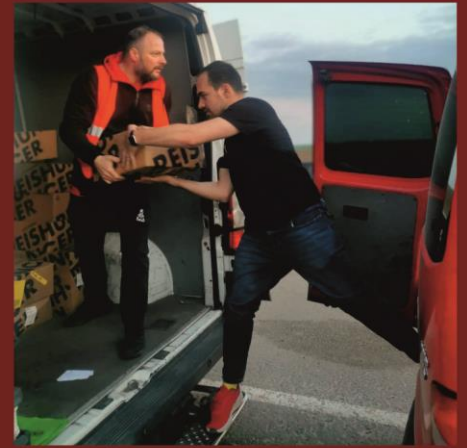


# LGBTQ AND WAR



## *A report on the specific problems of the Ukrainian LGBTQ community since the beginning of the Russian invasion's new phase*

*LGBTQ and war. A report on the specific problems of the Ukrainian LGBTQ community since the beginning of the Russian invasion's new phase. © Nash Svit Center, Kyiv, 2022*

Published on 23.11.2022. In the photo, from left to right: Ukrainian refugees Oleksandra and Olena waiting to cross the US border, 21.03.2022, Tijuana, Mexico; volunteer, openly gay serviceman of the Ukrainian Armed Forces Serhii, July 2022; members of NGO Fulcrum UA loading humanitarian aid from the Polish Red Cross and QUA - LGBTQ Ukrainians in America, May 2022.

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When using the materials of the report, a reference to Nash Svit Center is mandatory. This report (in Ukrainian and English) is available on Nash Svit Center's website.

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## INTRODUCTION

The main challenges faced by the LGBTQ community during the full-scale Russian invasion in Ukraine do not differ from the problems of Ukrainian society as a whole: it is the loss of housing, property, work, means of livelihood, threats to health and life of oneself and loved ones, psychological problems related to the war and its consequences. In this report, we only address issues directly related to the sexual orientation or gender identity of victims.

In the first days of the Russian aggression's new stage, the office of Nash Svit Center in Kyiv was attacked, the premises and equipment were smashed, and the employees of our organization were beaten and robbed. Despite this, we were able to set up the work of the Center and our monitoring network, continued documenting cases of LGBTQ people's rights violations in Ukraine, advocacy for the protection of their rights, providing consultations and legal assistance.

From February 24 to October 31, 2022, Nash Svit's hotline received more than fifty appeals from LGBTQ community members, most of which at the beginning of the invasion related to two issues:

- Problems with traveling abroad, in particular from transgender and HIV-positive people. As an example, we provided legal advice to a transgender girl with a Ukrainian passport where her gender is indicated as male. For the past few years, she lived in the Czech Republic, but on the eve of the war she returned to Ukraine to take care of her sick mother, and after the closure of the borders she was unable to return to her Czech family due to the introduction of travel restrictions for men.
- The issues of sexual orientation and HIV-positive status during conscription for military service and discriminatory treatment in territorial recruitment and social support centers (military registration and enlistment office; hereinafter shortened as TRSSC).

One consultation concerned the problems of a woman who left for Denmark with her children and partner. There, she and her partner decided to enter into a same-sex marriage while her homophobic husband, the father of her children, stayed in Ukraine.

We believe in the victory of our people over the enemy and, together with the entire Ukrainian LGBTQ movement, we are doing everything in our power to speed it up. As LGBTQ Ukrainians, we clearly understand that Russian aggression threatens our existence both as Ukrainians and as LGBTQ people. In this war, Ukraine can survive only with the help of the entire free democratic world, and we are sure that the future of our country lies in the fastest possible integration into this world and, in particular, joining the European Union. We consider it necessary to talk about the offenses committed by some certain soldiers and law enforcement officers because we believe that the path to Europe, which Ukraine has declared and which has become the only option for us, requires respect for the values of the modern free world and compliance with European standards on human rights even during the war.

## RESULTS AND ANALYSIS OF CASES WHEN LGBTQ PEOPLE'S RIGHTS WERE VIOLATED COLLECTED BY THE MONITORING NETWORK OF NASH SVIT CENTER

From February 24 to October 31, 2022, the monitoring network of Nash Svit Center documented 74 cases of human rights violations based on sexual orientation and gender identity (hereinafter shortened as SOGI). 60 of them were in one way or another connected with military actions. Many more cases of violations were recorded in the territory controlled by Ukraine than in the occupied part — this is explained by the fact that it is much more difficult to obtain information from the occupied regions.

The distribution of these cases by region is shown in Table 1.

*Table 1.* Distribution of cases related to military actions by regions

<i>Region</i>	<i>Number</i>
Kherson and oblast	11
Kyiv and oblast	10
Donetsk and oblast	7
Lviv and oblast	7

Zaporizhzhya and oblast	6
Odesa and oblast	4
Zhytomyr oblast	3
Dnipro	2
Mykolaiv and oblast	2
Vinnytsya	1
Rivne	1
Sumy	1
Uzhhorod	1
Kharkiv oblast	1
Chernihiv oblast	1
Abroad (Poland, Hungary)	2
TOTAL	60

In 17 cases, the victims faced discriminatory treatment based on SOGI during evacuation from the combat zone or in places of relocation both in Ukraine and abroad.

### Violation of LGBTQ people's rights in the occupied territories

In the conditions of the actual absence of any laws and the complete lack of control over the power structures in the territory of Ukraine occupied by Russia, public life in these regions has practically ceased. If Russian army servicemen or the occupation administration find out about someone's belonging to the LGBTQ community, such people are subjected to insults, violence, extortion, restrictions of freedom, and even their very lives are in danger.

Violations of human rights based on SOGI by the Russian occupiers (war crimes) in the temporarily occupied territories (Donetsk, Zaporizhzhya and Kherson oblasts) were noted in 16 cases. According to the ODIHR/OSCE methodology, 14 of them had signs of hate crimes, and 2 — hate incidents. In 12 of these cases, the right to respect for private life was violated. The distribution by types of illegal actions please see in Table 2.

***We draw your attention to the fact that in this and the other sections of the report the total number of documented human rights violations may exceed the total number of documented cases, since some cases include several offenses at once (for example, humiliation of human dignity, beating and robbery).***

Table 2. Violations of human rights by the occupying forces of the Russian Federation (war crimes)

Type of illegal actions	Number
Biased treatment (discrimination)	16
Insults, humiliation of human dignity, threats	14
Physical violence of varying severity	11
Intrusion into private life	11
Robbery, brigandage	8
Sexual violence	4
Threats with weapons and/or their use	3
Kidnapping	2
Tortures or inhuman treatment	2
Illegal collection, disclosure, or threat of disclosure of confidential information	2
Attacks on LGBTQ centers / events / activists	1
Damage to property	1

Most of the war crimes occurred at checkpoints and or in places of patrolling by the Russian military in the occupied territories. The pretext for homo / transphobic abuse mostly was confidential information about the private life found on the victims' phones, and in some cases, their appearance or manner of behavior.

In one case of biased treatment, the HIV-positive status of the victims was added to SOGI grounds.

