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This publication presents information that reflects the social, legal and political situation of the LGBT (lesbian, gay, bisexual, and transgender) people in Ukraine in 2018. It contains data and analysis of the issues related to LGBT rights and interests in legislation, public and political life, and public opinion and provides examples of discrimination on ground of sexual orientation and gender identity.

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Opinion and conclusions are solely theirs, and should not be considered as the official position of the donors to Nash Mir Center.

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# Content

Summary.....	1
1. Legislation and the judiciary.....	3
2. The state and local authorities, law enforcement agencies.....	9
3. Politics and Society.....	17
4. Churches and religious organisations.....	25
5. LGBT community.....	29
6. Violence, discrimination and other violations of LGBT people's rights.....	35
Acts motivated by homophobia or transphobia.....	37
Relations with the law enforcement authorities.....	45
Employment.....	48
Education.....	49
Access to goods and services.....	51
Violations of LGBT rights in the occupied territories..	52
7. Conclusions and Recommendations.....	55
8. Methodology and authors of the report.....	61



## SUMMARY

In 2018, civic activism of the LGBT community continued increasing and thus its visibility was increasing in Ukraine in general, especially in cities where LGBT activists and organizations operate. In particular, in addition to Kyiv and Odesa, the Equality March this year for the first time was held in Kryvyi Rih. Notable events related to the LGBT community happened also in Kharkiv, Zaporizhzhya, Kherson and Mykolajiv.

The leading Ukrainian churches and movements allied with them as well as right-wing nationalist organizations remained the main opponents to LGBT equality. While the first launched a broad campaign of appeals to the Ukrainian authorities with their demands to protect "traditional values" and traditional family (which in practice means implementing state policy of discrimination against) LGBT, second consistently tried to disrupt any LGBT events, often through aggressive tactics. The police effectively provided security and enabled holding of the most visible public actions like the Equality March, but they usually acted very passively in other cases. Hate crimes against LGBT people were investigated effectively, offenders rarely were found and brought responsibility, and the motives of intolerance based on sexual orientation or gender identity were deliberately ignored and not considered aggravating circumstances for the commission of crimes.

The Ukrainian government in 2018 demonstrated no steps to implement the LGBT components of the Action Plan on Human Rights but provided evidently false information in its reports on the subject and actually tried to absolve itself of responsibility for their implementation. Representatives of the Ukrainian authorities demonstrated diametrically opposite views on the protection of LGBT and approach to the modern international standards in this field while some of them supported this, others constantly resorted to demagoguery for the protection of religious and conservative "traditional values" by which meant sexism and homophobia.

The leaders of Ukrainian churches, as they had in the past few years, with the exception of the Moscow Patriarchate, tried to avoid public comment to discrimination against LGBT, and Patriarch Filaret of Kyiv even

made a few important statements that may indicate an attempt of his church to appear to be more modern and responsible social force and some softening of its previously outright hostile attitude towards LGBT.

Nash Mir Center in 2017 documented 358 cases of acts motivated by homophobia / transphobia, discrimination and other violations of LGBT rights in Ukraine. Representatives of the LGBT communities of large cities where they are the most visible, Kyiv, Kharkiv, Odesa and Dnipro suffered from homophobic / transphobic aggression, discrimination and other violations most often.

The main recommendations for the Ukrainian authorities on LGBT issues remain steadily: prompt implementation of the Action Plan on Human Rights, combating homophobic violence, manifestations of homophobia and transphobia in all spheres of life, as well as protection of the rights and interests of not only the so-called "traditional", but of all families in Ukraine, including same-sex family couples.

## 1. LEGISLATION AND THE JUSTICIARY

Since the beginning of 2018 the Ukrainian legislation concerning L rights and interests has not undergone any fundamental changes v the overall situation is sphere improved

While introduction of direct and explicit prohibition of discrimination grounds of sexual orientation and gender identity laws of Ukraine on each occasion encounters great resistance from the majority Verkhovna Rada membe the Ukrainian government still gradually introduces corresponding provisions in the secondary legislation and st policies. Thus, the Concept of the Public Health System Development approved by the Cabinet of Ministers of Ukraine in 2016 that stipulates the right to health and health care is a basic human right regardless of sexual orientation and gender identity. Meanwhile, the Family Code of Ukraine and secondary legislation still retain provisions open to discriminatory towards LGBT people. The issue of homophobia and transphobia are not considered as aggravating circumstances in commission of crimes

For the last two years no significant progress was achieved to implement the LGBTI component of the Action Plan on Human Rights. In particular the following of its items with the implementation period already expired remain unfulfilled:

- Para. 60 Action 8 and identical Para. 62 Action 1 (working out the minimum standards to treat intersex persons) Ministry of Health believes that the provision was implemented by developing documents relating to transgender issues, although the problems faced by transgender and intersex people are significantly different

- Para. 105 Action 1 (regarding introduction of sexual orientation and gender identity (hereinafter abbreviated as "SOGI") as protected grounds in the Law of Ukraine "On Principles of Prevention and Combating Discrimination in Ukraine") The Ministry of Justice refuses to implement it, referring to procedural problems Bill 350, registered in the Verkhovna Rada of Ukraine and adopted in first reading, recommends the relevant provisions of the law, does not mention explicitly grounds of SOGI, and according to the parliamentary regulations alternative bills could only be

introduced within two weeks of registration (November 2015). In addition, the Ministry of Justice believes that Ukraine has already fulfilled all the demands of the EU regarding the ban on discrimination by adding these grounds to the anti-discrimination article of the Code of Labour Laws.

- Para. 105 Action 3 (amending the Criminal Code to criminalize offences on motives of intolerance, particularly on grounds of SOGI, and decriminalize contagion by HIV and other infectious diseases) The Chief Investigator of the Department of the Ministry of Internal Affairs developed a relevant bill and on February 19, 2018 submitted it for expert input to the Legal Department of the National Police, but it has not yet been introduced to the Cabinet of Ministers as stipulated in the Action Plan. The bill (Nash Mir has its text) proposes to consider as aggravating circumstances in the commission of crimes on motives of intolerance under a list of grounds not closed a sextant now (race, ethnicity, religion, gender) but under a further open list, which in theory could include any characteristic. In general, this document is quite progressive and creates a legal basis for the criminalization of hate crimes on any grounds, but in our point of view, it has three shortcomings. First, it contains no direct mention of SOGI though even the official statistics show that prejudice to them is one of the most common motives in the commission of hate crimes, and the remaining spread grounds are mentioned in this draft. Secondly, it preserves in the Criminal Code of Ukraine the current wording (Part 2 of Article 161) which allows the court to ignore the motives of intolerance as aggravating circumstances if they are mentioned directly in the relevant articles of the Code. Thirdly, it provides for amendments to Article 161 and therefore according to the parliamentary procedure rules it may not be introduced in the Parliament until a final decision is made on already registered Bill 3501 which also changes this article. However, it should be noted that the changes to Article 161, proposed in the bill by the Chief Investigator of the Department of the Ministry of Internal Affairs (prohibition of intentional actions aimed at humiliation and dignity, insult of the feelings of citizens) is much more advanced than those contained in Bill 3501. In particular, the MIA's bill provides for such a ban on motives of public intolerance under an open list of

characteristic rather than just three (race, ethnicity and religion) provided in the current legislation and 3501.

