

OLD PROBLEMS, NEW PROSPECTS

LGBT SITUATION IN UKRAINE IN 2019



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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 2019. It contains data and analyses of the issues related to LGBT rights and interests in legislation, public and political life, and public opinion, and provides examples of discrimination on grounds of sexual orientation or gender identity and more.

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SUMMARY

In 2019, the activity of the Ukrainian LGBT community increasingly carried on. The number of Kyiv Equality March participants reached 6-8 thousand, and those of the first Kharkiv Equality March – 2-3 thousand, which even exceeded the expectations of its organizers. Kyiv Equality March 2019 became unprecedented not only for the number of participants, but also for their composition: for the first time marchers included the official delegation of a governmental institution (the Public Health Centre of the Ministry of Health), for the first time a column was formed of LGBT veterans and volunteers who fight against the Russian aggression as well as a column of people with disabilities.

Increased visibility of the Ukrainian LGBT community draws public attention to its problems and causes demands to solve them that politicians and government officials find increasingly difficult to ignore. Ukrainian LGBT organizations for their part make a great contribution to the solution of such problems, including through cooperation with law enforcement and government bodies as well as by espousing educational activities for representatives of such key professions as journalists, teachers, psychologists, and social workers.

Violence by right-wing radical groups remains a sore issue for Ukrainian LGBT organizations and individual activists. The situation in this area has not undergone significant changes compared with the few previous years: right-wing radical organizations do not reduce the rate of their homophobic aggression, and law enforcement agencies do not take steps to effectively address this problem. Most high-profile events such as Equality Marches are provided with sufficiently reliable protection from attacks by their aggressive opponents, but in other cases the police usually act very passively. Hate crimes against LGBT people are investigated ineffectively, offenders often avoid responsibility, and the motives of intolerance on grounds of sexual orientation or gender identity are ignored.

Since the beginning of 2019 Ukrainian legislation concerning the interests and rights of LGBT people has undergone no significant changes. The implementation of the LGBTI components of the Action Plan on Human Rights, the deadline of which had already expired in previous years, moved

no farther beyond its stalling point – including amendments to the Criminal Code that would allow the consideration of homophobic / transphobic motives in the commission of crimes for their proper qualification, investigation, and appropriate punishment for the offenders.

The political life of Ukraine in 2019 was focused on the election campaign, the presidential and parliamentary elections, and formation of a new central government according to their results. LGBT issues have not played any important role in these events. In 2019 Ukrainians elected the new president – Volodymyr Zelenskyi – and the new parliament which appointed the new government headed by Oleksii Honcharuk. Although, in general, the new authorities consist of younger and more modern, less religious and conservative people than their predecessors, for now this has not led to their taking real steps in addressing LGBT issues.

The Ukrainian churches in 2019 maintained their traditional implacable hostility to protection of LGBT people's rights, but their influence on the new government has significantly diminished. President Zelenskyi, unlike his predecessors, did not participate in religious ceremonies, and the main lobbyists of churches' interests in the previous administration have lost their positions.

Nash Mir Center in 2019 documented 369 cases of actions motivated by homophobia / transphobia, discrimination and other violations of LGBT rights in Ukraine. Representatives of the LGBT communities of the large cities, where they are the most visible – Kyiv, Kharkiv, Odesa, and also Kherson – most often suffered from homophobic / transphobic aggression, discrimination and other violations most often.

Our key recommendations to the Ukrainian authorities on LGBTI issues are for unswerving implementation of the current Action Plan on Human Rights until 2020, taking into account LGBTI issues when drafting a new Action Plan for the next period, combating homophobic violence and manifestations of homophobia and transphobia in all areas of life, and taking into account the interests of LGBTI people and same-sex couples when adopting and implementing laws and state policies.

1. LEGISLATION AND THE JUSTICIARY

Since the beginning of 2019 Ukrainian legislation concerning the interests and rights of LGBT people has undergone no significant changes. The implementation of the LGBTI components of the Action Plan on Human Rights, the deadline of which had already expired in previous years, moved no farther beyond its stalling point, including such important content as:

- 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");
- Para. 105 Action 3 (amending the Criminal Code to criminalize offenses on motives of intolerance, particularly on grounds of SOGI);
- Para. 105 Action 6 (development and submission to the Cabinet of Ministers of Ukraine a draft law to legalize registered civil partnerships for both opposite-sex and same-sex couples in Ukraine);
- Para. 105 Action 7 (lifting the ban on adoption of children, particularly by transgender and HIV-positive people);
- 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 the OSCE methodology).

However, it may be regarded as a positive aspect that the Cabinet of Ministers of Ukraine did not even commence discussion of the amendments to the Action Plan developed in 2018, which would substantially reduce the obligation in LGBT issues undertaken by the government while adopting this document. These amendments, inter alia, proposed to abandon the introduction of SOGI as protected grounds into the Law of Ukraine "On Principles of Prevention and Combating Discrimination in Ukraine" and effectively to give up drafting a law on registered partnership. Therefore, no changes to the LGBTI components of the Action Plan were made, and though the Ukrainian government does not hurry with their implementation, it has not abandoned its commitment in this area.

During 2019 a trend was observed to consolidate the open prohibition of discrimination on SOGI grounds in regulative acts of various state institutions. In particular, such a prohibition is provided for in Para. 3 of Article 3 of "Internal Regulations of Detention Centres of the State Criminal Executive Service of Ukraine" approved by Order of the Ministry of Justice 1769/5 from 14.06.2019, Para. 4 of Section I of "Procedure of Providing Care and Support for People Living with HIV", approved by Order of the Ministry of Health 1607 from 12.07.2019.

Also, the trend towards consolidation of direct and explicit prohibition of discrimination on SOGI grounds, which already exists in Ukrainian legislation, was observed in legislative proposals submitted to the Parliament. Since the early 2000s, the Ukrainian parliament has been trying to adopt a new labour legislation that should replace the Code of Labour Laws retained since the Soviet Union era. Many amendments were introduced in it – in particular, in 2015, for the first time in Ukrainian legislation, sexual orientation and gender identity were added to the list of grounds explicitly protected from discrimination (Article 2¹). Then the government with great difficulty managed to overcome the resistance of conservative members of the Ukrainian parliament who did not want to vote for this provision, despite its adoption being an obligation of Ukraine under the Association Agreement with the EU. The draft new Labour Code (Bill 1658) by Mykhailo Papiyev MP, approved by the Verkhovna Rada in the first reading on November 5, 2015, did not contain such a ban – however, after the 2019 presidential and parliamentary elections, in the autumn it was removed from consideration by the newly elected parliament.

The newly appointed government promised by the end of 2019 to develop their own bill, and in late December 2019 published a draft Law of Ukraine "On Labour" (Bill 2708). Part 1 of Article 6 of this document precisely duplicates the provisions of Article 2¹ of the current Code of Labour Laws. Not waiting for the government's bill, in November 2019 the parliamentary opposition submitted to the Parliament two alternative draft Labour Codes – Bill 2410 by members of the pro-Russian faction "Opposition Platform – For Life" and Bill 2410-1 by members of the pro-European faction Batkivshchyna ("Motherland"). It is noteworthy that in both these documents Para. 1 of Article 3, like the above-mentioned provision of the

government Bill, is identical to the text of anti-discrimination Article 2¹ of the current code.

In 2019, as in 2018, Ukrainian courts have not adopted decisions banning LGBT events. In the only lawsuit of this kind known to us, before the Equality March in Kyiv Ihor Mosiichuk MP appealed to the District Administrative Court of Kyiv City with his claim to ban the event. However, the court returned the application to the plaintiff to correct errors due to non-compliance with the law.¹ To our knowledge, Mosiichuk did not re-submit a revised application.

¹ Окружний адміністративний суд міста Києва, Суд повернув Мосійчуку його позов про заборону проведення "Київпрайд", 19.06.2019, oask.gov.ua.