Case 2182

On May 11, 2022, at 4:11 p.m., the office of the Kherson LGBTQ organization "Insha" was invaded by Russian occupiers who, according to the director of the organization, were led by one of the local residents; at the same time, other offices on the street were not affected. The attackers smashed and looted the office premises and destroyed LGBTQ paraphernalia. Information about the incident was received remotely from surveillance cameras. None of the people were injured (the office staff had already left the city at that time).

Case 2180

In April, two men, aged 48 and 17, were captured by the Russian military together with other traders (about 50 people) at the wholesale vegetable market in the village of Velyki Kopani (Kherson oblast). For several days, they were kept in an outbuilding near the town of Oleshka. All detainees were constantly subjected to abuse and torture, and the Russian occupiers threatened to rape these two men because of their overly neat appearance, which, according to the occupiers, indicated their homosexual orientation.

Case 2205

In March, a 31-year-old man was detained at a filtration checkpoint of the occupiers near Mariupol while trying to leave the destroyed city. When inspecting his personal belongings, the occupiers found information in his phone that testified to his homosexuality. Because of this, he was sent for a month to the notorious colony in Olenivka, Donetsk oblast, allegedly for terrorism. The administration of the colony disclosed his homosexuality to all two hundred prisoners who were in the same barracks with him, because of which he was subjected to repeated sexual violence every day.

Case 2218

At the beginning of the occupation, the lesbian couple S. and K. moved from Kherson to a small abandoned house on the outskirts of Oleshki, which used to belong to S.'s grandmother, in order to sit out the hostilities there. Around midnight on May 13, three armed Russian soldiers burst into the house with a demand to spend the night there.

The direct speech of the victim S.: "One of them definitely had a gun — he waved it in front of our faces, and we were very scared. They saw our disassembled bed, on which we sleep, and one of the soldiers asked us, 'What are you, those "pinks"?' although there was no reason, except that K. looks masculine. We were raped — me and my girlfriend — using physical force. After the violence, the attackers turned over everything — looking for money and jewelry — but we had nothing and they left. We are currently undergoing psychological and medical rehabilitation in Norway. I'm sorry, but I don't have the strength to talk about it anymore."

Case 2212

Ilya and his friend Mykola were involved in volunteering. In the 20s of March, they were returning from Mykolaiv to Kherson with medicines and foodstuff. Russian soldiers stopped them at a checkpoint on the highway near Posad-Pokrovsky, searched the car which contained food and medicine. Ilya and Mykola's mobile phones were also taken away for checking. In Ilya's phone they found a video with gay porn which he forgot to delete. After that, they began to put psychological pressure on them: they asked questions like "Are you a couple? Are you gays or real men? Who ... whom? Which one of you is a girl? Who can take it in his mouth?" The military took half of the medicine and food, they demanded money — the victims had about 1,000 hryvnias, the soldiers also took them. The victims were pulled and pushed, leaving bruises on their arms and shoulders. They were kept at the post for about two hours, then the soldiers' attention switched to another minibus, and they were allowed to leave. When the victims started to leave, their car was gunned down. They sped up, and bullet marks remained on the car.

Mykola did not know that Ilya was gay, he was shocked by this. He dropped off Ilya at the entrance to Kherson and said "I don't want to see you! Because of you, faggot, we were almost killed, we were robbed, my car has turned into a sieve."

### Case 2214

On the evening of July 23, Vadim left his home in occupied Melitopol — he had to go to the only working store in his area to get water. He heard somebody calling him. When Vadim looked around, he saw two armed Russian soldiers. One of them began to insult him — “Are you, gay, or how do they call you freaks, cocksuckers?” — and ordered him to show the passport. Vadim forgot it at home. He just stood there in silence, and in a second another soldier punched him in the stomach and grabbed him by the hair. He told Vadim that if he appeared in their sight again, they would bury him. “There will be no ‘pink’ in our country,” said one of them and painfully kicked Vadim in the back. The victim believes that the reason for the bullying was his appearance and manner of behavior.

### Case 2181

In the afternoon in the first days of March, the victims were returning from the AIDS center in Kherson with the medicines they had received there. At the exit from Ostrivna Street to Korabelna Square, they were stopped by a Russian military patrol for checking documents and searching, during which the patrol found medical drugs. The victims were forced to say what kind of medicine it was and where they got it. Considering this, as well as some mannerism of one of the victims, the occupiers came to the conclusion that they were gays, because of which they began to insult them regarding their sexual orientation and HIV status. One of the occupiers asked: “Are you AIDSies, are you fags?” They began to push them with the butts of machine guns, took the last 200 hryvnias, said that they are busy now, but if they see them again, they will rape them, “because you like it.” They threatened with weapons, said that such people should be shot; they will only be thanked for this.

Beside 16 cases of war crimes in occupied Donetsk a case of discrimination in employment was reported (Case 2215): a woman aged 34 was forced to resign from her workplace, where she had worked for many years, due to the homophobic attitude of her new boss, a Russian who replaced a local official in May 2022. In addition to harassment, the victim was subjected to persistent sexual harassment from him.

### **Violations of human rights on SOGI grounds related to the war in the territories controlled by Ukraine**

In total, 41 such cases were documented during the reporting period.

Nash Svit Center documented cases of homophobic attitudes in military service both before February 24 of this year and since the beginning of the full-scale invasion of Russian troops into Ukraine. It should be noted right away that there were few of them, they did not have a systemic nature, and the command, as a rule, took measures to investigate the incident, protect the victims and correct the situation. Now, as we know from the testimonies of openly LGBTQ servicepersons, the attitude towards them in the Armed Forces of Ukraine (hereinafter shortened as AFU), and especially at the frontline, is mostly tolerant if not friendly.<sup>1</sup> At the same time, it should be noted that the vast majority of LGBTQ military personnel, as well as LGBTQ people in Ukrainian society in general, prefer not to disclose their sexual orientation or gender identity outside a narrow circle of trusted persons, fearing a negative reaction.

In addition to bullying behavior among servicepersons, we have also documented several cases of homo / transphobic treatment of civilians by servicepersons (including the Territorial Defense --- hereinafter shortened as TrD). Most often, such cases occurred when TrD members were actually performing the duties of law enforcement officers — during patrolling and checking documents.

**Violations on the part of the Armed Forces / TrD servicepersons (military offenses)** were recorded in 15 cases. 12 of them had signs of hate crimes, and 3 --- hate incidents (according to the ODIHR/OSCE methodology). In 6 cases, the right to respect for private life was violated. In 12 cases, the victims were discriminated against because of SOGI, and in two of them also because of their HIV status. The distribution by types of illegal actions please see in Table 3.

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<sup>1</sup> For example, a military volunteer from the USA noted on Facebook that in the Ukrainian army, as an open pansexual, he “noticed zero problems with my orientation. I’ve probably gotten more support here and felt less of a problem because of it than I did in the States” (the posting was placed on a private LGBTQ military FB group and is available at the archive of Nash Svit Center).