- Para. 105 Action 6 (development and submission to the Cabinet Ministers of Ukraine of a draft law to legalize registered civil partnership for both opposite and same sex couples in Ukraine). The Ministry of Justice refuses to develop the bill because of numerous homophobic appeals from the public and local communities draft amendments to the Action Plan, which had been developed by the Ministry of Justice have not yet been considered and adopted by the Cabinet of Ministers (Nash Mir has the text), the Ministry of Justice proposes to replace the development of this with its "support" that is, not to develop it on behalf of the government, but rather to provide legal advice, if someone else (obviously MPs) develop a bill and introduce it in the Parliament. It attracts our interest in this regard a meeting with representatives of public organizations on the draft amendments to the Action Plan, held in January 2018. Representatives of the Ministry of Justice agreed that this very institution would be responsible for drafting a law on registered partnership, and attention in the Action Plan would remain unchanged except for the extension of its implementation. As we see the next months of 2018 the official position of the Ministry on the implementation of the Action Plan has changed dramatically.

- Para. 105 Action 7 (lifting the ban on adoption of children, particularly transgender and HIV positive people). Ministry of Health has developed a corresponding draft order, but it received a negative feedback assessment during a public discussion before a conservative religious audience, a draft order has not been approved. Meanwhile the draft amendments to the Action Plan maintain the provision in the current form, and the term of its implementation is prolonged.

- Para 107 Action 9 (development and implementation of standards of social work (for school psychologists, social workers) with teenagers young people belonging to orphans, refugees, ethnic minorities, internally displaced persons, LGBT and providing them with social and psychological services for social adaptation). The Ministry of Education shows that the ministry believes that it has implemented the provision of the Action Plan, although this contradicts the information



provided in the letter in fact, these standards have not been designed and implemented.

- Para. 109 Action 3 (development and adoption of common guidelines by the MIA and Prosecutor General of Ukraine to investigate hate crimes by the police taking into account OSCE methodology)

Action 2 of Para. 109 (development and inclusion of a course on effective and proper investigation of hate crimes in the training of law enforcement officers) is being implemented very slowly even though the relevant guidelines were developed in 2016, they, according to our estimates, are ineffective in general and are not intended to investigate hate crimes on grounds other than "race", national or ethnic origin or religious beliefs. We have no evidence that these guidelines or other materials on the specifics of hate crimes investigation are being used in the programmes of law enforcement staff training.

The above list is not exhaustive, we mention the most important, in our view, still unimplemented LGBTI components of the Action Plan.

Because of the resistance of churches and religious organizations, ratification of the Istanbul Convention (on prevention of violence against women and domestic violence) is suspended. The main demand of the major Ukrainian churches is avoiding the use of the concepts of "sexual orientation", "gender" and their derivatives in the Ukrainian legislation in general; and most Ukrainian MPs support it. However, the President and the Government of Ukraine officially confirm the desire to achieve ratification of the document by the Parliament.

The Verkhovna Rada adopted the Law of Ukraine "On Amendments to the Criminal and Criminal Procedural Codes of Ukraine to Implement the Provisions of the Council of Europe Convention on Preventing Violence against Women and Domestic Violence and Combating These Phenomena" pursuant to the Istanbul Convention, which has not yet been ratified by Ukraine. Among other things, the law amends articles 152 and 153 of the Criminal Code of Ukraine.

Article 152 "Rape", which previously dealt exclusively with genital violent heterosexual intercourse, now punishes committing acts of a

sexual nature related to vaginal, anal or oral penetration of the body of another person with the use of genitals or any other object without the voluntary consent of the victim. Article 153 of the Criminal Code of Ukraine, which previously dealt with all kinds of sexual violence, will now be called "Sexual violence" that means "Committing any violent acts of a sexual nature, not related to penetration into the body of another person, without the voluntary consent of the victim." Both of these will now apply equally to both heterosexual and homosexual sexual acts. While previously there were prohibited sexual intercourse "with the use of physical violence or threats to use it, in the helpless state of the victim" now the applicable definition is just "without the voluntary consent of the victim." The consent is considered voluntary if it results from the free will of a person taking into account the surrounding circumstances. The small yet fundamental changes completely removed the Criminal Code of Ukraine the difference between heterosexual and homosexual intercourse and incorrect terminology ("unnatural way") that remained from Soviet times.

By the initiative of a group of MPs in July 2018 the Verkhovna Rada adopted the Law of Ukraine "On the Legal Status of Missing Persons." The law defines the legal status of missing persons and provides for the regulation of relations connected with the establishment and registration, searching and social protection of those persons and their relatives. Article 7 of the law prohibits any discrimination of missing persons and their relatives, including on ground of sexual orientation. Thus, this law became the second in the Ukrainian legislation, after the Code of Labour Laws provides direct and explicit prohibition of discrimination on ground of sexual orientation. Article 7 of the law includes in the concept of "relative of a missing person" persons who are living together, connected by the common household, have mutual rights and obligations, thus effectively recognizing as relatives of missing persons their same family partners.

In 2018, Parliament repeatedly refused to consider legislative initiatives aimed at direct restriction of the rights of LGBT persons including establishment of discrimination on SOGI grounds. Particular Bills 8442 and 9183

to each other by Oksana and Vilkuļ, an MP of the Opposition, "to protect public morals and traditional family values

Adopted in 2016, the new gender reassignment (Order 1041 of the Ministry of Health) removed such requirements for transgender persons wishing to officially change their gender lack of minor children and being not married. However, Ukrainian legislation still has a ban on marriage by people of the same sex. In summer 2018 a Ukrainian transgender activist who is in transition from male to female received a new birth certificate and passport which listed (female) gender without a divorce from her wife. Thus a legal case was created of the recognition of same sex marriage between Ukraine nationals, although the state registrar refused to issue a new certificate marriage which would include a new name and gender of the activist.

Ukrainian courts for two years in a row have not taken decisions to ban LGBT public actions, as often happened before. In July 2018 Dnipropetrovsk District Administrative Court refused to ban the Equality March in Kryvyi Rih under the suite of Metalurhina District Council in this city, though for purely procedural reasons. However, the courts continue to ignore homophobic motives in the commission of hate crimes in particular, the courts do not consider them as circumstances aggravating punishment.

## 2. THE STATE AND LOCAL AUTHORITIES, LAW ENFORCEMENT AGENCIES

Representatives of the government in 2018 rarely touched LGBT issues and largely refrained from both positive and negative comments or statements regarding LGBT people. Even when the general tone of words was friendly to LGBT people, they refrained from publicly supporting LGBT people, instead focusing on common equality and human rights in general. As, for instance, Vice Premier Minister for European Integration Ivanna Klymchuk when receiving an award from KyivPride for supporting the LGBT community.

A campaign of appeals to the local and state authorities with demands to ban "homosexual propaganda" under the banner of protecting the traditional family continues in Ukraine since last year. This year the campaign mostly gained manifestation in the form of electronic petitions on the websites of the President, government and parliament of Ukraine as well as local authorities. After the intervention of Aksana Filipshyn representative of the Ukrainian Ombudsman, one of these petitions was removed from the President of Ukraine's website as being in breach of Article 23 of the Law of Ukraine "On citizens' appeals" to which a petition may not contain attacks on human rights and freedoms. Article 6 of the Law Ukraine "On principles of prevention and combating discrimination in Ukraine", according to which any form of discrimination including incitement to discrimination is prohibited.