2. THE STATE AND LOCAL AUTHORITIES, LAW ENFORCEMENT AGENCIES

The Ukrainian Ombudsman in her annual report "On situation with observance of human and civil rights and freedoms in Ukraine" for 2018 (Section 8.4 "Discrimination on grounds of sexual orientation and gender identity") states that "the situation in the sphere of combating discrimination on grounds of sexual orientation and gender identity compared to previous years has not undergone significant positive changes." Further, she reports on her actions to protect the rights of LGBTs, and makes recommendations to the Ukrainian authorities to remedy the situation – in particular, the Cabinet of Ministers of Ukraine is to prepare and submit to the Verkhovna Rada of Ukraine a draft law on legalization in Ukraine of registered civil partnerships for opposite-sex and same-sex couples, and local governments are to refrain from actions and decisions which can contain signs of discrimination.²

Among the central governmental bodies, the Ministry of Foreign Affairs expressed its position on protecting LGBT rights in Ukraine by publishing on its website a post for the International Day Against Homophobia, Transphobia and Biphobia (May 17): "Ukraine as a jural, democratic, European state is committed to protecting the fundamental rights and freedoms, and strongly opposes any discrimination, including homophobia, transphobia and biphobia."³

The Ministry of Health most consistently supported protection of the rights of LGBT people and opposed homo/transphobic prejudices. Acting Minister Ulana Suprun, on the day of the Kyiv Equality March, made a post on her Facebook page, in which she stated the prevalence of discrimination and harassment against LGBTs and supported actions of the Public Health Centre to solve these problems in the health sphere.⁴ It should be noted that the Public Health Centre of the Ministry of Health, on the eve of the

² Щорічна доповіді Уповноваженого Верховної Ради України з прав людини про стан додержання та захисту прав і свобод людини і громадянина в Україні, 2018, с. 109-111, ombudsman.gov.ua.

³ Міністерство закордонних справ України, Коментар МЗС до Міжнародного дня проти гомофобії, трансфобії і біфобії, 17.05.2019, mfa.gov.ua.

⁴ Уляна Супрун, 23.06.2019, facebook.com.

Equality March, changed the header on its official Facebook page, adding a heart in rainbow colours, and its official delegation took part in the march – the first among Ukrainian government institutions.



Figure 1. The column of the Public Health Centre of the Ministry of Health at the Equality March 2019 in Kyiv.

In 2019 Ukrainians elected the new president – Volodymyr Zelenskyy – and the new parliament which appointed the new government headed by Oleksii Honcharuk. The vast majority of new Ukrainian officials are people whose political and ideological views were unknown to the public. How it soon turned out, the policies of the new Ukrainian government have not undergone fundamental changes, particularly in the field of LGBT issues. Newly elected President Zelenskyy did not respond to the invitation of the Kiev Equality March organizers to join its participants, but on June 23, the day of holding the March, the Office of the President has placed a statement on their Facebook page which stressed that "citizens have equal constitutional rights and freedoms and are equal before the law", and the police "must ensure the safety of all Ukrainians in the days of the Equality March and take measures to prevent clashes between supporters and

opponents of the march."⁵ It should also be noted that the regular participant of the Equality March and open advocate of LGBT rights Maksim Nefyodov, a former Deputy Minister of Economic Development, won the vote competition and headed the State Customs Service of Ukraine, and a committed ally of the Ukrainian LGBT movement, the former member of parliament Svitlana Zalishchuk became an adviser on foreign policy to Prime Minister Oleksii Honcharuk.

An illustration of President Zelenskyi's general attitude to LGBT issues was the incident during his lengthy press marathon when, in the break between interviews for different groups of journalists, an unknown man asked him whether Zelenskyi will stop, in particular, "the promotion of homosexuality." "I don't want to say anything bad about people of non-traditional orientation to you now, because we live in open, free society, where everyone chooses a language to communicate, and his orientation. Leave these people alone. Enough," said the President.⁶

The newly appointed Education Ombudsman Serhii Horbachov took part in the international conference on combating bullying and violence against LGBTQ children that was held in Kyiv in September by the organization of LGBT children's parents TERGO – it seems, it was the first participation of a senior representatives of the Ministry of Education in a public LGBT event.⁷

After a complaint by a group of pupils' parents, the Ministry of Education and Science under the leadership of new Minister Hanna Novosad instituted the anti-discrimination expertise and suspended permission for teaching of the course "Fundamentals of Family" developed by the famous champion of "traditional values" Adrian Bukovynskyi, which is taught as a subject of choice in 10-11 forms of high school. According to these parents, the textbook includes excessive religious, sexist, discriminatory and unscientific

⁵ Офіс Президента України, 23.06.2019, facebook.com.

⁶ Хожайнова В., *Зеленський порадив ультраправому залишити в спокої ЛГБТ-спільноту*, 10.10.2019, Українські новини, ukraine.com.

⁷ Сумська обласна державна адміністрація, Департамент освіти і науки, *Ми різні – ми рівні: у Києві представники 14 країн обговорювали протидію булінгу*, 30.09.2019, osvita.sm.gov.ua.

statements.⁸ On November 15 the Ministry received the results of five independent anti-discrimination expertises (according to users of social networks, they all confirmed the mentioned allegations), and now is to decide the fate of this school course.⁹

The attitude of the National Police of Ukraine to LGBT issues did not change in 2019 compared with recent years. The police quite effectively provided protection to the Equality Marches in Kyiv, Odesa, and Kharkiv against efforts of their opponents to prevent the events from being conducted. The organizers of KyivPride reported that representatives of the Kyiv police willingly took part in training on the subjects of discrimination and equality that the organization held. Unfortunately, as we learned from the official responses of the police departments in a few cities of Ukraine, including Kyiv, studying such issues is so far not included in the compulsory training of police, except for employees of the Department for Human Rights.

Although, in general, the police now treat LGBT people much more professionally and correctly than in the previous years, their behaviour during a police raid on the gay club Potyomkin in Dnipro City in the summer of 2019 was completely unacceptable and reminiscent of the worst examples of the old militia (for details, please see p. 37 of this report).

The situation regarding the investigation of hate crimes based on homo- or transphobia remains extremely unsatisfactory. Investigators consistently ignore the motives of homo/transphobia in committing crimes, qualifying them mostly as the usual hooliganism or some other offense without aggravating circumstances, and refuse to start an investigation of the possible violation of Article 161 of the Criminal Code, which currently is the only way to consider such motives when sentencing offenders. Victims of crimes, who try to protect their rights and apply to the police, usually have to apply to the investigating judge to start an investigation under Article

⁸ Бушковська Н., *Шкільний курс "Основи сім'ї" перевіряють на дискримінацію. Що з ним не так*, 15.11.2019, Українська правда. Життя, life.pravda.com.ua.

⁹ Міністерство освіти і науки України, *МОН отримало висновки антидискримінаційної експертизи курсу "Основи сім'ї" та почало розгляд*, 15.11.2019, mon.gov.ua.

161, and sometimes even for entering information about the crime into the register and to start a preliminary investigation.

However, even if the police are forced to initiate an investigation under Article 161, it never leads to an indictment under this article in the court. The existing criminal legislation is totally unsuitable for correct qualification of hate crimes on any grounds other than "race", national / ethnic origin, or religious belief. This shortcoming had to be corrected by adoption of amendments to the Criminal Code (Action 3 of Para. 105 of the Action Plan on Human Rights), but the Interior Ministry is already three years late with the implementation of this provision of the Action Plan. Although the relevant bill had been developed by the Main Investigation Department of the National Police of Ukraine, it has still not been submitted to the Cabinet of Ministers.