Table 3. Violations by the Armed Forces of Ukraine / TrD servicepersons (military offenses)

<i>Type of illegal actions</i>	<i>Number</i>
Insults, humiliation of human dignity, threats	thirteen
Biased treatment	12
Physical violence of varying severity	6
Intrusion into private life	5
Illegal collection, disclosure, or threat of disclosure of confidential information	4
Sexual violence	3
Brigandage, robbery, extortion, and blackmail	3
Threats with weapons and/or their use	3
Tortures or inhuman treatment	2
Death threats	2
Inaction of the command	2
Bullying	2
Attacks on LGBTQ organizations	1
Damage to property	1
Demotion or denial of promotion	1
Sexual harassment by a commander	1

Case 2202

In July, a 20-year-old serviceman in one of the military units located in Mykolaiv oblast was physically attacked by a fellow serviceman. Direct speech of the victim: "A dude approaches me (he was brought to us either yesterday or today). Drunk! He asks, is it true what they say about you here? What exactly, I ask... He says, well, that you're gay! I say, yes, that's true (I never hid it from anyone). Just so you know, he had a skewer in his hands (a sharp iron stick on which kebab is strung). He sat down next to me with that skewer and began to twist it in his hands. He say, do you know that I killed my stepfather? He served 8 years in prison! I say, what is this information for me? He says, so I took this skewer to kill such a fag as you! He suddenly stood up and swung at me. I began to calm him down to somehow reduce the level of aggression. He started stabbing me with that skewer wherever he could. Good that the boys came at the screams and started to take him away. There's a black sheep in every flock."

To the credit of the military command, it severely punished the attacker.

Case 2184

The victim, a transgender woman aged 25, serves as a medic in one of the combat units. At the beginning of May, she and her fellows commemorated their fallen comrade. After some time, she became sick with drunk alcohol. One fellow took advantage of her helpless state and began to pursue her. Although she refused him and begged him not to do it, he still, being drunk, raped her. The victim says, "He guessed that I am a transgender woman, various rumors are already circulating in the battalion, although I have female documents." The victim did not begin to pursue the case, as the perpetrator perished within a few days, which became an additional stress for her.

Violations by the Territorial Defense members were noted in 7 cases. Almost all of them took place at roadblocks and in patrol locations, where victims were subjected to homophobic treatment because of sensitive personal information found on their phones or because of their "non-normative" appearance or behavior.

Case 2153

In the first days of the war, in Kyiv, a group of armed persons in military uniform, who called themselves fighters of Karpatska Sich TrD battalion, attacked the office of the LGBTQ NGO Nash Svit Center. The office premises were smashed, employees were robbed and beaten. The pretext was the statement of the attackers that some light signals were allegedly coming from the window. However, according to the victims, the real reason could be the events of 2018, when in Uzhhorod the right-wing radical group Karpatska Sich disrupted

an event of Nash Svit Center on hate crimes, and this time members of this organization (the units of the same name in TrD were formed on its basis) took advantage of the general disorder in the first days of the war. It is noteworthy that, as it turned out, the attackers specially came to the office of Nash Svit Center from another district of Kyiv, located on the other bank of the Dnieper. The leadership of the Territorial Defense of the Dniprovskiy District of Kyiv, where the Center's office is located, assured that they have nothing to do with them.

The police arrived at the call of the Center's employees only the next day, to take the application of the victims and to document the damage. Since then, the police investigation has been ongoing for 8 months. The State Bureau of Investigation (hereinafter abbreviated as SBI), under whose jurisdiction this crime falls, still evades its investigation, despite the decision of the investigative judge.

#### Case 2183

On May 20, the 44-year-old victim did not catch the transport when the curfew began and went home on foot. On the capital's Maidan Nezalezhnosti, at a checkpoint near the building of Ukrkoopspilka, members of TrD stopped him and began to check his phone, in which they found information indicating the victim's homosexuality. This became the reason for beating and mocking him, which continued for about two hours. According to the victim, "They beat me with hands, feet, butts of automatic rifles, humiliated me, forced to follow their illegal instructions. At my request to stop, they beat me even harder. They beat on the kidneys, in the heart area, on the head, put the barrel of the machine gun in my mouth and took it off the trigger, forced me to crawl around the Maidan on my knees under the machine guns."

When he was released, the victim called an ambulance. Ambulance medics called the police. The patrol that arrived dissuaded the victim from filing an application. All this was happening at the same roadblock; meanwhile, the TrD servicemen, who abused him, threatened in the presence of the police that they would "deal with him" if he submitted an application. Police officers heard all these threats but did not react in any way. In the end, they took the victim home.

#### Case 2206

At the end of July, at the capital's Hidropark, members of the Territorial Defense stopped a man and found intimate information in his phone that indicated his homosexual orientation. The victim was then subjected to homophobic insults, demands for money and threats to forward this information to all the addresses found on his phone. In the end, his phone and passport were taken away. When the victim came to the Dniprovskiy Department of the metropolitan police the next day, he was ridiculed by police officers who forced him not to submit a written statement and to say on camera that he had no complaints.

#### Case 2158

K. lived with her girlfriend and mother in Kherson. When the war started, she moved to her brother in a nearby village. There was a checkpoint near them. K. with his girlfriend and mother prepared food and delivered it to checkpoints by car. Her brother and all relatives knew about the girls' relationship, that they were a lesbian couple. On March 22, K. and her mother went to Kherson by car to pick up their grandmother and buy food and medicine, but due to the curfew they did not have time to return, and spent the night in the city.

At night, the brother of K. sat and drank in the kitchen together with one of the TrD servicemen from the checkpoint. When K. got up in the toilet, a drunk soldier started asking her where her girlfriend was, whether she didn't like boys at all, and so on (it was obvious that her brother had told him about her orientation). She told him to get off and told her brother to get the man away. The brother and his friend were very drunk. After an hour, K., not sleeping, decided to check. When she entered the kitchen, her brother was asleep at the table, and his companion was nowhere to be seen. When K. went to the bathroom to turn off the light, this friend appeared from somewhere, pressed her against the wall, covered her mouth and began to harass her. He tore off her underwear and began to rape her, but K. bit his hand and screamed — her brother started to wake up, and the rapist ran away.



In two cases, the victims were discriminated against by the employees of the territorial recruitment and social support centers (TRSSC) because of their sexual orientation, and in one of them also because of their HIV status.