The rest of these petitions, however, remained and received the necessary number of votes for their consideration. The petitions on the President's website were answered by "any legislative initiatives restrict constitutional rights are unconstitutional" while the President promised to "examine the adoption of national strategies to protect and promote

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, 16.06.2018, [lgbt.org.ua](http://lgbt.org.ua)

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traditional family values and the institution of the family in Ukraine. The petitions on the Verkhovna Rada's website were reviewed by respective parliamentary committees which gave quite different responses, sometimes with homophobic content, but without any legal consequences. The petitions on the Cabinet of Minister's website also received purely formal answers without concrete legal consequences.

Several dozens of local councils have adopted resolutions in response to appeals to the government for reconsideration of electronic petitions or on the initiative of their members. The reaction of the Ombudsman's office on the decision of Chernivtsi City Council on the consideration of the petition to "ban gay pride and equality festivals in the city (the city council decided to propose LGBT communities to refrain from public events in the city of Chernivtsi") was the same as in the case of petition on the President of Ukraine's website to recommend to review this decision and pay attention to the content of petitions. It must not violate the laws of Ukraine. Currently, the main actual result of the homophobic petitions campaign has become the refusal of the Ministry of Justice to develop a bill on registered partnership. Although the Ministry of Justice invites Ukrainian LGBTs, along with other representatives of civil society, to cooperate in developing the public policy on human rights, equality and non-discrimination, according to the Ministry's representatives, the lack of political will among senior leadership on the implementation of this policy is one of the good intentions to nothing. However, the same situation is typical for many other government institutions in Ukraine.

Wide publicity was given to the indirect discussion between Oleksandr Turchynov, the Secretary of the National Security and Defence Council of Ukraine, and Kateryna Levchenko, the Government Commissioner for Gender Policy. While Ms. Levchenko proposed the Security Service of Ukraine pay attention to the spread of appeals which under the pretext of protecting "the institution of family" in Ukraine effectively promote the

ideology of the Russian World. Mr. Turchynov defended these appeals and expressed his strong disagreement both with the position of the Commissioner and with the state policy on gender and non-discrimination issues. In this regard, a number of public institutions and individual activists appealed to the President of Ukraine to the unacceptable statements of the Secretary of the NSDC.

According to our data, in 2018 only Metalina District Council in Kryvyi Rih City and Cherkasy appealed to the court to ban LGBT events (the Equality March), but the court refused to do this. The city council of Kryvyi Rih and Cherkasy did not support the initiatives of some of its members to appeal to court with a demand to ban LGBT events in these cities. It should be noted that in cases known to us, legal departments of local councils provided quite correct conclusions on such appeals, pointing out that they violate Ukrainian law and constitutional principles, but in most of the cases the local councils ignored these observations.

Infamous Ivan Frankivsk Mayor Ruslan Martynuk, representative of the ultra-right Svoboda party, reiterated his view that a gay cannot be a patriot of Ukraine, but in general, representatives of local authorities in 2018 rarely spoke on topics related to LGBT.

The newly elected Parliamentary Commissioner on Human Rights Lyudmyla Denisova, who once was noticed supporting homophobic initiatives as the chairperson of a parliamentary committee, initially surprised the public with the statement about the lack of complaints to the Ombudsman about homophobia, but she strongly supported the

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14.12.2018, [humanrights.org.ua](http://humanrights.org.ua)

<sup>7</sup> [zmi.ck.ua](http://zmi.ck.ua)

, 12.06.2018, [zmi.ck.ua](http://zmi.ck.ua)

<sup>8</sup> [znaj.ua](http://znaj.ua)

, 26.06.2018, [znaj.ua](http://znaj.ua)

Equality March in Kyiv and appealed to the city authorities and police to ensure the safety of its participants.

Continuing her campaign to crush stereotypes in issues Acting Minister of Health Ulana Suprun sparked a vibrant public discussion around a post on her Facebook page accompanied by an educational video: "Today we have to break down myths and stereotypes which have long been refuted by science. For example, that homosexuality is a disease." Ulana Suprun also provided comprehensive and unequivocal response to a stereotypical petition "to stop propaganda of homosexuality and to protect the traditional family values, human rights and freedoms protected by the Constitution of Ukraine, the electronic petition contain roads upon them, and if the author of the petition is not able to live in conditions of equal opportunities, respect for the dignity of people and non-discrimination, the Constitution guarantees him the right to freely leave the territory of Ukraine."

The above-mentioned transgender activist, while receiving her new documents in connection with the official change of gender (from male to female) met generally friendly attitudes from representatives of the civil registry and Solomyanskiy military recruiting office in Kyiv. Officers of the latter institution even proposed her for entry into military service and also to agitate for other members of the transgender community despite the fact that in Ukraine people diagnosed with sexualism are now still considered, at best, unfit for military service in peacetime and of limited fitness in wartime.

Although this activist had no significant problems receiving her new documents in connection with the official change of gender, she informed that in a very similar situation such problems arose for another transgender in Kharkiv, the head of Novobavarskyi Department of Civil

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9

10 , 13.06.2016, ombudsman.gov.ua  
 11 , 19.06.2016, facebook.com  
 ; 15.09.2016, facebook.com

Registry Office refused to accept documents for a new birth certificate from a transgender girl on the ground that she was not subjected to surgery and did not dissolve her marriage. The requirements for the official change of gender by transgender persons were eliminated by MOH Order 1041 of 05.10.2016. Obviously not all employees of the relevant state bodies are aware of these changes.

The National Police of Ukraine in 2018 continued the policy of cooperation with the LGBT movement ensuring protection of LGBT events from homophobic violence and training the police staff under the principles of tolerance and non-discrimination. As we learned the Rules of Ethical Behavior of Police Officers, approved by the Ministry of Internal Affairs Order 1179 of 09.2016, demand from the staff in particular, "to respect the dignity of every person, to treat everyone fairly and impartially regardless of [...] sexual orientation".

For two consecutive years there have been no noticeable efforts by the local police to withdraw from protection of public LGBT events and no recommendations by local police to ban such events, as regularly happened in previous years. It should be noted that in many cases instances when trying to conduct the Equality Festival in Chernivtsi and tables on LGBT topics in Uzhhorod and Vinnytsia in March 2018 on the Transgender Day of Remembrance in Kyiv and so on, the police acted very passively and did not prevent aggressive blocking actions by radical homophobic groups. The police limited themselves only to physical protection and evacuation of participants. In the case of the mentioned transgender action in Kyiv, the police failed to ensure its realisation even on the site that the police itself had chosen and recommended to the event's organisers. According to their observation the police did not even try to resist the aggressive opposition action, but rather backed the opponents' requirements to prevent its holding. Meanwhile, the police did provide quite effective protection and prevented such blocking of the Equality Marches in Kyiv, Kryvyi Rih, and Odesa resorting to the use of physical force and special equipment necessary.

No positive moves were observed in the investigation of hate crimes motivated by homo or transphobia. As before, the patrol police and



investigators constantly ignore the obvious homophobic / phobic motivation of the criminals, and often themselves demonstrate homophobic and unprofessional behaviour towards LGBT victims of crimes. They were repeatedly observed refusing to introduce homophobic motives in a statement about the crime, despite corresponding instructions by the Ministry of Internal Affairs. Also, the MIA and the National Police for two years already have delayed the development of a bill amending the Criminal Code to criminalize harassment as provided in Paragraph 10.3 of the Action Plan on Human Rights. It should be noted that the newly formed Department for Monitoring and Protection of Human Rights of the MIA actively entered into the process of discussing amendments to the Act. It has agreed with most suggestions of human rights and LGBT organizations on this matter and immediately established constructive cooperation with them. However, this structure lacks authority, although it is responsible for the formation of MIA policy on human rights, even development of the mentioned amendments to the Criminal Code was assigned not to officers of this department but to the Central Investigation Department whose staff are not inclined to cooperate with civil society.