A campaign "to protect the traditional family" has been conducted by homophobic religious activists in Ukraine for several years already. Within it, in previous years local councils considered and adopted quite similar appeals to the central government to limit the rights and to ignore the interests of LGBT people. In 2019 cases of such appeals also occurred, but their total number compared to previous years significantly decreased – from tens to only a few per year. On May 23 the Chernivtsi City Council took the decision – despite its obvious illegality – to ban holding Equality Festivals without prior public hearings. Its author Anatoly Chesanov, a member of faction Ridne Misto ("Hometown"), declared that, although his proposal possibly violated human rights, "society is not ready for it", and he, as an Orthodox Christian, demanded the prohibition of "gay parades".¹⁰ Equality Festivals are events to promote tolerance held by LGBT NGO "Insight". A similar decision by the Chernivtsi Oblast Council during last year sparked a reaction from the Secretariat of the Ombudsman, who informed the local deputies about its illegality and asked them to abolish it. On December 24, 2019 a similar decision – to ban any public LGBT events in the city – was

¹⁰ Пиріг В., *Чернівецька міськрада заборонила проводити в місті фестивалі рівності*, 23.05.2019, ZAXID.NET, zaxid.net.

adopted by the Rivne City Council on the initiative of the councillor from the radical right-wing party Svoboda Oleh Karpyak.¹¹

According to Ukrainian legislation, only the courts may ban a public event, thus such decisions of local councils actually have no legal value. It should be noted that, unlike previous years, in 2019 we recorded no single appeal from local councils to the courts demanding to ban LGBT events. On September 2, Kharkiv Mayor Hennadii Kernes promised to go to court to ban the Equality March in the city. On September 5 the Conciliation Commission of the Kharkiv City Council met with the March's organizers, representatives of the local police, and civil activists. The mayor and representatives of the city administration argued for the need to restrict public LGBT actions with security concerns, but the police present at the meeting assured that police do control the situation in the city and would ensure conducting of the march. Despite this, the City Council still decided to go to court to ban the Equality March, referring, in particular, to the complication of the road traffic for drivers because of the actions in the city centre.¹² However, absolutely unexpectedly and without any explanation, four days later Kharkiv city authorities changed their opinion for one diametrically opposite, and on September 9 the mayor informed the March's organizers that the city authorities do not consider it necessary to prohibit its holding. When asked why they changed their mind, Hennadii Kernes replied, "Why? Because we see that this is an event which security is necessary to ensure. We may not limit them, prohibit." The mayor even promised to help holding the event.¹³

It should be noted that one of the e-petitions to the President on "protection of Christian values" (with standard calls to ignore the interests of same-sex families and to stop promotion of gender equality) collected the required number of signatures (more than 25,000) and was considered by President Zelenskyi. It received a response that actually coincides with

¹¹ Марчук І., *У Рівному міськрада заборонила ЛГБТ-марші*, 24.12.2019, Суспільне мовлення України, suspilne.media.

¹² Вовк М., Бега В., *У Харкові міська влада проти проведення Маршу рівності: буде суд*, 05.09.2019, Громадське телебачення, hromadske.ua.

¹³ MediaPort, *Харківська влада сприятиме проведенню KharkivPride — Кернес*, 09.09.2019, mediaport.ua.



Figure 2. Caricature on Kharkiv Mayor Hennadii Kernes who suddenly decided not to prohibit, but to help conducting the Equality March in the city.

the reaction of former president Poroschenko to analogous appeals: "any legislative initiatives aimed at restriction of constitutional rights are unconstitutional," "the Ukrainian state deliberately chose as a model European standards, which are based on three fundamental values – democracy, the rule of law and human rights," "I applied to the Prime Minister of Ukraine with a request to instruct the relevant central executive bodies together with representatives of the public and scholars to conduct comprehensive analysis of the implementation of the state family policy in Ukraine and to submit respective proposals according to the order established by law."¹⁴

The Deputy Mayor of Sumy Maksym Halytskii on June 22 published on his Facebook page photos of Nazi concentration camps prisoners with the caption "LGBT Pride of a healthy person. I believe – not far off is the time when so-called prides will look that way." This post was deleted by administrators of the social network, and Halytskii on his Facebook page apologized to victims of concentration camps and their relatives for using images of concentration camp prisoners – however, assuring readers that he would continue to strongly resist "indulging LGBT propaganda" and "implementation of gender ideology." The spokesperson for Attorney General Larisa Sarhan informed others that there was initiated a criminal proceeding by the fact of this statement under Part 1 of Article 161 of the Criminal Code – deliberate actions aimed at inciting national, racial or

¹⁴ Електронні петиції, Офіційне інтернет-представництво президента України, № 22/074484-еп, 28.09.2019, petition.president.gov.ua.

religious hatred.¹⁵ Sumy Mayor Oleksandr Lysenko strongly condemned the words of his deputy and promised to hold a conversation with him, but did not impose on him any sanctions.¹⁶

In May a scandal arose around unscientific and homophobic statements of a Christian ethics teacher at School No. 93 in Lviv, Myroslava Stetsyuk, who convinced students that they would die if they visited the toilet after "a queer." The director of the school said that the teacher received a reprimand for these actions and admitted that she was wrong. She was not fired, but at the end of the school year she had to retire.¹⁷

On the eve of the Equality March in Kyiv Deputy Mayor Mykola Povoroznyk called "all residents and visitors of the city to demonstrate their tolerance for all people, regardless of gender, sexual orientation, nationality, religion, skin colour, physical condition, views, etc." He stated that the Kyiv State City Administration, police and march's organizers are working that the march on June 23 was safe.¹⁸

¹⁵ Коріновська Н., *Заступник міськголови Сум хоче, аби учасники ЛГБТ-маршу були в концтаборах. Прокуратура відкрила провадження*, 23.06.2019, Громадське телебачення, hromadske.ua.

¹⁶ ТСН, *"Трохи не знепритомнів": мер Сум відгукнувся на скандальний допис свого заступника*, 25.06.2019, tsn.ua.

¹⁷ Родак К., *Львівська вчителька християнської етики отримала догану через гомофобію*, 10.05.2019, ZAXID.NET, zaxid.net.

¹⁸ Офіційний портал Києва, *Микола Поворозник: "Безпечний Марш рівності – можливість показати, що Київ – європейська столиця"*, 21.06.2019, kyivcity.gov.ua.

3. POLITICS AND SOCIETY

Political life in Ukraine in 2019 was focused on the election campaign, the presidential and parliamentary elections and formation of a new central government according to their results. LGBT issues did not play any important role in these events.

The vast majority of popular political forces did not pay any attention to the issues of human rights, discrimination and equality. Although before the elections several civil society organizations and the media interviewed presidential candidates and political parties, in particular regarding their attitude to LGBT issues, most respondents simply did not answer the questions. Similarly, LGBT issues were not mentioned in official program documents of all popular parties and presidential candidates. Those representatives of popular political forces, who still answered the questions, particularly regarding the legalization of same-sex marriage in Ukraine, mostly resorted to evasive formulations which did not contain a direct answer. Quite clearly stating their opinion were only the representatives of the People's Servant (Dmytro Razumkov: "This is a complex issue on which we have deep intra-party discussions") and the Opposition Platform – For Life (Yurii Boyko: "Concerning same-sex marriage, it is not even being discussed. This is such a nonsense that is unacceptable to our Christian society").¹⁹

Key moderate-conservative parties in their answers to the questions of the All-Ukrainian Council of Churches and Religious Organizations said directly or hinted at their opposition to same-sex marriage (such as the Civic Position, and Samopomich) as well as the right-wing Svoboda party²⁰ – however, all these political forces failed in the elections to the Verkhovna Rada. Nor was the election barrier to parliament overcome by those minor political forces that clearly and unequivocally support equal rights for LGBT people – in particular, the party Democratic Axe.

¹⁹ НВ, Разумков, Бойко і Порошенко — про марихуану та гей-шлюби, 12.07.2019, nv.ua.

²⁰ Всеукраїнська Рада Церков і релігійних організацій, *Відповіді партій на запитання Всеукраїнської Ради Церков*, 17.07.2019, vrciro.org.ua.

At a meeting of three liberal female politicians with representatives of the LGBT movement, they said that the future ruling party People's Servant had indeed had a significant discussion about their attitude towards LGBT issues, following which it was decided not to touch the topic in the election campaign. In their own words, Maryna Bardina would deal with gender (and therefore LGBT) issues in this party after the elections. This young contemporary politician is known as an active supporter of gender equality. She received education under the scientific supervision of Tamara Martsenyuk, a well-known researcher of gender and LGBT issues in Ukraine, worked as the secretary of the parliamentary group Eurooptimists and as an assistant of Serhii Leshchenko MP – the most active LGBT advocates in the previous convocation of the Verkhovna Rada.²¹

As expected, the pro-European liberal young members from the group Eurooptimists of VIII convocation of the Verkhovna Rada were not re-elected in 2019 parliamentary elections, but as a whole the new composition of the parliament has become, apparently, much less conservative and religious than the previous one. The average age of MPs of IX convocation decreased by 7.4 years and comes to 41, the proportion of women in its structure increased by 8.8% and reached 20.8% of the total,²² right-wing radical movements in it are represented by just by one member (Oksana Savchuk, a member of Svoboda party), whereas in the previous convocation they had 10-12 MPs. The most active and effective lobbyists of churches' interests and authors of homophobic legislative initiatives in VIII convocation of the Verkhovna Rada have lost their seats after the recent elections.