#### Case 2164

At the end of April, 42-year-old A. arrived at a district TRSSC in Lviv oblast to pass a military medical commission, to which he provided a certificate from the medical institution that he was registered there with a diagnosis of HIV. However, an employee of the TRSSC did not like something, and she, accusing A. that he allegedly "bought" this certificate and did not want to serve, called her boss. The conversation in raised tones continued in the hall of the TRSSC. The following is a quote from the victim's statement to Ukrainian Parliament Commissioner for Human Rights:

"Senior Lieutenant F. loudly told the head of the TRSSC in the presence of outsiders that I had a diagnosis of HIV, and that this was a different diagnosis than when I had a previous medical examination in February 2022, and that I was 'dodging the army.' The chief asked me, in front of everyone in the hall, what kind of diagnosis it was, so that I explain to him what HIV is. I remained silent because I was shocked at the situation where my diagnosis was being discussed by everyone in the hall in front of strangers. One of the female registrars told everyone that I had AIDS. This was heard by all who were in the hall (military servicepersons and two civilian conscripts who were still waiting for their certificates to be registered). Then the chief said that I won't dodge the army, that I'm healthy because he sees that I have arms and legs, and I bought an AIDS certificate. I did not explain anything, but said that the patient's diagnosis is confidential, to which he replied that he does not disclose the diagnosis, but reads aloud the conclusion of the medical board which states my status. He asked me several times in a row how I got AIDS? After that, he called to the hall, where there were outsiders, the therapist who was giving me a diagnosis and asked her to explain to him how it is possible to get AIDS. She said it could be transmitted through drug addiction, blood transfusions or SAME-SEX liaisons. The chief then told me that 'You don't look like a drug addict, so maybe you're a faggot?' All this in the presence of outsiders. Then the chief asked the therapist how I got such a certificate and that he had suspicions that I bought it. The therapist, without leaving the hall, in front of everyone, called a doctor and turned on the loudspeaker on the phone so that the chief and everyone present could hear the conversation. She asked whether A. is registered as a carrier of HIV infection, and whether I am in the database — she was told that I am registered and taking therapy. When I tried to give the chief a copy of the certificate that I was registered, when I approached him, he took a step back and told me not to approach him because I am HIV-positive and to leave the premises. I emphasize once again. This happened in the presence of outsiders.

I was refused to put a seal on the certificate of passing the military medical commission. That is, I passed all the stages of the medical commission, they indicated in the certificate that I was HIV-infected, but indicated completely different articles of the List of diseases, conditions and physical disabilities that determine the degree of fitness for military service (Appendix 1 to the Regulation on military medical examination in the Armed Forces) and refused to affix the seal, due to which the issued certificate is invalid. In my opinion, it was done by them knowingly and intentionally."

**Violation of LGBTQ persons' rights of by law enforcement officers** (the police, State Bureau of Investigation, hereinafter shortened as SBI, and Security Service of Ukraine, hereinafter shortened as SSU) were noted in 17 cases. In 6 of them, the actions of law enforcement officers had signs of hate crimes, and in 3 — hate incidents (according to the ODIHR/OSCE methodology). The distribution by types of illegal actions please see in Table 4.

Table 4. Violations by law enforcement officers

<i>Type of illegal actions</i>	<i>Number</i>
Biased treatment	14
Insults, humiliation of human dignity, threats	9
Violation of procedural norms	8
Exceeding official powers	7
Physical violence of varying severity	5
Refusal to protect rights	5

Intrusion into private life	5
Tortures or inhuman treatment	3
Improper performance of rights protection functions	2
Illegal collection, disclosure, or threat of disclosure of confidential information	1

### Case 2192

On the night of April 18, the 20-year-old victim and his friends were waiting for a train to Kyiv at the Lviv railway station. From the testimony of the victim:

“At approximately 00:30, the four of us — I, my friend, my acquaintance with his girlfriend — were sitting at the station in the waiting room, waiting for the train. Two TrD servicemen approached us, asked to show our documents and immediately took my phone. When they checked the documents, we were told to go with them for a search. As soon as we entered their premises — there were many police officers and other TrD members there — one policeman, as soon as he saw me, immediately said: ‘Give me this one, now we will deal with him.’ We all started to show our belongings, at that time another TrD serviceman came in, and when he saw leaves painted on my face, he said that it was a target: ‘You stand still, and now I will shoot;’ aimed a machine gun at me and pulled the shutter. Then one of the police officers started asking about my orientation and whether I was a man at all. Threatening ‘to shoot off the balls,’ another police officer entered this room, who almost immediately led me to some incomprehensible small and very dark room, and began to say, ‘My father is fighting for people like you, asshole, and you came here from Kyiv.’ After that he said, ‘Squat 700 times and we will let you go.’ I squatted 10 times, after that he punched me in the stomach, telling me what an asshole I was and why I came here, hit me in the face, constantly said that it was disgusting for him to look at me and that everyone in Kyiv is like that, took us back to the room where we were searched, and then instead of me they took my acquaintance. They also forced him to squat, I don’t understand why, and he got more than me — they hit his head against the wall, and the butt of machine gun in his stomach. TrD members constantly said that their ‘hands are itching to break my nose and tear out the septum<sup>2</sup>.’ At the same time, they mocked the girls who were with us, calling us ‘fags’ because of our appearance. They let us go only because we said we were late for the train. They didn’t care if we might be some kind of criminals; they just wanted to make fun of us.”

### Case 2191

On the afternoon of June 8, Marko aged 18 (a transgender person, pronoun "they") was walking in the Holosiivskyi Park area of Kyiv. Here is a quote from their testimony:

“A police car drove up to me; three people got out, who immediately told me to show my phone and reached out their hands to take it from me. I asked first of all to show their IDs and to be given the opportunity to record their badge numbers. In response to my demands, there were threats to put on handcuffs and ‘convey to the SSU.’

It was a conversation for few minutes. Cursing me (apparently there is a requirement in the law that police officers communicate with people in this way) not clear in what language (it is difficult to call it Ukrainian, they have not heard about the law on language), with questions to me, ‘Are you a “rear-wheel drive”?’ (I was wearing a bracelet with the symbols of LGBT+), with statements that I am a separatist-saboteur, because in my passport my place of birth is Donetsk, rhetoric that I am not from Kyiv and this is not my city.

When I said that this manner of communication with me is unacceptable, and once again emphasized that they should show me their ID and let me write down the numbers of their badges, one of the police officers grabs me by the neck and with the phrase ‘What damn badges? Don’t you understand with whom you’re talking?’ knocks out of my hands the phone with the power bank, which flew somewhere far into the wood, and hits me in the stomach. Then they took me by force to a ditch on the roadside and held me face down for several minutes, asking the question ‘Don’t you get pretty brazen?’ while giving blows with their hands.

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<sup>2</sup> Septum here is a type of piercing decoration in the form of a ring or a half-ring, which is inserted into septum between nostrils.

The police twice put handcuffs on me, then quarreled with each other and took them off. I did not put up any resistance and tried to defend my rights verbally. Holding me face down, they made me 'apologize' (I wonder, for what?), and at the end they told me that I should draw conclusions and forget this situation, otherwise 'it will be worse.'"

According to the victim's lawyer, an application was submitted to the Kyiv territorial division of the SBI, where they refused to open criminal proceedings, after that a complaint was filed with the investigative judge of the Pecherskyi District Court of Kyiv.

**Actions based on intolerance on the part of private persons** were recorded in 17 cases, 9 of which had signs of hate crimes, and 8 — hate incidents (according to the ODIHR/OSCE methodology). In 6 cases, the right to respect for private life was violated. The distribution by types of illegal actions please see in Table 5.