In spring 2018 the Office of Juvenile Prevention in the Department of Preventive Activity of the National Police of Ukraine together with the Ukrainian Institute for Research of Extremism launched a joint project to counteract bullying in schools "I haven't got to be myself"<sup>12</sup> According to the study of NGO Fulcrum, presented in December 2015, 28.15% of LGBT students and pupils in schools suffered from verbal harassment and 53.5% from physical abuse.

The State Migration Service of Ukraine consistently refuses refugee status to asylum seekers who are persecuted because of belonging to the LGBT community and the LGBT movement in their homeland ostensibly because of unfounded allegations. In July,

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the District Administrative Court of Kyiv dismissed an appeal of a transgender activist from Russia, such a decision of the SCSSU, despite the clear and unequivocal evidence of mass persecution and threat to life for ordinary LGBT people, not to mention activists of the LGBT movement in Russia. On November 21 the Kyiv Appeal Administrative Court overturned the decision and ordered the SCSSU to review the application of this trans activist for refugee status.



Figure 1. A representative of the General Staff of the Armed Forces and Zavorotko openly gay and ATO veteran Viktor Pylypenko and LGBT activists Rasha Panamuhnyk and Andrii Kravchuk (left to right) in the public debate "Who is fighting for Ukrainian patriotism" IZONEspace Kyiv, 09.18.2018.

The problems of LGBT military personnel first attracted the attention of the Ministry of Defence of Ukraine. Representatives of the General Staff of the Armed Forces of Ukraine, Hanna Zavorotko from the Department of Legal Support and Volodymyr Kashlyuk from the Chief Department of Moral and Psychological Support participated in the opening of the photo exhibition "We Were Here" dedicated to participants of LGBT in the Antiterrorist Operation in the Donbas. They discussed LGBT activists' legal and psychological problems faced by soldiers and assured that

the Armed Forces Command understands the need for their solution is ready to work on it.

### 3. POLITICS AND SOCIETY

Traditionally, most attention to LGBT issues in Ukraine is demonstrated by the main political opponents of the LGBT movement, rightwing forces and individual politicians as well as religious conservatives. Support of LGBTs from the liberal democratic forces is much less visible than homophobic rhetoric and aggressive actions by opponents.

The Equality March 2018 in Kyiv predictably became the main event that made both enemies and supporters of the LGBT community speak out. This year's march was attended by only two MPs of Ukraine Svitlana Zalishchuk and Ser Leshchenko and also by Kyiv City Council member Yurii Didovets.

On the eve of the march the extreme rightwing parties Right Sector<sup>15</sup> and the National Corps<sup>16</sup> made appeals to prevent it from happening. The first party announced the gathering of its supporters before the march on its route. Indeed, opponents of the action began to gather the evening before, trying to block the march and on the morning of June 17 about two hundred people blocked Vedomyrska street on the primary route. When the police began to squeeze them on both sides, they began to aggressively oppose this and used tear gas against the police. The police overcame their resistance in a pretty tough manner and freed the way for the march. As a result the clashes with the police five policemen and up to ten of the march's opponents were injured. The police detained 57 people, but they were later released. Participants of the march did not suffer during and immediately after the event, although about ten persons in Kyiv city centre were subjected to homophobic attacks during the next days.

As it turned out, the opponents of the march submitted an application for a counter-action, but it had to happen in a place far from the route of the march. The march's opponents who tried to block it appeared to be mostly young people from the ultraright organisation C14 as well as small

<sup>15</sup> 13.06.2018, [Facebook.com](https://www.facebook.com).

<sup>16</sup>

, 15.06.2018, [nationalcorps.org](https://nationalcorps.org)

number of religious activists who joined them. Most religious activists peacefully protested on both sides of the march.



Figure 2 The police detain opponents of the Equality March in Kyiv who tried to forcibly block its route and resisted 7.06.2018.

Ihor Moschuk, an ultraright politician and MP from the Radical Party of Oleh Lyashko, two days before the Equality March filed a lawsuit against the Kyiv City State Administration demanding a ban against the conducting of the Equality March with the District Administrative Court of Kyiv City.<sup>17</sup> The Unified State Register contains information on the consideration of this case. After the march, Ihor Moschuk expressed his outrage on the participation of Marie Jovanovic, the USA Ambassador in

Ukraine in this "march of perverts" and demanded to appeal to the US government about being withdrawn from Ukraine!<sup>18</sup>

Being outraged by the holding of the Equality March, but not wanting to violate the prohibition of discrimination, Barna, a MP from the Petro Poroshenko Bloc, June 15 registered in the Verkhovna Rada 8489 "to prohibit public demonstrations of any kind of sexual orientation." The proposal provoked a barrage of significant public and negative opinion from the parliamentary Committee on Freedom of Speech and Information Policy. In November 2018 Barna promised to introduce a new, corrected version of the bill but taking into account the social and political reaction to the initial document, it is clear that further versions have no chance of adoption.

In 2018 there were a few scandals involving Ukrainian politicians on LGBT issues. Thus, an independent member of parliament and former Health Minister Oleh Musii appealed to Prime Minister of Ukraine Volodymyr Hroisman with a request to explain whether "popularization of homosexuality in childhood and corruption of minors" are the practice of the government in referring to the book about sex education for children titled "A frank talk about IT" that contains a reference to homosexual relations. The Prime Minister and Minister of Education Liliya Hrynewych disowned this book, and the latter said that the book has no relation to the Ministry of Education and had its recommendations. A big public debate was aroused after the publication of an article by Yana Turchynova, a professor of the National Pedagogical University and the wife of Oleksandr Turchynov, the Secretary of the National Security and Defence Council of Ukraine. Her article was against "homodictatorship" and the introduction of "gender ideology" (meaning the anti-discrimination expertise of new school textbooks) that was actively supported by religious and conservative circles and strong

<sup>18</sup> "Marsch der Perverten", 19.06.2016, ukrainian.ua

<sup>19</sup> Obozrevatel.ua

<sup>20</sup> "Marsch der Perverten", 15.11.2018, obozrevatel.com

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<sup>20</sup> "Marsch der Perverten", 20.04.2018, ukrainian.ua

condemned by the liberal public. This condemnation and demands by some civil society activists and human rights organisations for the release of Hanna Turchynova from the University were perceived by many people and organisations of conservative views as harassment that caused a backlash of support for Hanna Turchynova's homophobic and patriarchal statements, in particular by Oleksandr Turchynov himself and Ihor Zhdanov, the Minister of Youth and Sports of Ukraine.<sup>21</sup>

Farright parties and public organisations in 2018 continued and intensified their aggressive attacks on events which they considered as related to LGBT rights and "gender ideology". Especially noticeable in these actions being groups such as C14, Right Sector, the National Corps, Tradition and Order, Katchon, Carpathian Sich and others.