We consider as a positive signal from the new government that the future head of the parliamentary Committee on Foreign Affairs Bohdan Yaremenko publicly supported the ratification of the Istanbul Convention. However, after discussions with other MPs from the People's Servant, he said that "Nobody opposed the ratification, but weighing the arguments

²¹ Карякіна А., *"Ти кажеш: я феміністка — і одразу летять коменти у фейсбук"* — експертка "ЗеКоманди" з питань гендерної рівності, Громадське телебачення, 08.05.2019, hromadske.ua.

²² 24 канал, *Портрет нардепа нової Ради: вік, освіта, стаття*, 26.07.2019, 24tv.ua.

against, the MPs decided that it was necessary to return to the issue only after a meaningful discussion with the [All-Ukrainian] Council of Churches [and Religious Organizations]."²³

A similar situation has developed around the adoption of Bill 0931 ("Draft Law on amendments to certain legislative acts of Ukraine (regarding the harmonization of legislation on preventing and combating discrimination with the European Union law") by the newly elected parliament. It was registered in the previous convocation of the Parliament as Bill 3501 and approved in the first reading. It makes a number of changes to anti-discrimination legislation of Ukraine which generally do not have fundamental importance – in particular, though it has to implement some provisions of the Action Plan on Human Rights, contrary to this document it does not provide for inclusion of SOGI in the list of grounds explicitly protected from discrimination in the law "On Principles of Prevention and Combating Discrimination in Ukraine".

The main threat to the interests of Ukrainian LGBT people would be adoption of an amendment to this Bill proposed by Pavlo Unhuryan and Viktor Yelenskyi, MPs of the previous (VIII) convocation of the parliament, which actually allows any discrimination if it is justified by religious or philosophical beliefs. The Committee on Human Rights in VIII convocation of the Verkhovna Rada approved the amendment, despite its obvious threat to the principles of protection against discrimination in Ukraine – however, according to the regulations of the Verkhovna Rada, after the parliamentary elections this bill was re-registered, and the newly elected Committee on Human Rights of IX convocation again considered amendments to its second reading. The authors of the amendment have not passed into the new parliament, thus their amendments were proposed again by Viktor Myalyk MP.

This time, the vast majority of the committee members had not supported the amendment, and then Ukrainian churches and religious organizations has launched a broad campaign to discredit Bill 0931, which, according to them, in the current form (without the mentioned amendment) threatens

²³ Smiyan N., new young members seek dialogue, 06.08.2019, Voice Ukraine, golos.com.ua.

freedoms of speech and conscience in Ukraine. These accusations are obviously absurd and false because the bill actually softens penalties for discrimination and makes exceptions for churches in their internal activity. However, taking into account such a massive campaign, the chairman of the parliamentary Committee on Human Rights Dmytro Lubinets asked the parliament not to consider this bill for the time being, hoping to finish it off in a way that would satisfied everyone.²⁴

Obviously, the newly elected MPs are less prone to adoption of homophobic initiatives than the previous convocation of the parliament, but similarly do not take an active role in the promotion of equality and combating discrimination.



Figure 3. Radical right-wing activists confront the police that protected the Equality March 2019 in Kharkiv.

As noted, the leading political forces in 2019 deliberately tried to keep aloof of LGBT issues. Mostly only far-right nationalist groupings (Carpathian Sich, the Right Sector, Tradition and Order, Freikorps, National Corps, C14, etc.) continued their traditional policy of aggressive intolerance and tried to

²⁴ Інститут релігійної свободи, Голова Комітету ВР погодився доопрацювати законопроект 0931, 17.12.2019, irs.in.ua.

disrupt all LGBT activities of which they became aware. Like last year, they unsuccessfully tried to block the Equality March in Kyiv, but the police prevented clashes between them and the participants of the March, who eventually just by-passed the blocked part of the route. The activity of right-wing activists, who tried to track down and beat up participants of the Equality March after its completion, was significantly lower compared to the previous year. The similar situation arose in Kharkiv: radical right-wing activists unsuccessfully tried to disrupt the Equality March in this city, and held a "hunting" for its possible participants after the March ended. Generally, aggressive homophobic activities of far-right groups in Kharkiv during 2019 still remained at a high level – in particular, LGBT community centre PrideHub was repeatedly subjected to attacks and threats.²⁵

During the election campaign numerous cases of "pink-black PR" were recorded, that is attempts to discredit some politicians because of their alleged association with the LGBT community. In particular, there were false reports about the Equality Marches in towns such as Irpin of Kyiv oblast and Slovyansk of Donetsk oblast; photocollages with rainbow symbols of politicians such as Andrii Sadovyi and Svyatoslav Vakarchuk, etc. As in previous years, these attempts have attracted no public attention and apparently did not affect the popularity of the mentioned figures. In the same way, attempts to associate with LGBTs newly appointed government officials, including Prime Minister Oleksii Honcharuk and Minister of Economic Development Tymofii Mylovanov, did not cause public concern and discussion.

In 2019, the information campaign "Struggle – you will overcome!", dedicated to the International Day Against Homophobia, Transphobia and Biphobia, was supported by well-known and popular Ukrainian figures from show business and the media, in particular such as actress Olha Sumska, journalists Yanina Sokolova and Michael Shchur, musician Dmytro Shurov, singers Alina Pash and Zlata Ohnyevych, musical groups Yuko and KAZKA, and others. Significant information support was received by the Equality March in Odesa from popular local media, including the First City Radio and media project Dumska.

²⁵ Sphere, Women Association, 17.12.2019, facebook.com.



Figure 4. The information campaign for the rights of LGBT people was supported, in particular, by the members of musical group KAZKA that is very popular in Ukraine and Russia.

Today the Ukrainian media are characterized by mostly accurate language as well as a friendly or neutral attitude regarding LGBT people – even by those outlets which are conventionally considered pro-Russian or conservative. Experts of the Institute of Mass Information conducted a monitoring of 16 popular online media in the period from 12 to 18 June 2019. They found that over time these editions published a total of 25 materials on LGBT topics, and none of them used incorrect terminology such as "non-traditional orientation" or "homosexuality". Emotional colouring of the materials in 80% of cases was assessed as neutral, in 16% – as positive, and only in 4% – as negative.²⁶

²⁶ Машкова Я., *Що пишуть про ЛГБТ в Україні: культура, міжнародка, противники Маршу Рівності*, 21.06.2019, Інститут масової інформації, imi.org.ua.

Regarding the discussion of LGBT themes in the social network, according to our observations, Ukrainians expressed a variety of opinions and attitudes from strong condemnation and hostility to full support for LGBT people and their rights. We cannot say that some line of thought was dominant. On the eve of the International Day Against Homophobia, Mariupol journalists held a survey among casual passers-by on the streets about their attitude towards LGBT people. The vast majority of the respondents answered that it is neutral or at least tolerable.²⁷

Though Ukrainians have a not too friendly attitude towards LGBT people, they realize that this group is one of the main victims of intolerance – 43% of respondents agreed with such an assertion in the poll conducted in Ukraine by request of the National Democratic Institute (USA). For comparison, the same figure for people with disabilities was 42%, and for women – 23%.²⁸

Kyiv publishing house Ridna Mova ("Mother Tongue") translated into Ukrainian and published a comic book by Katie O'Neill from New Zealand "Princess Princess Ever After" that tells the story of the love and marriage of two girl princesses. More recently, it also published another comic book by the same author "The Tea Dragon Society" that undermines the gender stereotypes established in society. According to Maria Shahuri, an employee of the publishing house, some buyers were unhappy seeing a comic book about homosexual love on the shelves of Ukrainian supermarkets, and then one of the retailers withdrew it from sale – but this incident remained isolated, and in other stores this comic book remains freely available and sells well.²⁹

²⁷ 0629.com.ua – Сайт города Мариуполя, *Мариупольцы рассказали, что думают о секс-меньшинствах*, 20.09.2019, 0629.com.ua.

²⁸ This information was reported by representatives of the NDI at the presentation of the study "Opportunities and Challenges Facing Ukraine's Democratic Transition" in May 2019, but it was not included in the official publication of survey's data available in the Internet.

²⁹ Шпирко К., *Принцеса + принцеса: комікс про дівочу дружбу?*, 28.05.2019, Букмоль, bokmal.com.ua.



Figure 5. A comic book about the love of two princesses published by Kyiv publishing house Ridna Mova.