*Table 5. Actions based on intolerance by private persons*

<i>Type of illegal actions</i>	<i>Number</i>
Insults, humiliation of human dignity, threats	15
Physical violence of varying severity	10
Intrusion into private life	6
Homophobia / transphobia in the family	5
Sexual violence	2
Attacks on LGBTQ centers / events / activists	2
Brigandage	1
Illegal collection, disclosure, or threat of disclosure of confidential information	1

#### Case 2157

On March 22, two armed men in military-style uniforms broke into a private house in the city of Sumy, where a lesbian couple lived, shouted "open up, it's checking", broke the window. The girls were forced to open. The assailants said they would not touch them if they gave their valuables and money. One of the girls looks quite masculine, and the attackers started mocking her from the very beginning: "Are you man? Now we'll make a woman out of you;" "Who are you, queer, aren't you?" When the girls started screaming and calling for help, the attackers beat them until they lost consciousness, overturned all the things and took away everything valuable that was in the house.

In those days, Sumy was in complete chaos due to hostilities. The victims cannot say exactly under whose control the area of the city where their house is located was at the time of the attack. However, in their opinion, based on the language of the attackers, they were local (definitely not Russian). Neighbors also informed them that in those days there were many similar cases of looting in their area.

#### Case 2203

On the evening of June 25, near the capital's gay club Versace, where an event was held in honor of the participation of Ukrainian representatives in the Warsaw Pride, a group of unknown young men attacked several visitors, two of whom were beaten and sprayed with pepper spray. The assailants came there purposefully and behaved defiantly, even when the patrolling police arrived, insisting that such activities were inappropriate in a time of war. None of the attackers was detained.

#### Case 2167

Around midnight on April 23, the victim was at home in Dnipro. At that moment, the alarm sounded, and she wanted to go down to the basement. When she left the apartment, two drunken neighbors, one of whom serves in the police, came down. According to the victim, they are quite homophobic because there have already been precedents and they know about her orientation. She was about to return home, when one of the neighbors just grabbed her and started calling her various unpleasant words, mentioning her orientation. When she screamed, one covered her mouth with his hand, while the other punched her directly in the groin and spat on her head. They went to the bomb shelter, and the victim was forced to return to the apartment in order to avoid the continuation of the conflict, thereby exposing herself to danger due to the bombing.

### Case 2186

The victim: “When the war started, I was forced to leave Kyiv for a safe place and went to my mother in Bila Tserkva. I arrived there on March 12. For about two years my mother has been living with my stepfather, who has always had a negative attitude towards me and my way of life with girls. I came home very rarely because I knew his attitude and how he would behave. During two months since my arrival home, I constantly heard insults in my direction. I often stayed to spend the night and even live with my friend, so as not to listen and endure all this. Unfortunately, my mother can't do anything about it.

On May 15, I was at home while my mother was on duty. Around 8:30 p.m., my drunken stepfather came home again and began insulting and verbally humiliating me: “You’re a damn lesbian,” “How did our mother give birth to you like this,” “I would kill you if you were my own daughter.” I couldn't stand it anymore and started arguing with him. He came up to me and hit me hard on the head with his fist, I started to cover my head and wanted to run away, he punched me in the shoulder, although he wanted to hit me again in the head. I pushed him away with all my might and ran to my friend. Now I'm safe, in another country.”

**Discrimination in healthcare** was noted in one case (Case 2222). The victim, a refugee from occupied Kherson, turned to a gynecologist in Izmail in June. The female doctor asked about her husband and sex life, to which the victim replied that she did not have a husband, but a female partner. The doctor commented on this with displeasure, turning to the nurse: “It's not enough that immigrants have arrived, lesbians have also joined.” Then, during the examination, which the doctor conducted quite rudely according to the victim, gynecological violence was carried out — the wall of the vagina was torn to the point of bleeding, for which the doctor did not even apologize.

**Discrimination in employment** was noted in one case (Case 2160). The victim worked as a cashier in one of Vinnytsya's supermarkets. Even before the war, she experienced biased treatment by the management because of her masculine appearance. At the beginning of the current phase of the war, when they began optimizing costs in the store, the management decided to reduce the payments to the personnel. It was the victim who was persistently “offered” to resign, and to the logical question, why only her, the administrator answered plainly, “I don't like it when women look like that.”

**Discrimination in providing goods and services** was noted in one case (Case 2172) and was connected with the illegal eviction from a rented house and causing property damage to a lesbian couple with a child who left Odesa for abroad in the first days of the war. The owners inspected the apartment without tenants and realized that the female tenants were lesbians. According to the victims, after that the apartment owners felt considerable indignation, threw out victims' belongings in the trash dump, and announced their eviction from the apartment.

## **SPECIFIC PROBLEMS FACED BY THE UKRAINIAN LGBTQ COMMUNITY DURING THE WAR**

### **Problems related to the lack of official recognition of same-sex couples**

Currently, Ukraine does not have any form of legal recognition of same-sex couples — regular marriage or registered civil partnership. Same-sex partners lack even those limited rights which unmarried heterosexual family partners have, namely, the right to automatic joint ownership of jointly acquired property (Article 74 of the Family Code of Ukraine, hereinafter shortened as FCU), the right to maintenance from the partner in case of incapacity (Article 91 of the FCU), the right to joint adoption of children (Article 211).

In principle, a same-sex partner may be recognized as a family member or a close relative according to the Part 2 of Article 3 of the Family Code: “A family consists of persons who live together, are connected by common life, have mutual rights and obligations.” However, in most cases this has no practical significance, since the Family Code and other Ukrainian laws, as a rule, grant certain rights and impose certain obligations not on family members as a whole, but on specific close relatives: the wife or husband, children, parents, etc. Same-sex partners are completely deprived of these rights — for example, such as the right to visit a sick close relative or the right to leave to care for a sick relative.

In rare cases, the law mentions among family members or close relatives persons “who live together, but are not married” (Part 1 of Article 3 of the Criminal Procedure Code of Ukraine) or does not specify this category of persons (for example, the law “On Legal status of persons missing under special circumstances”) that theoretically extends its effect to same-sex family partners. However, in the absence of state registration of such a partnership, any recognition of partnership relations requires a decision by the relevant competent body or official in each specific case, which makes using even these rights extremely difficult. In practice, the relationship between unmarried partners in Ukraine has so far been officially recognized only in courts, when it came to the inheritance of the deceased partner's property (for both opposite-sex and same-sex couples) or the division of jointly acquired property (only for opposite-sex couples).

There are legal ways to enforce certain rights of partners on jointly acquired property (by entering into a civil contract) and on inheritance (by making a will), but they require additional actions and costs, while in the case of spouses, these rights are granted automatically and free of charge. In particular, an unmarried partner may receive the right to inherit without a will only in the fourth turn, after all relatives up to the third degree of consanguinity inclusive (Articles 1261-1264 of the Civil Code of Ukraine). Even in the case of testamentary inheritance, the unmarried partner must pay inheritance tax at 5% of its value, while close relatives and family members are exempt from it.