In particular on March 31, activists of the Poltava branch of the National Corps disrupted a training of NGO TERGO dedicated to the point of psychologists' work with representatives of the LGBT community. About 15 young men in masks broke into the room where the training took place, spoiled the certificates of participants and other material event and behaved aggressively, trying to take away the phones of participants who tried to make photos/ videos of the incident. The police recorded the incident, but said that they would not investigate the incident because of the absence of victims, although TERGO head Olena Hloba reported that they submitted respective application to the police.<sup>22</sup>

Also in the evening on May 10, representatives of various radical movements disrupted a discussion event considering the attack on the rights of the LGBT community in Russia. This discussion was organised by Amnesty International Ukraine. According to the executive director of the organisation Oksana Pokalchuk, participants in the meeting were locked in a room where they began to carry out the action in creative space on

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[blogs.pravda.com.ua](http://blogs.pravda.com.ua)

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Mechykov street). Eyewitnesses reported that they noticed the head of Right Sector's Kyiv branch among about 20 of the attackers

Rightwing radical nationalists began to associate with religious activists in attempts to block the conducting of LGBT action. However the religious activists themselves resorted to peaceful forms of protest as marches on "protection of the traditional family" rally outside Verkhovna Rada against the Equality March on June 22 that brought together about 300 participants. The slogans of the protesters supported by Yuriy Tymoshenko MP from the People's Front party



Figure 3. A peaceful rally of the Equality March opponents nearby the Verkhovna Rada 22.06.2018.

Public opinion polls show that Ukrainian society holds to a mainly negative attitude regarding LGBT people. Thus, the results of a nationwide



survey among the adult population of Ukraine, commissioned by the UN Development Program in Ukraine, which was held from 11 to 24 July 2018 by Ilko Kucheriv Democratic Initiatives Foundation, the Ukrainian Sociology Service company, and in cooperation with the Human Rights Information Center, determined the following results: 46.9% of the respondents believe that the rights of LGBT people, or in certain circumstances may be limited (in 2016 46.2%), while 37.5% (2016 41.3%) believe that the rights of LGBT people not be restricted. Meanwhile, Ukrainian society has already recognized a problem of discrimination based on sexual orientation: 24.9% of respondents (in 2016 21.6%) rated it as one of the most common in Ukraine (39.7%) and disability (32.1%) mentioned more often<sup>25</sup>.

However, in everyday communication Ukrainians demonstrate generally quite tolerant behavior regarding LGBT persons. Thus, a "social experiment" by LGBT activist Yana Rekhlo in Chernivtsi ended quite positively: she was standing on a busy street with a placard "I am a lesbian. Embrace me" to which passersby of any age and gender act friendly and embraced her with affection.

Odesa's TV channel Dumskaya TV on the eve of the Equality March in this city decided to check how random passersby respond to a couple of gay tourists (they played by local actors) asking their direction to the popular recreation area "Arcadia". It turned out that most people willingly communicated with the "lovers", showed the way, and advised on the best entertainment venues, although occasionally aggressive homophobic reactions happened as well. Similarly, journalists from Myvi Rih on the eve of the Equality March in the city decided to check their attitude towards LGBT people. A vast majority of respondents said

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that they treat LGBT people equally and believe that they have the right to "their choice", negatively regard gay parades<sup>28</sup>.

Popular Ukrainian singer Irina Bilyk, by contrast, decided to publicly support the Equality March in Kyiv, presenting a video for her new song "Do not hide eyes to the International Day against Homophobia and Transphobia" I hope that this social project will become the basis for increasing tolerance in our society and help LGBT representatives not to hide their eyes" and to be themselves, Irina Bilyk said<sup>29</sup>

The issue of Ukrainians society's attitude towards LGBT was discussed on the talk show "The right to power" one of the most popular TV channels in the country "1, on June 14 two days before the Equality March in Kyiv. Expressing their thoughts on the subject were Myroslav Guz (the People's Front), Yuriy Pavlenko (the Opposition 1013), Ivan Krulko (Batkivshchyna) a famous liberal Orthodox priest, and Heorhiy Kovalenko as well as other guests of the programme, among whom both LGBT and religious homophobic activists were represented. All members of the Ukrainian Parliament expressed views generally unfriendly to LGBT and objected to granting equal rights for LGBT people, while Heorhiy Kovalenko noted that, although the church condemns homosexual relations, it also condemns all violence and recognizes the supreme value of liberty. To the question "How would you react to gay marriage?" 61% of the talk show's audience answered that they do not care, 20% that they would have avoided contact with them, and 18% that they would have supported them.<sup>30</sup>

Issues related to LGBT also arise in the Ukrainian sport. General Director of Zorya FC Serhii Rafayilov caused a lively public discussion by repeated homophobic statements (including the reluctance to see gay players on his team) that forced the Football Federation of Ukraine to respond. Deputy Head of FC Dnipro Zapisotskyi stated that the words of

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, 06.07.2018 [kr.ua](http://kr.ua)

<sup>29</sup> Irina Bilyk

, 17.05.2018 [youtube.com](http://youtube.com)

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, 14.06.2018 [youtube.com](http://youtube.com)

Serhii Rafayilov could be examined by the Control and Disciplinary Committee of the Federation<sup>31</sup>.

#### 4. CHURCHES AND RELIGIOUS ORGANISATIONS

In 2018, reading Ukrainian churches, except for the UOCiOM (18), put forward their own homophobic proposals but chose rather to support relevant initiatives contained in various petitions and appeals to authorities by conservative religious organisations and individual activists. Thus, in June 2018, the Conference of Bishops of the Roman Catholic Church in Ukraine adopted an appeal "to the Ukrainian authorities at all levels, and to the faithful over Equality March in Kyiv," in which they did not put forward their own wishes or demands to Ukrainian authorities but instead condemned the "gender ideology" and urged "to listen to citizens and to defend the family." Relevant petitions and appeals which were mentioned in the statement of the bishops' conference included direct calls for discrimination and restrictions of rights that are expressly prohibited by the laws of Ukraine, since the bishops did not make these calls on behalf of themselves, they formally did not violate these laws, as is the standard tactic of Ukrainian churches since the adoption of the Law On Principles of Prevention and Combating Discrimination in Ukraine which prohibited incitement to discrimination.

In general in 2018 the main topics of Ukrainian church applications related to LGBT issues were support of actions to "protect the traditional family," protests against (mostly supposed) government measures to protect the interests of LGBT and outrage at the ignoring of numerous homophobic complaints from the public by the government and the beating by the police of protesters who tried to impede the conducting of the Equality March in Kyiv.

As in 2017, only the Ukrainian Orthodox Church (Moscow Patriarchate) called upon authorities not to hold of the Equality March in Kyiv, in the person of its head Metropolitan Onufrius, because "it could cause irreparable damage to the clean hearts and souls of our children and, moreover, incur God's wrath upon Ukrainian land, on which the

innocent blood of Ukrainians has already been shed for several years.<sup>33</sup> Contrastingly, the head of the UOC Patriarch Filaret in an interview to Ukrainska Pravda said that Ukraine does not risk losing its spirituality through the Equality Marches since "[...] we have already had gay parades even twice. How many participants were there? A hundred or two? even so many of them were foreigners. And 10 thousand came to the recent march for the family." He also assured that he is ready to hold a memorial service for deceased gay Christians because that person was, though a sinner, however a Christian. According to the approach, only God himself can decide if he will forgive this sin. In January 2018, Patriarch Filaret gave a lengthy interview to a Deutsche Welle correspondent in which inter alia he unexpectedly declared that sexual marriage of a man with a man may be permissible but not believed to be right and that sinners should be tolerated but it is unacceptable to say that (their sin) is right and to support it.<sup>35</sup> These statements of Patriarch Filaret strikingly differ from what he still declared as the official attitude of the UOC-KP to LGBT people and the well-known homophobic views of the patriarch himself. Earlier the Ukrainian Orthodox Church Kyiv Patriarchate did not recognize the existence of "social" same-sex marriage" and strongly objected to the recognition of not only same-sex marriages but any form of registered partnership for same-sex. Apparently the leadership of the UOC-KP already understands the importance of protecting the rights of LGBT within the official course of the Ukrainian authorities towards European integration and wants to appear in such circumstances as a responsible and modern social force that works to the benefit of the Ukrainian state.

