduce structural gaps in the enjoyment of the rights of transgender and non-binary people, state policy should move from isolated measures towards systemic coordination of procedures in healthcare, the state registration of civil-status acts, interaction with the TRSSC, MMC examinations and border crossings. The practical focus of these recommendations is legal certainty, minimisation of sensitive data in services, unified administrative algorithms and effective remedies capable of delivering results within a reasonable time.

### Priorities for the next 1–6 months

#### Coordination

Establish a permanent inter-agency working group with civil society participation, a clear mandate, a work plan and designated responsible actors.

Expected result: a single coordination hub for procedures is created, reducing divergent interpretations of rules between agencies.

#### Ministry of Justice procedures and the SRCSR

Introduce a standard requiring written, reasoned conclusions and decisions, with fixed time limits and unified grounds for refusal, including an explanation of appeal procedures.

Expected result: applicants receive legally proper decisions that can be effectively challenged, eliminating verbal refusals and informal explanatory letters.

#### Ministry of Digital Transformation (registers)

Conduct a targeted audit of sex/gender fields and related attributes in key electronic services and forms, identifying where these fields are necessary and where they are redundant.

Expected result: fewer situations in which individuals are required to disclose sensitive data without a genuine need for service provision.

## MoH / NHSU / eHealth

**Approve a framework clinical pathway and basic organisational confidentiality standards for gender incongruence care based on ICD-11, including role-based access to sensitive records and access logging.**

Expected result: variation in practice between facilities is reduced, together with the risk of disclosure of sensitive information within the medical system.

## Priorities for the next 6–18 months

### Legislative change

**Ensure systemic legal recognition of partnerships and strengthen instruments for countering discrimination and crimes motivated by intolerance.**

Expected result: reduced need to prove family status or fight for recognition in court, with protection becoming more predictable and accessible.

### Register interoperability

**Prioritise automated updating of data across high-risk registers, including State Registration of Civil Status Records, eHealth, “Oberig” and related systems, with clear synchronisation rules and testing of data consistency.**

Expected result: reduced reliance on manual updating, fewer repeated applications and lower risk of involuntary disclosure.

### TRSSC and MMC

**Develop unified administrative algorithms for the TRSSC and MMC concerning the processing of changes in personal data and non-discriminatory communication, with clearly defined limits on medical requirements.**

Expected result: procedures become more predictable and interference with privacy is kept proportionate and strictly necessary.

### Institutional capacity

**Scale up training modules on non-discrimination, ethical communication and data protection for frontline service units, including healthcare, administrative service centres, social protection and border control.**

Expected result: quality of service depends less on the human factor and on the individual perceptions of officials.

## Recommendations to state authorities

### The Verkhovna Rada of Ukraine

- 1. Adopt Draft Law No. 9103 “On the Institute of Registered Partnerships” or the alternative Draft Law No. 12252.**  
Expected result: same-sex couples gain an accessible administrative mechanism for legal recognition and social guarantees without the need for judicial confirmation of family relations.
- 2. Refine and adopt Draft Law No. 13597, establishing intolerance motivated by SOGI as a legally defined aggravating circumstance in relevant categories of offences and crimes.**  
Expected result: law-enforcement bodies obtain clearer grounds for taking intolerance motives into account, increasing consistency of legal qualification and the preventive effect of the law.
- 3. Amend the Law of Ukraine “On the Principles of Prevention and Countering Discrimination in Ukraine” by explicitly including SOGI among the protected characteristics and strengthening practical implementation mechanisms, in particular rules on the burden of proof and effective forms of compensation.**  
Expected result: victims gain more predictable tools of protection, while state bodies receive a clearer standard for non-discriminatory practice.

## Executive branch, healthcare and digital transformation

### Ministry of Health and National Health Service of Ukraine

- 1. Approve a clinical protocol and patient pathway for gender incongruence care based on ICD-11, including minimum requirements for confidentiality and continuity of treatment.**  
Expected result: disparities in practice between regions and facilities are reduced and access to care becomes standardised and secure from the standpoint of privacy.
- 2. Configure the eHealth system in line with the principles of data minimisation and Privacy by Design, including role-based access, segmentation of sensitive data, access logging and standardised grounds for review.**  
Expected result: the circle of persons with access to sensitive information is narrowed and the risk of unauthorised disclosure is reduced.

### Ministry of Digital Transformation

- 1. Audit electronic services and register forms for redundant sex/gender fields and adopt rules governing the necessity of such fields according to the nature of the service.**  
Expected result: public services collect only the data required to provide the service, reducing systemic risks of unauthorised disclosure of personal and confidential information.

- 2. In cooperation with register holders, prioritise automatic data updating after document changes in high-risk registers and reduce reliance on manual confirmation of legal facts that have already been established.**

Expected result: fewer repeated applications and fewer situations in which discrepancies between registers create barriers to access to services.

### Ministry of Justice and the system SRCSR

- 1. Ensure real extraterritoriality in registration actions and a unified nationwide standard for decision-making in the SRCSR offices, including templates for conclusions and defined processing timelines.**

Expected result: access to services ceases to depend on a specific office, and practice becomes more uniform and predictable.

- 2. Introduce a standard requiring only written, reasoned conclusions and decisions, rather than verbal refusals or informal letters.**

Expected result: individuals receive a document that creates legal certainty and enables swift and effective appeal.

### TRSSC, MMC and border crossings

- 1. Develop and implement unified algorithms for the TRSSC concerning updates to military-registration documents and the “Oberig” register following changes to personal data, with clear timelines and communication channels.**

Expected result: fewer situations in which people must repeatedly prove facts that have already been confirmed, and more up-to-date data in the register.

- 2. For MMCs, define the scope of medical examinations and the list of permissible requirements, ensuring proportionality of intervention and confidentiality, backed by a mechanism of internal quality control.**

Expected result: medical requirements become predictable and justified, while the risks of degrading treatment and excessive interference with privacy are reduced.

### State Border Guard Service of Ukraine

- 1. Update instructions on identity verification in cases where a person’s appearance differs from the photograph in their documents, prioritising standard verification and minimising the involvement of additional personnel unless strictly necessary.**

Expected result: fewer disproportionate checks and more consistent and justified decisions.

## Humanitarian sphere: education and communities

### Ministry of Education and Science

1. **Launch response procedures in higher education institutions for hate speech, bullying and cyber-harassment, and integrate modules on non-discrimination, ethical communication and confidentiality into professional-development programmes for teaching staff.**

Expected result: the educational environment gains clear rules for response and support, reducing the normalisation of stigma and the risk of secondary traumatising.

### Municipal authorities

1. **Introduce standards of non-discriminatory access to municipal services, including administrative service centres and social protection, and provide regular training for municipal staff on the handling of sensitive information.**

Expected result: the quality of interaction with services becomes more stable and access depends less on the individual practice of specific employees.

## Recommendations to international partners and donors

1. **Support an independent technical audit of state registers and the eHealth system from the perspective of personal-data protection and approximation to GDPR standards, including risk assessment and recommendations grounded in Privacy by Design.**

Expected result: the state receives a practical roadmap for removing redundant fields, risky access points and procedural gaps.

2. **Ensure sustainable funding for pro bono and paralegal-aid programmes and case-management services that act as navigators between the individual and state services.**

Expected result: the proportion of cases in which rights go unexercised because of procedural complexity or low legal awareness is reduced, without shifting responsibility onto the individual.

3. **Support regular civil society monitoring of reform implementation as a tool of external oversight and early risk detection.**

Expected result: a stable feedback mechanism is created, making it possible to adjust policy before gaps harden into systemic violations.