All these problems have a systemic nature connected with the lack of legal recognition and state registration of same-sex partners' family relations. The beginning of the active phase of the war created a crisis situation that exacerbated these problems and highlighted the unjustified discrimination against LGBTQ Ukrainians — in particular, those mobilized for military service.

Same-sex partner(s) of servicepersons are deprived of virtually any rights of close relatives or family members. In particular, they do not have the right to receive a one-time cash benefit in the event of the death of their partner (Article 16-1 of the Law “On social and legal protection of servicepersons and members of their families”).

According to the “Instructions on the organization of accounting the personnel of the Armed Forces of Ukraine” adopted by the Order of the Ministry of Defense No. 333 dated 26.05.2014, in the case of the death, disappearance, capture of a serviceperson, the commander of the military unit must personally notify in writing and through the means of communication the military commissar (the head of TRSSC) at the place of residence of the family or close relatives of this person. After receiving such a notice, the TRSSC is obliged to deliver it to the family members or close relatives of this serviceperson within seven days, to express condolences to them and to explain their rights in this situation. In practice, the circle of such family members or close relatives is usually limited to the legal spouse, parents and/or children of the affected serviceperson. TRSSCs do not consider same-sex partners of servicepersons as family members and do not inform them about the fate of their loved one.

According to Article 11 of the law “On burials and funeral matters,” the burial of the deceased is entrusted to the executor of the deceased person's will, and in the absence of such a will or in the case of the executor's refusal to carry out the will, to close relatives (wife or husband, parents, children, sister or brother, grandfather or grandmother, grandchildren) or any other person who undertook to bury the deceased. Thus, in principle, same-sex partners may expect that the body of their partner will be given to them for burial, but only in the case of direct expression of will of the deceased or refusal or impossibility to do so by his/her close relatives.

Since 2015, the Ukrainian government has recognized these problems and plans to solve them by adopting a law on registered civil partnership that will be available to same-sex couples and provide them with the basic rights of regular marriage — the corresponding provisions were included in the first (2015-2020) and second (2021-2023) Action Plans on Human Rights. However, so far the government has not taken any practical steps towards implementation of this task.

### **Specific problems of transgender persons**

“The schedule of diseases, conditions and physical disabilities that determine the degree of suitability for military service” is contained in an appendix to the “Regulation on military medical examination in the Armed Forces of Ukraine” approved by the Order of the Ministry of Defense No. 402 dated 14.08.2008. According to this document, diagnoses of transsexualism (F64.0) and gender dysphoria (F64.8) mean complete unfitness of a person for military service, if they are “sharply expressed, with a tendency to repeated long-term decompensations or pathological reactions,” or unfitness in peacetime and limited fitness in wartime, if they are “moderately expressed with unstable compensation or compensated.”

In practice, the “sharpness of expression” and “compensation” of these conditions is determined at its discretion by a specialized medical commission — for example, at a regional psychiatric hospital. Its decision is based on the opinion of the commission members, and first of all, the psychiatrist who directly conducts an in-depth examination of the patient. The conclusion of the specialized medical commission is taken into account by the medical commission under the TRSSC that finally decides whether to recognize the examined person as unfit or partially fit for military service. It should be noted that in the current conditions, the examination by the medical commissions at TRSSCs is often very superficial, the patient is often simply asked if he/she has any complaints, and in case of their absence, further examination is not carried out.

In the case of recognition of partial fitness, transgender persons may be enlisted voluntarily or mobilized for military service in accordance with the gender indicated in their documents. Transgender women, who have not received the relevant opinion of the medical commission and have not started the official gender reassignment procedure, may and must serve in the Armed Forces of Ukraine as men. Likewise, they are subject to restrictions on traveling abroad (according to the “Rules for crossing the state border by Ukrainian citizens” approved by Resolution No. 57 of the Cabinet of Ministers of Ukraine dated 27.01.1995, male citizens of Ukraine aged 16 to 60 are currently restricted from traveling abroad). It is not easy to obtain an appropriate diagnosis under the current conditions in Ukraine, but it is quite possible — relevant medical commissions operate at least in oblast centers, and medical commissions under TRSSCs refer conscripts to them for examination in case of suspicion of transsexuality.

Transgender persons who have officially changed their gender in their documents may not be called up for military service. However, if such persons look convincing in the corresponding gender role, they can successfully pass the cursory examination of the medical commission at the TRSSC and enter the service as an ordinary woman or man — we know of at least one case of a transgender woman currently serving in the Armed Forces.

The specific problems of transgender people making a gender transition are the lack of the necessary medical drugs or their prohibitively high prices. These problems are only partially solved with the help of LGBTQ and charitable organizations and volunteers. Similarly, Ukrainian transgender people evacuated abroad may face a situation where in order to receive the necessary drugs they must first legalize and confirm their diagnosis in a specific country that may be a long and complicated process.

### **Problems faced by Ukrainian LGBTQ refugees abroad**

Human rights and LGBTQ organizations have repeatedly expressed fears about the possible oppression of Ukrainian LGBTQ refugees abroad, in those countries whose governments have a negative attitude to the protection of LGBTQ rights — in particular, in Hungary and Poland. Among other things, there might be problems with the resettlement of refugees, since the vast majority of Eastern European countries do not recognize family relationships of same-sex couples and their children. So far, we have not documented such facts, but the Polish organization Lambda Warszawa, which, in particular, takes care of LGBTQ refugees from Ukraine, reported that it did not receive any help from the Polish government within this activity.<sup>3</sup> Naturally, it would be much more convenient for LGBTQ people to get the help they need through LGBTQ-friendly organizations.

Nash Svit Center has documented two incidents involving Ukrainian LGBTQ refugees abroad — one in Hungary and one in Poland — but they were not directly related to the war and consisted in manifestations of ordinary domestic homophobia.

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<sup>3</sup> <https://www.devex.com/news/lgbt-ukrainians-find-both-solidarity-and-discrimination-in-poland-103301>

## ATTITUDES TOWARDS THE UKRAINIAN LGBTQ COMMUNITY DURING THE WAR BY STATE BODIES AND LOCAL AUTHORITIES

It is quite clear that during active hostilities, the Ukrainian authorities paid little attention to LGBTQ issues. The main area in which this happened was Ukraine's international relations, namely the Ukrainian government's fulfillment of its obligations under international agreements and recommendations from partner countries and international organizations.

It is traditional for Ukraine that out of all government departments, the Ministry of Foreign Affairs pays the most attention to LGBTQ issues — obviously, for the sake of forming the international image of Ukraine as a modern liberal democratic state. In his article for *Der Spiegel*, Minister of Foreign Affairs of Ukraine Dmytro Kuleba condemned the Russian policy of spreading hatred and oppression, mentioning LGBTQ people among its victims.<sup>4</sup> Of all the official government media resources, only *ukraine.ua* — the English-language Instagram page of Ukraine which belongs to the Ministry of Foreign Affairs — posted few publications about the participation of LGBTQ people in the resistance to Russian aggression, and on August 6, the Ambassador of Ukraine to Sweden Andriy Plahotniuk took part in Stockholm Pride thus creating a precedent for the participation of a Ukraine's official representative in an LGBTQ event.