After the formation of the new Orthodox Church of Ukraine (OCU) on the basis of the UOC-KP and the Ukrainian Autocephalous Orthodox Church

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11.06.2018 church.ua

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14.06

pravda.com.ua

<sup>35</sup> Deutsche Welle,

31.01.2018 dw.com

Patriarch Filaret formally left church leadership positions, and as the head of the new Church. Due to a provocative phone call by a couple of Russian pranksters, which was leaked online, his position on LGBT people in Ukraine became known. "This is a complex issue, and we should not raise it at the beginning of parish, now one needs to work upon this that Ukrainian society accept it".<sup>36</sup> The official comment on the OCU's Facebook page also adds that "the Church follows the biblical position, defining same sex relationships as a sin, and this view is shared by the majority of Ukrainian society".<sup>37</sup> Thus, we can see that the OCU tries to pursue a very cautious policy on LGBT issues: while recognizing the problems and the need to overcome them, it refrains from any steps in this direction.

Against the background of the positive statements about LGBT Francis and processes of rethinking traditional attitudes towards LGBT issues in the Catholic Church as a whole, the Ukrainian Greek Catholic Church for several years now has refrained from any public statements on these matters. However, the global processes influence the Ukrainian Greek Catholic Church as well quite expectedly first of all in Western countries. Thus, a young priest of the UGCC in Switzerland Nazarii Zatorskiy gave a lengthy interview with the online magazine "Box" wherein he pointed to the unequal treatment of LGBT church and problems of interpretation of religious instructions affecting the lives of LGBT people, and said exactly because of this so many Catholic theologians and some bishops of the Catholic Church see the solution to this problem in that the Church should put LGBT on equal footing with heterosexuals and start blessing same sex couples in some form. Of course, in this case the same requirements apply to homosexual Christians as to heterosexual couples: no sex before marriage and outside of marriage.<sup>38</sup>

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<sup>36</sup> Obozrevatel.ua,

, 24.12.2018, obozrevatel.com

<sup>37</sup>

, 22.12.2018, facebook.com

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, 01.10.2018, section.in.ua

For the first time in 2018, heads of the leading confessions in Odesa did not make a joint appeal to the local authorities, calling for them to allow the holding of the Equality March, neither were there any corresponding requests from individual churches.

## 5. LGBT COMMUNITY

According to the police about 3,500 people participated in Kyiv Equality March, while according to organizers about 5,000, that's about one and a half times more than in the previous year. Safety for the event was provided by about 5,000 policemen. The Equality March in Odesa totalled about the same number of participants in the previous year (circa 100) the very first march held in Kryvyi Rih about 30. After the scandal surrounding posters, questionable content which were observed in 2017 at the Kyiv Equality March, lengthy discussions took place within the LGBT community on the nature and/or values of the LGBT movement and the responsibility of its individual representatives for the overall image of LGBT people in the wider society. Consequently, such posters were not present at all Ukrainian public LGBT events in 2018. In line with the results of the public discussion, the theme of Equality March 2018 became "the visibility of the LGBT community". The Equality March 2018 is a march under the motto of "Our families are values."

One of the posters that attracted attention at this march in Kyiv read "Thank the Ukrainian army for the ability to hold this march." The participation of LGBT people in defending Ukraine from Russian aggression, that underscores the status of the LGBT community as an integral part of Ukrainian society, was also highlighted in the artistic project of Ukrainian photographer Anton Shevchuk "We were here" consisting of the same name photo exhibition in Gallery IZONY and publication of interviews with the heroes of the photos in the internet edition "Bird in Flight". In the gallery and online they told about their life experiences as LGBT people participants of the anti-terrorist operation.<sup>39</sup> These and other materials about LGBT trans of the ATO appeared in numerous medialets and attracted wide public attention. Viktor Pylypenko the first and so far the ATO veteran volunteer who made public coming out attended the opening of the exhibition and public discussion "Who is fighting for our Ukrainian patriotism" with

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participating representatives of the Ministry of Defence where he told about his experience of military service and related problems with which he faced as a gay person. Even more problems concerning military service are faced by transgender people who are officially not allowed to serve in the Ukrainian army, however, as it turned out, they also took an active part in resisting Russian aggression as volunteers.



Figure 4. A participant of the Kyiv Equality March with a poster "Traditional family values in gay families", 7.05.2018.

The main complaint about Kyiv Equality March 2018 from strangers and some of the LGBT community concerned the presence of platforms exhibiting drag queens, so they felt discredited this march as a human rights event. However, the organizers of the march came to a consensus that many persons and organizations which share common values of equality and tolerance and do not violate the law participate in it. It should be noted that this demonstrates a clear trend of becoming

gradually more similar to LGBT pride parades typical for Western society, by their mature more colorful and entertaining.

The participation in the Kyiv Equality March has noticeably enlivened the social life of the Ukrainian drag queens community. On the wave of enthusiasm, Drag Queen Festival "Golden Whirl" was announced in Kherson in October 2018. The Odesa Equality March, which took place on August 18, also showed increased LGBT activism in the South of the country and a reduction of aggressive homophobic sentiments among the region's population. It caused significantly more neutral or positive reactions in the local press and showed a sharp decline in the number of its aggressive opponents. In 2017, the number was about the same as the marcher (100), in 2018, it was several times less.<sup>42</sup>

However, as in the previous year, the biggest problem of the Ukrainian LGBT movement in 2018 remained the high level of aggression by right-wing nationalist groups who consistently tried to disrupt all LGBT events that became known to them. Although by now all Ukrainian LGBT organizations are aware of the threat of physical violence by far-right radicals, they always inform the local police about their own planned actions, and ask for police protection. During 2018, in many cases, the police acted very passively, and attacks by right-wing radicals were successful in preventing the holding of LGBT events, even with the participation of police officers.

With this in mind, sometimes the organizers of public LGBT actions were forced to resort to extraordinary security measures. Usually, they did not inform others about the time and place their event was to be held. In the case of the march "Diversity and against discrimination" held in Kherson on May 17.<sup>43</sup>

A similar march was held on June 10 in Poltava, just behind the march "traditional family values". A few dozen girls went downtown with a LGBT rainbow flag, LGBT symbols on their faces, and posters that in particular

<sup>41</sup> Drag Queen Festival "Golden Whirl", facebook.com

<sup>42</sup> Depo.ua, 18.08.2018, odesa.depo.ua

<sup>43</sup>

read "How one can hate for the ability to love?" One participant of the march was affected by the attack of an unknown man who pushed her hard, took the poster, tore it into pieces and threw



Figure 5. The "Rainbow Flashmob" in Zaporizhzhya 16.05.2018.