4. CHURCHES AND RELIGIOUS ORGANIZATIONS

Unlike previous years, in 2019 neither one single church nor the All-Ukrainian Council of Churches and Religious Organizations (AUCCRO) applied to the government for banning the Equality March in Kyiv – it is noteworthy that during the last two years only the Ukrainian Orthodox Church (Moscow Patriarchate) made such appeals. Representatives of churches in Odesa, headed by Metropolitan Agathangel (UOC MP), still turned to the city mayor with a request to ban the Equality March in Odesa – however, according to journalists of the local Internet edition Dumska, in 2019 the corresponding letter was signed by far fewer representatives of churches and religious associations than it used to be previously. In particular, it was not supported by the leaders of the Orthodox Church of Ukraine, or the Muslim and main Jewish communities in Odesa. From the Ukrainian Greek Catholic Church it was signed only by the dean of the local cathedral on his own initiative, and from the Roman Catholic Church – by a bishop dismissed from the administration. According to journalistic sources, the Vatican mission in Ukraine urged the Catholic communities not to participate in such initiatives, especially when they are put forward by the Moscow Patriarchate.³⁰

However, no change in the attitude of the leading Ukrainian churches to issues of equality and protection of LGBT rights has developed. They are still against "homosexual propaganda", legalization of same-sex marriages or partnerships, use of the terms "gender" and "sexual orientation" in legislation, education and public administration, and so on. The head of the Orthodox Church of Ukraine Metropolitan Epiphanius described the notions of "gender" and "LGBT" as the propaganda which the West imposed on Ukrainian society. He was also noticed to be in contact with the leaders of such ultra-conservative and violently homophobic groups as Katechon and Tradition and Order – however, according to the official statement of the OCU, "The Church condemns and considers absolutely unacceptable any

³⁰ Думская, "Подрывают репутацию города": Московский патриархат вместе с отдельными католиками и протестантами просит Труханова запретить ЛГБТ-марш в Одессе, 20.08.2019, dumskaya.net.

illegal acts of violence against citizens who do not support the traditional Christian views on family and public morals."³¹



Figure 6. Priests of various churches have participated in homophobic actions of Ukrainian right-wing radical groupings – particularly in blocking of the Equality March 2019 in Kyiv.

Ukrainian churches and religious organizations united in the AUCCRO continued to be actively involved in numerous marches and festivals "to protect the traditional family" which were organized and carried out in many cities of Ukraine by the homophobic initiative "All Together!" led by journalist and religious activist Ruslan Kukharchuk.

On the day of the Equality March in Kyiv, the police prevented a provocation against the event: four residents of Rivne intended to throw at its participants condoms filled with faeces from dry closets which they stole in some place. Surprisingly, it was found that the organizer of this event was Anatolii Polyuhovych, a pastor of the Protestant church New Life.³²

Obviously, an unpleasant surprise for the Ukrainian churches was the election of President of Ukraine Volodymyr Zelenskyi, who is not a Christian

³¹ Bellingscat, *Священник Православной Церкви Украины призывает "бороться" и "громить" геев на фоне сближения церкви с гомофобными группами*, 22.06.2019, bellingscat.com.

³² Забрідний Л., *"Фекальний скандал" у Києві — ногами із Зарічного*, 12.07.2019, Волинь, volyn.com.ua.

nor a religious person at all, and the defeat in the parliamentary elections of their traditional allies, conservative and right-wing nationalist parties. The two main lobbyists of conservative-religious and church interests in the Ukrainian parliament – Pavlo Unhuryan and Viktor Yelenskyi – did not attain election into the newly elected Verkhovna Rada of IX convocation. Oleksandr Turchynov, who repeatedly made homophobic statements, left the position of Secretary of the National Security and Defence Council. New President Zelenskyi, unlike all his predecessors, does not participate in the religious activities.

As noted in the previous section, in autumn of 2019 the main motive of political activity of Ukrainian churches and religious organizations was resistance to the adoption of Bill 0931 where they have achieved at least an intermediate success – its consideration in the second reading was postponed for an indefinite time. From statements of church representatives and religious activists – particularly, former NSDC Secretary Oleksandr Turchynov – it is clear that they see it as a threat to their ability to propagate homophobia and to discriminate against people on SOGI grounds.³³ The absurdity of the situation and baselessness of these declared fears are apparent because the bill in fact does not make any fundamental changes to the anti-discrimination legislation of Ukraine except that it transfers discrimination from the category of crimes to that of administrative offences that respectively reduces penalty for its commitment. This bill actually does not affect the protection of LGBT rights and the refusal to adopt it does not worsen the current situation in this sphere. Rather to the contrary, its withdrawal from consideration will permit the registering of an alternative legislative proposal in which it will be possible to comply with the Action Plan on Human Rights on the insertion of explicit prohibition of discrimination on SOGI grounds in the law "On Principles of Prevention and Combating Discrimination in Ukraine".

In an article published by the internet edition of The Village Ukraine were collected interviews with young modern Ukrainian believers which touched,

³³ Олександр Турчинов, *Заява Координатора Всеукраїнського Собору Олександра Турчинова щодо спроб законодавчого обмеження свободи слова та віросповідання*, 18.11.2019, turchynov.com.

in particular, upon their attitudes towards LGBTs. From them, it becomes clear that the younger generation of religious Ukrainians has no such unequivocally negative attitudes towards homosexuality and transgenerness as their older fellows; they tend to approach these issues from the standpoint of common sense and ideas of modern Western society.³⁴

³⁴ Лівін М., *Це віруючі міленіали*, 14.11.2019, The Village, the-village.com.ua.

5. LGBT COMMUNITY

With every ensuing year the number of Kyiv Equality March participants grows. In 2019 organizers counted about 8,000, and independent monitors – 6.3 thousand of them.³⁵ This is approximately 1.5 times more than in 2018, which in turn is about 1.5 times more than the number of participants in Kyiv Equality March 2017. This year aggressive protesters, as in previous years, tried to block the passage of the march, but the police prevented clashes and provocations, and the March by-passed nationalist and religious activists by using another route.

The slogan of KyivPride 2019 was the words "Our tradition is freedom!" For the first time in the history of Equality Marches, a Ukrainian government agency – the Public Health Centre of Ministry of Health –officially participated in it. For the first time a column was formed of soldiers and volunteers, numbering about 30 participants. For the first time a column was formed of people with disabilities.

This year's Equality March in Odesa turned out to be quite successful, under the strong protection of the police against its aggressive opponents. As in Kyiv, the March's attendance (around 300 participants) has increased at least one and a half times compared to 2018.³⁶ Kryvbas Pride organizing committee decided to cancel the pride march in Kryvyi Rih – "after consultations with the police and taking into account the elections to the Verkhovna Rada." However, the cultural program of the Kryvbas Pride Festival remained unchanged.³⁷

Unexpectedly large and generally successful turned out to be the first Equality March in the second largest city of Ukraine, Kharkiv, held on September 15. The organizers of LGBT Forum KharkivPride, a part of which was the march, managed to establish constructive cooperation with the local police whose leadership had officially declared their readiness and ability to provide public order during the planned LGBT events in the city.

³⁵ Капустинська Т., *Хто це зробив: як організувати КиївПрайд*, 03.07.2019, Platfor.ma, platfor.ma.

³⁶ Думская, *Маршем равенства прошли около 300 человек: шестие охраняли 500 полицейских и нацгвардейцев*, 31.08.2019, dumskaya.net.

³⁷ КривбасПрайд, 24.07.2019, facebook.com.

The Kharkiv city authorities, who originally wanted to ban the march through the court, eventually agreed to ensure its holding.³⁸ Despite the expected counteractions of the far-right groupings, which are very active in Kharkiv, marchers managed to pass along a part of the planned route under heavy police protection. The march was attended by from two thousand (according to the police) to three thousand (according to the organizers) persons who were protected by about 2,500 police officers from a few hundred of their aggressive opponents.³⁹



Figure 7. The Equality March, 09.15.2019, Kharkiv, Freedom Square.

Smaller-scale LGBT public actions took place in many cities of Ukraine – particularly, Kherson hosted the third Queer Forum which ended with a march through the city centre attended by about fifty representatives of

³⁸ Please see footnotes 12 and 13.

³⁹ Гуш Ю., Газ, бійка та райдужні прапори: Як у Харкові пройшов перший марш рівності, 16.09.2019, Depo.ua, kh.depo.ua.