Despite public protests from religious organizations and conservative public and political activists, the Ukrainian State Film Agency did not refuse to finance LGBTQ-themed projects which won the competitive selection. On October 3, the Agency announced the start of filming the feature-length movie "Lessons of Tolerance" based on the play "Gay Parade."

The ratification of the Istanbul Convention became a noticeable shift in the field of gender issues. Previously, the presidents and governments of Ukraine could not achieve this due to the irreconcilably hostile position of the leading Ukrainian churches which used their significant influence on the Verkhovna Rada members to block any initiatives regarding, as they call it, the "propaganda" of "gender ideology" and "homosexuality." Obviously, this became possible thanks to Ukraine's acquisition of the candidate status for membership of the European Union — the arguments of the President and government regarding the need to comply with modern European standards in the field of human rights protection for Ukraine's successful integration into the EU outweighed the influence of ultra-conservative churches on parliamentarians. It should be noted that the ratification of the Istanbul Convention was supported by MPs from all party factions and groups of the Verkhovna Rada excepting the *Batkivshchyna* party headed by Yulia Tymoshenko — however, even the members of its faction did not vote against it.

This convention is not of great importance for improving the situation of the Ukrainian LGBTQ community, but its ratification demonstrates a change of mood within the Ukrainian political system and the presence of effective tools to influence it by our country's Western partners within the framework of the European integration process. After that, it becomes much more realistic to fulfill such tasks planned by the Ukrainian government for the protection of LGBTQ rights as the adoption of amendments to the Criminal Code on hate crimes and the law on registered civil partnerships available to same-sex couples. Currently, these issues are actively supported and promoted by the only MP Inna Sovsun (*Holos* party), but the resistance to them from the majority of parliament members has now obviously decreased.

Members of the Verkhovna Rada also demonstrated their readiness to support modern EU standards regarding the protection of LGBTQ people's rights when adopting the first reading of the draft law "On media" which, in particular, contains a ban on calls for discrimination and oppression on SOGI grounds and also introduces corresponding provisions into the Electoral Code of Ukraine and the law "On all-Ukrainian referendum." For the sake of progress on the path of European integration, members of the Ukrainian parliament ignored the opinion of the churches and their own conservative views. Objections to this document, which were expressed by various political forces in the parliament, did not relate to the mentioned anti-discrimination provisions.

The Verkhovna Rada also withdrew from consideration the homophobic draft law 6326 "on preventing the spending of budget funds on the promotion of pedophilia, homosexuality and transgenderism."

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<sup>4</sup> <https://www.spiegel.de/ausland/dmytro-kuleba-es-ist-zeit-russlands-feldzug-als-genozid-zu-bezeichnen-ein-pledoyer-des-ukrainischen-aussenministers-a-013b85cd-aabb-4bff-869f-575508b93794>

Among the specific problems of LGBTQ people during the war, the one that attracted the most public attention was the systemic discrimination against same-sex family partners. Due to lacking any form of legal recognition of their relationship (marriage or registered civil partnership) in Ukraine, they are effectively deprived of all the rights of a family member or close relative that is especially acutely felt in the conditions of military operations and mass mobilization to the armed forces. On June 3, 2022, a petition regarding the legalization of same-sex marriage appeared on the website of the President of Ukraine and very quickly gathered 25,000 signatures necessary for its consideration by the President. This was not the first petition of this kind, but even the most successful of all the previous ones (from 2015) was supported by only 456 people.

In response to this petition, President Zelenskyi noted that the Constitution of Ukraine may not be changed during martial law, alluding to the perceived constitutional ban on the legalization of same-sex marriages in Ukraine, and offered the Prime Minister to implement the government's plan to develop and pass a law on registered civil partnerships available to same-sex couples.<sup>5</sup> According to the Action Plan on Human Rights and the draft Ukraine Recovery Plan, the government has to do this by the end of 2023.

On this occasion, a discussion broke out among Ukrainian politicians regarding the possibility of legalizing same-sex marriages in Ukraine, which demonstrated that the political parties represented in the Verkhovna Rada do not have a defined position and policy regarding LGBTQ issues. In particular, MPs from the ruling party Servant of the People showed diametrically opposite views on the legalization of same-sex marriages or civil partnerships — from full support to complete opposition. Olha Sovhyrya, then an MP from the Servant of the People and the representative of the Verkhovna Rada in the Constitutional Court, stated that the wording of Article 51 of the Constitution of Ukraine does not contradict the recognition of same-sex marriages in Ukraine. Shortly after that, she was appointed a judge of the Constitutional Court of Ukraine within the quota of the Verkhovna Rada, having completed her powers as a Member of Parliament in accordance with the law

After the start of a new active phase of the war with Russia, local councils completely stopped adopting homophobic and anti-gender appeals to the central government prepared by ultraconservative religious activists — such activity was part of an advocacy campaign that has been ongoing in Ukraine in recent years at the initiative of the ultraconservative movement “All Together!” led by journalist and religious activist Ruslan Kukharchuk and supported by leading Ukrainian churches.

#### **ATTITUDES TOWARDS LGBTQ ISSUES AND THE LGBTQ COMMUNITY DURING THE WAR BY SOCIETY, MASS MEDIA, POLITICAL PARTIES, PUBLIC AND RELIGIOUS ORGANIZATIONS**

At once, three sociological surveys have demonstrated a radical improvement in the attitude of Ukrainian society towards LGBTQ people and the protection of their rights that has taken place in recent years.

The first of them was completed by the Center for Social Expertise of the Institute of Sociology of the Ukrainian National Academy of Sciences at the end of February 2022, just before the start of a new stage of the Russian invasion in Ukraine. 53% of respondents supported the prohibition of discrimination and incitement of enmity on SOGI grounds; 46% agreed that LGBTQ people should enjoy the same rights as the other citizens while 41% were against it; 27% definitely supported the right of same-sex couples to state registration of their family relationship, and 26% supported such a right with certain exceptions.<sup>6</sup>

In May 2022, Nash Svit Center ordered the Kyiv International Institute of Sociology to conduct a survey similar to the one it ordered the same institute six years ago, that made it possible to estimate the changes in public opinion occurred during this period. Compared to the results of the 2016 survey, the number of LGBTQ-friendly responses increased by two to five times. In particular, the number of those who generally have a negative attitude towards LGBTQ decreased by one and a half times (from 60.4% to 38.2%), the number of those who have a positive attitude towards LGBTQ increased fourfold (from 3.3% to 12.8%), and those who are indifferent to them — by one and a half times (from 30.7% to 44.8%). Since 2016, the share of those who declaratively support their full equality has doubled (from 33.4% to 63.7%), and the share of those who

<sup>5</sup> <https://petition.president.gov.ua/petition/144562>

<sup>6</sup> <https://zmina.info/news/za-majzhe-desyat-rokiv-pobilshalo-ukrayinciv-yaki-pidtrymuyut-prava-gomoseksualnyh-par-na-reyestracziyu-simejnyh-stosunkiv-doslidzhennya>



believe that the rights of LGBTQ people should be limited in some way has almost halved (from 45.2% to 25.9%). Similarly, the number of those who hesitated to answer has halved, from 21.3% to 10.4%. Support for the introduction of registered civil partnerships for same-sex couples increased fivefold, from 4.8% to 23.6%, and the number of those who are indifferent to the issue increased one and a half times, from 18% to 27.1%. Thus, less than half of respondents, namely 41.9%, were against the introduction of same-sex partnerships, while in 2016 those were 69%.<sup>7</sup>

Because of the war, this study was conducted in a different format than the previous one — by telephone interview rather than face-to-face. Considering this, as well as the conditions of the war in which the survey was conducted, the sociologists increased the possible statistical error, but concluded that “the obtained results still retain a high degree of representativeness and allow a fairly reliable analysis of the public mood of the population.”