The "Rainbow Flashmob" in Zaporizhzhya held by the local LGBT organisation Gender Zaporizhzhya on the eve of the International Day Against Homophobia and Transphobia also faced problems. An unknown man threw a bomb in the crowd (probably a large firecracker) that affected a number of activists, journalists and police officers guarding the action. The attacker was immediately detained by the police who seized from him a gun and an electric shocker. He was subsequently arrested and his case submitted to trial.<sup>5</sup>

<sup>44</sup> Kolo, [kolo.org.ua](http://kolo.org.ua); 12.06.2018; kolo.news

<sup>45</sup> [genderz.org.ua](http://genderz.org.ua); 16.05.2018

In September 2018, already traditional Days of Equality and Pride were organized by LGBT Association LIGA in Kyiv. On April 23-25, 2018 the International Conference "Gender Challenges and Perspectives in Contemporary Ukraine and the World" was organized by NGO "Insight" in Kyiv. It was an important event for trans\* community throughout the former Soviet Union.

The activity of the Parental Initiative NGO in 2018 was very active and fruitful. They held a series of workshops for students, teachers and psychologists practicing on LGBT topics in several regions of Ukraine, paying particular attention to bullying in schools.<sup>47</sup> Also, through various kinds of training meetings and other events, leading Ukrainian LGBT organization continued their work among the LGBT community and Ukrainian society as a whole. Thus, Zaporizhzhya Charity Foundation Gender Z organized several "Schools for Tolerance" on issues of sexual orientation and gender identity in various cities of Ukraine (Zaporizhzhya, Kyiv, Mykolayiv, Chernihiv, Kharkiv, Kropyvnytskyi, Melitopol, Berdyanskyi) for journalists, civil society activists, psychologists, workers and others.

NGO Fulcrum continued its projects of the Corporate Equality Index, dedicated to the study of business corporate policy in Ukraine to support equality and diversity, and the Friendly Doctor, designed to improve the level of healthcare for the Ukrainian LGBT community. Also in the field of health services, for men who have sex with men, such as the prevention and combating of HIV / AIDS, is the leading organization in this field ALLIANCE.GLOBAL continued its activity.

Nash Mir Center in 2018 continued monitoring of human rights violations, discrimination, incidents and hate crimes against LGBT people in Ukraine and focused its efforts on working with national police and advocacy implementation of the Action Plan on Human Rights components in particular, the development and adoption of amendments to the Criminal Code regarding hate crimes. Conducted round tables on

<sup>46</sup> Kyiv Trans Conference 2018, [transconf.org.ua](http://transconf.org.ua)

<sup>47</sup> Tergo, 11.12.2018, [tergo.org.ua](http://tergo.org.ua)

strengthening dialogue between the LGBT community, civil society, local authorities and the National Police on prevention of discrimination and hate crimes in Vinnytsya, Kharkiv and Kyiv. On December 1, 2018, Nash Mir Center together with the Human Rights Information Centre held in Kyiv the conference 'Intolerance without Responsibility: Hate Speech & Hate Crimes in Ukraine' for which we had prepared a comprehensive report on hate crimes and incidents in Ukraine on all grounds.<sup>48</sup> The conference was attended by Iryna Zalishchuk, the head of the Central Territorial Department of Justice in Kyiv of the Ministry of Justice Stanislav Kutsenko, representatives of the Ministries of Internal Affairs and Justice of Ukraine, Parliamentary Commissioner on Human Rights, the National Police, chief of free legal aid, foreign embassies and international organizations. Nash Mir Center has also actively participated in meetings of civil society and the Ukrainian government on the implementation of the Action Plan on Human Rights and development of amendments to it.

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<sup>48</sup> Kravchuk A., Hate Crimes and Intolerance in Ukraine, 2018, Nash Mir Center, [nashmir.org.ua](http://nashmir.org.ua).

## 6. VIOLENCE, DISCRIMINATION AND OTHER VIOLATIONS OF LGBT PEOPLE'S RIGHTS<sup>49</sup>

Nash Mir's monitoring network in 2018 documented 358 cases of actions motivated by homophobia / transphobia, discrimination and other violations of LGBT rights in Ukraine. In 2017, the result was 224 cases. In comparison, previous 2017 Nash Mir Center documented 226 cases. Such a sharp increase in the annual number of the reported LGBT rights violations, in our opinion, resulted from both increasing efficiency of monitoring network activity and the real growth of violence against LGBT people by radical groups.

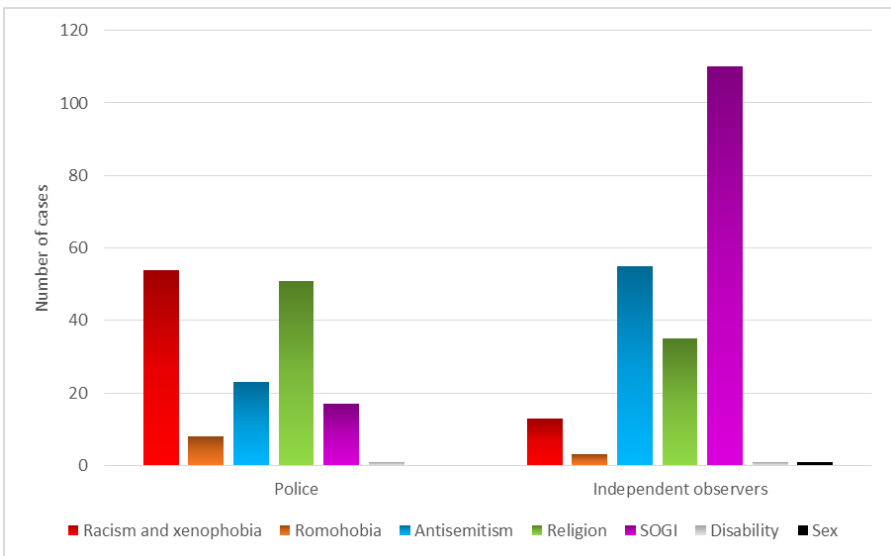


Figure 6. The number of hate crimes on various grounds in Ukraine in 2017 reported by the National Police and independent observers.

In any case, it should be noted that LGBT people in Ukraine are the main victims of hate crimes and discrimination. This is evident, particularly when one looks at the statistics of hate crimes and incidents.

<sup>49</sup>In this section, the number of documented violations of LGBT rights may apparently exceed the number of cases, because some cases involve more than one sphere of rights.

on all grounds which were collected by the OSCE on the basis of information provided by both the report and independent observers.

*Table 1. The distribution of cases documented by 2017 Regions of Ukraine.*

Region	Number of cases
Kyiv and oblast	124
Odesa and oblast	43
Kharkiv	29
Dnipro and oblast	26
Zhytomyr and oblast	13
Kherson and oblast	13
Cherkasy	12
Lviv	10
Vinnitsya and oblast	9
Donetsk oblast (under Ukraine's control)	8
Poltava oblast	8
Donetsk oblast (occupied by Russia)	7
Uzhhorod and oblast	7
Ivano-Frankivsk and oblast	7
Zaporizhzhya and oblast	6
Chernivtsi	6
Chernihiv	6
Sumy and oblast	5
Rivne and oblast	4
AR Crimea (occupied by Russia)	4
Lutsk	4
Kropyvnytskyi and oblast	3
Ternopil	2
Mykolayiv	1

Khmelnytskyi	1
Total	358

Most homophobic / transphobic aggression, discrimination and violations were suffered by representatives of big city LGBT communities in urban areas where they are most visible: Kyiv, Odesa, Kharkiv and Dnipro.