LGBT and friendly organizations. The march, protected by about 150 police officers and the National Guard, took place without serious incidents.⁴⁰ However, in Chernivtsi, during a rally to mark the International Day Against Homophobia which was conducted by NGO Insight, the police detained two opponents of LGBT people who had used tear gas against the police while trying to break through their ranks and attack the participants of the action.⁴¹ As in the previous year, in 2019 far-right nationalist groupings have consistently tried to disrupt all public LGBT events; meanwhile event organizers and the police tried to find ways for the holding of unhampered events. "The Rainbow Flashmob" on the International Day Against Homophobia in Zaporizhzhya, which is traditionally held by local NGO Gender Z, was protected by 500 policemen and National guards. The organizers twice had to change its planned location for security reasons. As a result, serious incidents were avoided.⁴²

April 12-14, Kyiv hosted the Second European Lesbian Conference, organized with the help of NGO Insight. On the opening day of the conference, its aggressive opponents of far-right groups tried to break into the hotel Tourist, which hosted the event, breaking windows and spraying tear gas, but were stopped by the hotel guard. After the incident, the police reinforced protection of the conference, and although religious activists continued to picket the event, they behaved peacefully.⁴³

Parents Initiative TERGO with the help of NGO Fulcrum held on September 28-29 in Kyiv the III International Conference of Parents and Allies of LGBT Persons "Inclusive Education: Combating Bullying and Violence against LGBT Children." The event took place without interference and with the participation of an unprecedented large number (several dozen) of

⁴⁰ УНІАН, *У Херсоні в ЛГБТ-марші взяв участь співробітник посольства Німеччини в Україні*, 17.05.2019, unian.ua.

⁴¹ УНІАН, *"Буковина – не Содом!": У Чернівцях противники ЛГБТ побилися з поліцейськими*, 17.05.2019, unian.ua.

⁴² Радіо Свобода, *Сотні правоохоронців і міжнародні спостерігачі: у Запоріжжі відбувся "Веселковий флешмоб"*, 15.05.2019, radiosvoboda.org.

⁴³ Бурдига І., *Як у Києві проходить європейська конференція лесбійок*, 13.04.2019, Deutsche Welle, dw.com.

psychologists, social workers and educators, including the newly appointed Educational Ombudsman Serhii Gorbachov.⁴⁴

TERGO and Fulcrum in 2019 held a series of meetings and workshops for parents of LGBT children, teachers, psychologists, and social workers on the problems faced by LGBT children in the school environment and everyday life. NGO Fulcrum also conducted a national survey of the school environment in Ukraine for LGBT teenagers and published the results. They showed, in particular, that 88.5% of LGBT students experienced verbal harassment at school because of their personal characteristics, most often sexual orientation (62.9%), and 13.9% in the last year suffered physical attacks on this ground.⁴⁵

Zaporizhzhya Regional Charitable Foundation Gender Z continued its series of training sessions for journalists to cover SOGI issues, and for school teachers and psychologists on the specifics of work with LGBT teenagers. Following the example of Kyiv, Odesa, Kryvyi Rih and Kharkiv, Gender Z has decided to host LGBT Pride 2020 in Zaporizhzhya.⁴⁶

Nash Mir Center and NGO Insight carried on monitoring the implementation of the LGBTI components of the Action Plan on Human Rights until 2020 and participated in meetings with other human rights organizations, government officials, politicians, and MPs regarding preparations for drafting a new Action Plan for the next period.

Ukrainian LGBT organizations in 2019 in general successfully continued their various ongoing activities. The main obstacles to their activities were threats by the radical far-right groups and lack of funding. Unfortunately, due to lack of funds for its maintenance NGO Insight had to close its shelter in Kyiv for LGBT people who find themselves in difficult circumstances.⁴⁷ Meanwhile, NGO ALLIANCE.GLOBAL has opened in Kyiv a similar shelter, but it is available only for gay, bisexual and other men who have sex with

⁴⁴ Please see footnote 7.

⁴⁵ ВБО "Точка опори", *Національне дослідження шкільного середовища в Україні щодо ЛГБТ-підлітків*, 22.05.2019, с. 6, issuu.com/fulcrumua.

⁴⁶ Гендер Зед, *Гендер Зед оголошує конкурс на участь в оргкомітеті "ЗапоріжжяПрайд-2020"*, 11.12.2019, genderz.org.ua.

⁴⁷ ГО "Інсайт", *Шелтер*, insight-ukraine.org.

men as well as transgender persons.⁴⁸ Mariupol NGO Istok announced the opening of the first LGBT centre in the city.⁴⁹



Figure 8. The group of veterans and volunteers of the Anti-Terrorist Operation at the Equality March, Kyiv, 2019.

As mentioned above, the Kyiv Equality March 2019 for the first time included a group of military veterans and volunteers who participated in the resistance to Russian aggression, and their allies. This year the second gay veteran of the ATO made his coming out – Vasyl Davydenko. After that, he was attacked because of his sexual orientation,⁵⁰ as was also the first openly gay ATO veteran Viktor Pylypenko. Some other veterans and volunteers of the ATO, such as Nastya Konfederat, Sebastian Romanov, Nick Buderatskyi and others also now do not hide their sexual orientation or gender identity. They created in the Facebook group "LGBT Military and Our Allies" which aims "to unite Ukrainian military LGBT people as well as their allies, both hetero- and non-heterosexual, in a single information field, the

⁴⁸ ГО "АЛЬЯНС.ГЛОБАЛ", 18.07.2019, facebook.com.

⁴⁹ 0629.com.ua – Сайт города Мариуполя, *В Мариуполе открылся ЛГБТ-центр*, 22.07.2019, 0629.com.ua.

⁵⁰ Центр прав людини ZMINA, *Невідомі побили гея – ветерана АТО*, 30.09.2019, zmina.info.

values of which are active civic position, respect for human rights and human dignity, support for the territorial integrity of Ukraine, and aspirations of the Ukrainian people to freedom." In the present circumstances of Russian aggression, their activities are very important to improve the image of the LGBT community in the eyes of Ukrainian society and to achieve understanding between them.

6. VIOLENCE, DISCRIMINATION AND OTHER VIOLATIONS OF LGBT PEOPLE'S RIGHTS ⁵¹

Nash Mir's monitoring network in 2018 documented 369 cases of actions motivated by homophobia / transphobia, discrimination and other violations of LGBT rights in Ukraine. 49 included events that happened in 2018, the rest – 320 cases – occurred in 2018.

Table 1. The distribution of cases documented in 2019 by regions of Ukraine.

Region	Number of cases
Kyiv and oblast	128
Kherson and oblast	46
Kharkiv	41
Odesa and oblast	38
Dnipro and Dnipropetrovsk oblast	15
Zhytomyr	14
Vinnitsya and oblast	13
Zaporizhzhya and oblast	9
Mykolayiv	8
Donetsk oblast (under Ukraine's control)	7
Donetsk oblast (occupied by Russia)	7
Lviv and oblast	6
Khmelnyskyi and region	5
Chernivtsi oblast	5
Luhansk oblast (occupied by Russia)	4
Poltava and oblast	4
Sumy and oblast	4
Ternopil	4
AR Crimea (occupied by Russia)	3

⁵¹ In this section, the number of documented violations of LGBT people's rights may apparently exceed the number of cases, because in some cases more than one sphere of rights was involved.

Ivano-Frankivsk and oblast	3
Lutsk and Volyn oblast	2
Rivne and oblast	2
Cherkasy	1
Total	369

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

Interaction with private persons

Actions motivated by homophobia / transphobia and hate speech on the part of persons not vested with official authority, were observed in 275 cases. 129 of them (15 in 2018 and 129 in 2019) may be described as *hate crimes*, and 144 (15 in 2018 and 129 in 2019) – as *hate incidents*. In 8 cases manifestations of *hate speech* were recorded.⁵² For the second year in a row we see a trend of certain reduction in the number of hate crimes compared to incidents as well as reduction of cases of physical abuse in the general array of cases.

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

Table 2. The number of different types of LGBT rights violations in 2019.