The last poll was conducted by the National Democratic Institute in August 2022. According to its results, 31% of respondents fully support equal rights for LGBTQ people, and 23% rather support than not. 19% of respondents definitely do not support equal rights for LGBTQ people, and 8% rather do not support it; 10% take a neutral position, and 7% have not determined their attitude.<sup>8</sup>

Since the beginning of the new Russian invasion, the most discussed topics in the media related to LGBTQ issues have been the participation of LGBTQ people in the war and the prospects of legalizing same-sex marriage or civil partnerships in Ukraine. In general, journalists and popular bloggers covered these topics quite correctly, professionally and from friendly positions, explaining in detail the necessity to legalize the rights of same-sex family partners in conditions of war and mass mobilization. The exceptions were a few publications on religious websites, which even during the war continued to spread manipulative homo / transphobic material — mostly by reprinting it from the website of the ultra-conservative movement “All Together!”

As already mentioned, Ukrainian political parties represented in the Verkhovna Rada do not have a defined position on LGBTQ and gender issues. After the beginning of the current stage of Russian aggression, homophobic rhetoric practically disappeared from the public statements of their representatives, and members of the parliament stopped introducing bills aimed at limiting the rights of LGBTQ people. Anti-gender rhetoric was demonstrated personally by Yulia Tymoshenko by placing a petition on the President of Ukraine’s website with a call to denounce the Istanbul Convention, but this call was not supported by any other prominent politicians and did not become an official position even of her own political party Batkivshchyna.

The irreconcilably hostile attitude towards LGBTQ people continues to be demonstrated only by radical-nationalist parties which are not influential and are not represented in the parliament, in particular, the Right Sector. At the same time, none of the prominent Ukrainian political forces has included the issue of LGBTQ rights protection in their official policies.

The ratification of the Istanbul Convention demonstrated a significant decrease in the influence of ultra-conservative Ukrainian churches on the state authorities and particularly on the members of the Verkhovna Rada. Even during active hostilities, the issue of the struggle against “gender ideology” did not disappear from the agenda of the All-Ukrainian Council of Churches and Religious Organizations (hereinafter shortened as AUCCRO) — in fact, it was practically the only issue not related to the war that was raised by its representatives at meetings with the state leadership. They consistently and vigorously tried to prevent such a decision and were very disappointed and outraged that the Ukrainian authorities in fact ignored their unanimous opinion.

Although AUCCRO declared its condemnation of the ideology of the “Russian World,”<sup>9</sup> its other statements and actions demonstrate that this condemnation does not refer to inciting hatred towards LGBTQ people, which is an integral part of this ideology.

<sup>7</sup> <https://gay.org.ua/blog/2022/05/31/ukraintsi-kardynalno-polipshyly-stavlennia-do-lhbt>

<sup>8</sup> <https://life.pravda.com.ua/society/2022/09/20/250527>

<sup>9</sup> <https://vrciro.org.ua/ua/statements/uccro-statement-on-genocide-of-ukrainian-people-committed-by-russian-troops>

Conservative religious and right-wing radical organizations sharply reduced their homophobic activity after the renewal of Russian aggression on February 24 of this year. However, organized attacks on LGBTQ events, organizations and activists by right-wing radical groups still occur — in particular, we documented the pogrom of Nash Svit Center's office on February 27-28 in Kyiv, the attack on the well-known LGBTQ activist Olena Shevchenko on April 14 in Lviv, and the attack at an LGBTQ event in Kyiv on June 25. As far as religious groups are concerned, only above-mentioned "All Together!" movement is currently notable for its anti-LGBTQ rhetoric.

## CONCLUSIONS AND RECOMMENDATIONS

As already noted, cases of homophobic treatment in the Armed Forces of Ukraine are not systemic and too widespread, and the command responds to them, for the most part, adequately — by punishing the guilty and maintaining discipline in military units. Of course, this does not mean the complete absence of problems, but taking into account the general attitude towards LGBTQ people in Ukrainian society and the rapid mobilization of tens of thousands of people with the most diverse views and life experiences into the army, we assess the current situation of LGBTQ people in the Armed Forces as generally satisfactory.

However, the existence of such cases demonstrates the Armed Forces needs to establish clear and strict standards of conduct which must contain a direct and explicit prohibition of any manifestations of homo /transphobia and discrimination on SOGI grounds of. If possible, actions should be taken with military personnel to clarify and apply such standards.

Homo / transphobic attitudes on the part of Territorial Defense servicepersons are much more common than in the regular troops. The command of its units should pay special attention to the investigation of such incidents, the punishment of the guilty and the maintenance of discipline among the personnel.

This also applies to the personnel of the National Police and other law enforcement agencies.

Egregious cases of homo / transphobic violence once again draw attention to the problems of discrimination and hate crimes, which have a particularly negative impact on Ukrainian society in wartime conditions, bringing discord and spreading enmity at a time when civil solidarity and mutual aid are most needed. The Parliament's constant delay in considering and adopting the relevant amendments to the Criminal Code and anti-discrimination legislation, developed long ago in accordance with the Action Plan on Human Rights, is perceived as actual encouragement of illegal xenophobic behavior and cannot be justified by any arguments.

However, in the current situation, even more important for the LGBTQ community and Ukrainian society as a whole is the adoption of a law on registered civil partnership available to same-sex couples, which would provide them with basic marital rights and obligations. Thousands of LGBTQ Ukrainian men and women who are right now defending their Motherland, being exposed to mortal danger every day, cannot wait for years for the mercy of conservative politicians who do not want to finally break with the ideology of the "Russian World" and protect the rights of their fellow citizens to family life. By ratifying the Istanbul Convention, the Ukrainian government demonstrated that it is able to overcome the lobbying efforts of churches and convince conservative members of the Verkhovna Rada to support modern European values and principles of human rights protection. We call on the Ukrainian President, government and responsible politicians to do everything for the immediate adoption of such a law and ask Ukraine's foreign partners to use all their influence for this. This extraordinary, urgent situation requires decisive and immediate action. Ukrainian society, as shown by the results of the latest public opinion polls, is quite ready for such a step as part of the European integration process.