Acts motivated by homophobia or transphobia

Actions motivated by homophobia / transphobia and hate speech on part of persons not vested with official authority, were observed in 211 cases. 111 of them in 2017 and 103 in 2018) be described as *hate crimes* and 129 (113 in 2017 and 116 in 2018) as *hate incidents*. In 9 cases manifestations of *hate speech* were recorded.<sup>50</sup>

The following types of violations were reported (see Table 2):

*Table 2* Number of different types of rights violations of LGBTs in 2017

Types of violations	number of case
insults, humiliation of human dignity, threats	176
physical violence of varying severity	93
illegal collection, disclosure (or the threat of disclosure) of confidential information	38
homophobia / transphobia in family	35
extortion and blackmail	29
robbery	16
attacks on LGBT centers, actions or activists	12
threats with weapons and their application	11
damage to property	7
obstruction to peaceful actions	7
brigandage	6

<sup>50</sup> Italicized terms correspond to the classification of the OSCE / ODIHR.



homophobic inscriptions & appeals	6
offensive language	3
sexual violence	2
kidnapping	2
attempt to deny parental rights	1
torture & inhuman treatment	1
murder	1
disobedience to lawful demands of police	1

In 2018, the first time since the Revolution of Dignity, hate crimes were recorded in fewer numbers than incidents, whereas in previous years crimes always prevailed over incidents (please see Table 3). This may mean reduction in the share of serious offenses concerning LGBT people, as also was evidenced by the decrease in the proportion of physical abuse cases in this category of 93 of 246, while in 2017 such cases were 92 cases. However, claim with confidence that this is not an accident, need more monitoring time.

*Table 3 The correlation of homophobic / transphobic crimes and incidents in 2014-2018*

Year	Number of crimes	Number of incidents
2014	27	10
2015	45	8
2016	136	67
2017	99	71
2018	111	129

Meanwhile of increasing concerns, the infliction of attacks on LGBT centres, events and activists as well as obstructions to the carrying out of peaceful actions in 2017 eight such cases were recorded, in 2018 already 19 have been given 16 cases of physical violence during the so-called "safaris" that were carried out by far-right groups before and after peaceful LGBT events in Kyiv, Kharkiv and Odessa. It is clear that the

participation of LGBT people in the public life of Ukraine is becoming more dangerous. This exists and applies not only to communities in major centres, but also to ones in such cities without noticeable LGBT activism as Rivne, Uzhhorod, Plava, Ivano-Frankivsk, and Vinnytsya. After the growth of far-right radicalism in Ukraine in recent years and the concentration of LGBT people as one of its main targets, such groups are increasingly attacking not only public but also private meetings targeted to specific audiences. Examples include the disruption of training for psychologists in Poltava in March 2018, which was arranged by the organisation TERGO, and a round table for the police (!) and local authorities in Vinnytsya which was organised by Nash Mir Center.

A proportion of property crimes which the victims are chosen specifically because of their sexual orientation, such as extortion, blackmail, robbery and burglary, remain significant also. In 2018, 851 cases of such crimes were recorded.

In late November 2018, Nash Mir Center sent to the Chief Investigation Department of the National Police of Ukraine a formal request about the number and legal classification of crimes committed in Ukraine in 2018 on the grounds of homophobia and transphobia (intolerance towards homosexual and transgender people). We received no response to this request within the prescribed by law.

Attacks on LGBT events/activists

### Case 1102

In January 2018, two LGBT activists of the Dip branch of NGO Gay Alliance Ukraine were attacked with obvious signs of a planned crime on ground of hate towards homosexual people. All victims submitted applications to the police about the attacks. As far as is known, the police have not been able to find the attackers and the crime is qualified as being without the motive of intolerance.

In July, one of the activists was again attacked by unknown people (Case 1256). This crime also has not been detected yet.



Figure 7. An LGBT activist from Kyiv, Riia, after being attacked by unknown persons (Case 1102).

### Case 1112

On January 19, 2018, three unknown persons, looking about 20 years old, with faces hidden under hoods, skated and beat Liam Anthony, a British national, who arrived in Kyiv as a tourist. Wanting to stroll through the city centre he arrived at Mykhailivska Square, where the incident occurred. One of the offenders began throwing snowballs at him, the second pushed his suitcase by foot. Liam took it as a bad joke. He tried to move on and not pay any attention, hoping that these would leave him alone, but they knocked him off his feet and started kicking him. According to Liam, nobody came to his aid when he was beaten. Some passers-by called an ambulance and the police. When the victim tried to go to the nearest business offices asking to wash off the blood, no one would let him.



Figure 8 Liam Anthony Tong British tourist after being attacked by hooligan on Mykhailivsk Square (case 1112).

"The offenders did not like his extraordinary creative appearance clarified from Liam whether there were verbal abuse or any statements of homophobic nature addressed to him he said no, he was beaten in silence (although he might not catch their words or might lose consciousness for a time), and they stood at a distance, watching and laughing as he tried to record and monitor on his phone." (Mir

Perhaps the attackers were representatives of far-right groups who at that time and in any place blocked any antifascist action.

The police (Shevchenko District Department) accepted the application very reluctantly. The victim had only 2 hours before the departure of his air flight. A police officer tried to motivate him in every way saying "We must now go to the crime scene, are you ready?", "Are you willing to the plane?" "Are you ready to fly here while we conduct an

investigation, "If you are not ready, then it makes sense to apply" However, the application was accepted and the case was preliminarily qualified as ordinary hooliganism. The motive of prejudice was not included in the investigation material.

### Case 1122

In February 2018, during the debate the campaign "Football against Homophobia" held in Lviv, Frankivsk public Urban Space Uro, a person threw a smoke bomb under the venue site. Also, several young men in balaklava came into the venue, they swore at organisers of the discussion and made them move anti-homophobic booklets.

### Case 1130

Young men from the ultraright organisation Freikorps showed a great interest in the activities of NGO Women Association Sphere and its activists in Kharkiv during 2018. Rarely were events organised by activists of the Sphere held without a brutal intervention of Freikorps members. In February they disrupted a lecture about LGBT movement in the bookstore "Ye

At 1915a group of young people entered the bookstore's premises and introduced themselves as national activists and said that they "will not allow the promotion of homosexuality in our city" the Maidan did not stand for such values" and that the lecture audience prevented them from buying books. The police officers, who arrived to the scene proposed that the lecture audience to disperse, because they not ensure the order and were not entitled to hinder other citizens (Freikorps members) from buying books.

### Case 1211

In May again Freikorps and also the Tradition and Order group disrupted a lecture on homophobia organised by the Sphere. Again the police were inactive.



Figure 9. Intruders blocking a lecture in Kharkiv about the LGBT (Case 1254).

### Case 1254

In July 8 people in masks broke into premises of the Kharkiv Pride Hub which hosted LGBT events. Some gas smashed up the toilet room, tore a photo exhibition from the walls and smashed the furniture. At that time 10 people who were in the rooms suffered from this attack, sustain headache, facial chemical burns, nausea and dizziness.

The police launched a criminal investigation under article 296 of the Criminal Code of Ukraine. The motive of intolerance was not included in the investigation materials.

Figure 10 Masked person at the attack on the Kharkiv Pride Hub (Case 1326).

### Case 1326

In September in Kharkiv an LGBT event in the Pride Hub was again disrupted and property damaged this time by young men from the Tradition and Order organisation. The police brought the assailants outdoors, but no one was detained.

### Cases 1343, 1398, 1450

Similar attacks on LGBT activities in Kharkiv by extreme right-wing groups were also observed in October, November and December 2018. The last incident, on December 28, was from Tradition and Order just locked the Pride Hub's door by thereby blocking about 80 people inside.





