Types of violations	Number of cases
insults, humiliation of human dignity, threats	183
physical violence of varying severity	100
illegal collection, disclosure (or the threat of disclosure) of confidential information	63
extortion and blackmail	52
homophobia / transphobia in family	37

⁵² Italicized terms correspond to the classification of the OSCE / ODIHR.

robbery	15
obstruction to peaceful actions	13
attacks on LGBT centres, actions or activists	11
homophobic inscriptions / appeals	8
damage to property	8
sexual violence	4
disobedience to lawful demands of police	3
kidnapping	2
murder	2
brigandage	1
threats with weapons and their application	1

Meanwhile, a matter of concern is the increasing attacks on LGBT centres, events and activists as well as obstructions to holding peaceful actions. If in 2017 eight such cases were recorded, and in 2018 – 19, then in 2019 – already 24 attacks. Given the 36 cases of physical violence during the so-called "safaris," which were conducted by radical right-wing groupings before and after the peaceful LGBT events in Kyiv, Kharkiv and Odesa, it becomes clear that participation in public LGBT life in Ukraine is becoming more dangerous. This applies not only to the communities in major centres, but also in such cities as Kryvyi Rih, Mykolayiv, Chernivtsi and Zhytomyr.

In 2019 for the first time hacker attacks were noticed on the Internet resources of several public LGBT organizations which coincided with the holding of public LGBT events.

The Equality March in Kyiv again passed without significant violence, but the first Equality March in Kharkiv was accompanied by a number of daring and violent attacks upon (both real and alleged) participants of the march by members of such far-right groupings as "Tradition and Order" and Freikorps.



Figure 9. The attack of alleged members of far-right groups on a participant of the Equality March in Kharkiv.

Equally significant remains the proportion of property crimes when the victims are chosen specifically because of their sexual orientation, such as extortion, blackmail, robbery and brigandage. Such crimes in 2019 were recorded at a figure at least 68.

Since the end of 2018 among extortionists a scheme became popular when gay men – mostly from small towns or villages in almost all regions of Ukraine – under the guise of dating are asked to share information about their private life and intimate photos. Then then they received an ultimatum: pay, or everything would be disclosed in local groups of social networks. Some of the victims paid, some refused, and then the collected information was really made public. Most often, for their purposes the offenders used the still popular Russian social network VKontakte. Nash Mir's monitors have documented more than fifty such cases in 2019, but it is known that there were many times more of them during the year. The main reason for the success of this scheme is the fear, common among gay men who live in small towns, over disclosure of their sexual orientation.

Consequently, they do not want to apply to the police, although blackmailers give victims their bank cards numbers and names for the transfer of funds, and thus the police could probably easily find the perpetrators. However, we do not know of a single case when such a blackmail victim has dared to appeal to the police – consequently, this scheme will continue to be used later on.

Two murders motivated by intolerance towards LGBT people were recorded in 2019 (cases 1550 and 1598, both happening while victims drank alcohol at home with men earlier convicted).

Relations with the law enforcement authorities

In 27 cases violations by law enforcement agencies were reported (please see Table 3):

Table 3. Violations of LGBT rights in 2019 by the police.

Rights violations (by what actions)	Number of cases
freedom from discrimination (insults, humiliation of human dignity, threats, biased attitude)	17
the right to an effective remedy (failure to protect the rights, denial to protect the rights)	12
the right to liberty and security (violation of procedural rules, physical violence, abuse of power and official authority)	9
the right to respect for private life (illegal collection, disclosure, or threat of disclosure of confidential information)	4
freedom from torture or inhuman treatment (torture or inhuman treatment)	1

Unlike in the few previous years, cases of discriminatory treatment on SOGI grounds prevailed among LGBT rights violations by law enforcement

agencies. Illegal actions of the police in two of these cases may be regarded as hate crimes which look like practices of the old militia.

Case 1631

A police raid on gay club Potyomkin in Dnipro city on the night of 19 to 20 April can be characterised only as a very flagrant case: 20-25 police officers broke into the club about 1 a.m., put everyone on the floor, and did not allow anyone to get up for three hours while having opened all windows (the temperature outside was no higher than +5°C). They seized the mobile phones of all those present, and some clothes disappeared from the cloakroom. The club staff also informed about the loss of some equipment. Except for the mobile phones, all the items that disappeared were not included in the description of seized things.

Police officers behaved very aggressively and homophobic, expressing insults and jokes related to sexual orientation, and two foreigners, who at the time were in the club, were forced to loudly sing the Ukrainian anthem. One of the club visitors received injuries. The management and staff of the club were charged under Article 301 "Import, production, sale and distribution of pornographic materials" and 302 "Creating or running brothels and pimping" of the Criminal Code of Ukraine.

All complaints about illegal actions by police officers (of Sobornyi Police Station in Dnipro city) made to the Parliamentary Commissioner on Human Rights and the State Bureau of Investigation only led to the checking of these same actions by the very Dnipro police who committed them – so, of course, they found no violations on their part. The court in the trial, which began in late 2019 on charges addressed to the owners of the club, disagreed with the prosecutor's arguments and did not accept 95% of the presented evidences, indicating that they had been collected in violation of the law. The court also disagreed with the prosecutor's challenge to the judge. At the time of this report's completion, the trial continued on.

As in previous years, one of the major violations by the police remains their inadequate responses to the appeals for protection from LGBT people.

Case 1790

In mid-November 2019, two lesbians faced biased attitude and threats by police officers of Prymorske Police Division in Odesa, to whom the girls appealed for help from the homophobic actions of a nightclub's guards. When the victims tried to indicate in their written application the homophobic motive of the club guards' illegal actions, the police initially tried to persuade them not to do this. When it did not work, the police threatened to report their sexual orientation to one girl's workplace and to the educational institution of the other, to make a report about finding them drunk in a public place, and even to lock them until morning in a temporary detention facility. The girls had been held until morning in the police station, and for two hours were not allowed to visit the toilet.

Case 1786

In early November 2019, transgender girl Vika was held for more than twelve hours in Holosiyivske District Department of Kyiv as a victim of crime, when she came to testify for her application that she had filed the day before. We do not know exactly what was happening there, but when a Nash Mir's expert called Vika at the request of her friend, the call was answered by investigator B.V. Fedorov, who initially denied that this number belonged to the girl, but finally passed the phone to her. She spoke very strangely, did not say anything specific, and only repeated that everything is fine. The expert proposed to the investigator either to release her immediately or to make out a report of detention, but instead she was kept there a few hours more. As a result, the girl was forced to take her statement back and leave the city (she is not from Kyiv) without any explanations. A complaint to the Central Police Department of Kyiv on illegal detention of the girl brought no results – the police found no violations by the police.

Legal Proceedings

In 2019 the Ukrainian courts considered a few lawsuits related to crimes motivated by homophobia.

Case 909

In January Dniprovskiy District Court of Kyiv, after nearly two years of hearings, announced the sentence in the case of a homophobic attack in March 2017 on two young gay men in Hidropark. In our reports for previous years we have written about the progress of this case in which Nash Mir Center defended the interests of the victims. Despite the efforts of the victims' lawyer, the court has not taken into account ample evidences of the homophobic motive of the crime, and the attackers were sentenced only for robbery.

In October, the appellate court upheld the verdict, although it pointed out in its decision that the biased attitude of the sentenced towards homosexuals could be the pretext to the attack: "[...] no denying the fact that the reason for committing this crime could be the desire to humiliate dignity of PERSON_2 and PERSON_1 because of their sexual orientation, which they openly demonstrated before committing an attack on them, the panel of judges considers groundless the arguments of the appeal by the representative of the victims about the absence of the criminal offense, provided for in Part 2 of Article 187 of the Criminal Code of Ukraine, in the actions of PERSON_5, and the need for requalifying his actions under Part 2 of Article 161 of the Criminal Code of Ukraine".⁵³

Meanwhile, the defender of the accused also pointed out in his appeal that "the motive of the attack on the victims was their behaviour that apparently evidenced their non-traditional (homosexual) orientation."

Not taking into account the fact that neither the preliminary investigation nor the court of the first instance investigated homophobic motives of the attack (though the victims' lawyer insisted on this from the very beginning of the investigation, based on the consistent testimonies of victims and witnesses) and that these circumstances were not given proper evaluation, the appellate court, stating that "the behaviour of the victims that evidenced their sexual orientation could be only a pretext, but not the

⁵³ Єдиний державний реєстр судових справ, *Справа № 11-кп/824/1289/2019*, 16.10.2019, reyestr.court.gov.ua.

motivations of the accused", in our opinion, wrongly rejected the arguments of the appeal of the victims' representative.

On behalf of the victims a cassation appeal have been filed to change the qualification of the case.

Case 1306

In September 2018, a gang of youths attacked and inflicted knife wounds to a gay man because of his "wrong" appearance exactly in the very centre of Kyiv, on Khreshchatik Street. The police immediately arrested the attackers and opened criminal proceedings under Part 4 of Article 296 "Hooliganism" and Part 1 of Article 161 "Violation of citizens' equality based on their race, national origin, religion, disability and other grounds" of the CCU. Although, unlike Case 909, the police started a criminal proceeding under Article 161, the indictment in the court mentioned only Article 296. The investigation under Article 161, which alone in the current Ukrainian legislation relates to hate crimes on SOGI grounds, was separated in an independent proceeding and quietly "buried" in Pecherske District Police Department of Kyiv.

At the time of the completion of this report, almost one year after the indictment act was submitted to the court, Pecherskyi District Court of Kyiv has held only two sittings on the case, but even then it was not considered essentially because the police did not provide the delivery of the accused from the detention centre. Meanwhile, of five attackers only two minors have remained in the dock.

Employment

23 cases of violations of LGBT human rights were recorded in this sphere (please see Table 4):

Table 4. Violations of LGBT rights in 2019 in employment.

Rights violations (by what actions)	Number of cases
discrimination (inaction of the administration, compulsion to resign, unlawful dismissal, unlawful refusal to hire, insults, humiliations of human dignity, threats, demotion / denial of promotion, biased	23

attitude, physical violence, bullying, and other violations of labour laws by the administration)

respect for private life (invasion of private life, illegal collection, disclosure, or threat of disclosure of confidential information)	7
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Case 1817

In December 2019 a journalist who tried to find a job on TV channel Inter, was required to remove from his social networks accounts photos which evidenced his homosexuality. He refused to do this.

In two cases, discriminatory actions by co-workers or members of the administration may be regarded as hate incidents, and in one case they had features of a crime motivated by bias based on sexual orientation.

Case 1658

A lesbian couple had a seasonal job in the summer of 2019 at one of the seaside resorts in Kherson oblast. One of them began to receive advances from a security guard of the health resort hotel where they worked, but she made him understand that he should not do so. One evening, when the girls walked along the sea, they were approached by this guard who became pestering towards them – he said, if they are lesbians, they should have sexual contact with him. The girls refused and tried to leave. Between them a fight ensued, and the guard broke the nose of one of the girls. The next day, when the girls returned from work, they found that all their clothes were drenched in some stinking liquid (probably urine). The victims were not able to stay longer in this job because they understood that, most likely, the entire team of the resort hotel is homophobic, and nobody would support them.

In two cases, victims of discrimination were transgender persons because of their gender identity.

Case 1685

In March 2019 a transgender young man was subjected to bullying and sexual harassment by one of his colleagues during a corporate party in one of the IT companies in Kyiv. The offender loudly and insistently began to ask about the victim's genitals and what sex he ascribed himself to – male or female. He behaved inappropriately and shamelessly, played on the audience. The victim made it clear that he was not going to answer, but this only made the offender angrier – he began to display aggression, to grab the victim's genitals, attracting the attention of other colleagues. Most of all, according to the victim, he was upset by the indifference and even smiles of his co-workers (including the chief) who witnessed the incident. After that he could not stay any longer in this team, and retired.

Education

Violations in this sphere were recorded in 23 cases (please see Table 5):

Table 5. Violations of LGBT rights in 2019 in education.

Rights violations (by what actions)	Number of cases
discrimination (bullying, insults, humiliation of human dignity, threats, biased attitude, inaction of the administration, underestimation, physical violence of varying severity)	22
respect for private life (invasion of private life, illegal collection, disclosure, or threat of disclosure of confidential information, illegal eviction from housing)	4

In 4 of these cases discriminatory actions by fellow students may be regarded as hate incidents, and in 2 cases incitement to enmity from teachers took place.

Case 1641

In April 2019, Myroslava Stetsyuk, a teacher of Christian ethics at School No. 93 in Lviv, during her lesson told about homosexuality in a negative context, thus trying to cause a corresponding attitude to this phenomenon among the pupils: "You know what are genitals? What a man bears in his semen?"

It is God Himself given from the heaven. And where he [a gay man] shoves it? Where what is, where shit is? And what is born of it? Freaks! Bastards! Believe me, to visit the toilet after a faggot, then you would die." After this incident, the school administration issued a reprimand to the teacher.

Case 1800

An 18-year-old transgender girl during three years of training at a vocational school in a small town of Sumy oblast was regularly subjected to bullying of varying severity, including physical violence, from her fellow students. The last time, in October 2019, she was subjected to abuse by other students: "Faggot," "Why do you have coloured hair, are you queer?," "What the ... do you have pink socks?," "Why do you dress as a fag? – A guy must be a guy!," "Look, the freak goes," and so on. When the victim complained to the head teacher, she advised, "Well, try to flirt with them – maybe they will calm down."

Access to goods and services

In this sphere we have documented 21 cases of discriminatory treatment on SOGI grounds. 7 cases apply to denial of service, in 5 cases – denial to rent, and in 5 cases illegal eviction from housing was observed.

Case 1766

In September 2019 a transgender woman was subjected to insults and harassment in connection with her gender identity by an employee of PrivatBank in one of its offices in Kyiv when she pointed out shortcomings in their work.

Case 1792

In October 2019 in Kyiv gay club G-Club Versace was opened in the shopping centre Promenada, but it only functioned for one day. When lessors learned about the orientation of the club, they turned off the electricity and made the owners of the club leave the premises. It should be noted that this establishment of the same owners had earlier functioned in the same place, but as a karaoke bar, and it also was popular among the capital's LGBT community. A drastic homophobic reaction of the lessors was caused by the club's owners open announcement of the club as oriented for the LGBT public.

Case 1728

In July 2019 the retail network Auchan-Ukraine, after a few complaints from customers, withdrawn from sale a comic book for children because of its content (a story of love between two girls). As a representative of Ridna Mova publishing house, which published this comic book, reported, it was an isolated incident – the other stores did not limit the sale of the book.

In 5 cases discriminatory actions in this field may be regarded as hate incidents, and in one case – as a hate crime.

Case 1465

In Odesa, in January 2019, a homosexual man was subjected to pressure, threats and insults because of his sexual orientation from an unknown collector's office, acting in the interests of ShvydkoHroshi company, to return the debt money owned. In addition, collectors began to call his relatives, friends, colleagues and to tell them about his sexual orientation in a rude obscene manner.

Healthcare

In this area we have documented four cases when the right to health care was violated, including 2 cases of discriminatory treatment on SOGI grounds by medical personal.

Case 1471

In January 2019 a transgender person came for dental care in one of the private clinics of Kyiv. When the doctor learned of her gender identity, he stopped treatment, leaving her in a state of acute illness.

Other (military service, family law, state bodies, etc.)

In 2019 also 11 cases of discrimination and hate speech were documented that are not included in the above-mentioned categories.

Rights violations (by what actions)	Number of cases
discrimination (adoption of illegal decisions / acts, biased treatment)	8
hate speech	4

First of all should be noted the widespread practice of unlawful placement of petitions calling for discrimination on SOGI grounds on websites of state authorities and local governments, as well as the unlawful decisions of the local councils in Chernivtsi and Rivne to ban any peaceful assembly on LGBT issues in these cities.

Two cases related to discriminatory treatment by officers of the military registration and enlistment offices (MREO).

Case 1771

In August 2019 a 17-year-old gay man suffered discriminatory and abusive treatment because of his appearance by a psychiatrist in Shevchenkivskyi MREO of Kyiv. Drawing attention to his feminine appearance and manners, the doctor smiled and asked, "There is a problem now: boys like boys, and who are you? Are you from these?.." and then directed him to the psychiatric examination with the suspected diagnosis "Gender identity disorder".

Violations of LGBT rights in the occupied territories

In Ukraine's territories occupied by Russia (Crimea and parts of Donetsk and Lugansk oblasts) in 2019 we documented 14 cases of rights' violations on SOGI grounds. These include both actions motivated by homophobia / transphobia as well as discrimination, which are typical for Ukraine, and cases that reflect local specifics connected with the actions of the occupation authorities in these territories.

Case 1721

In May 2019, a 23-year-old man was sentenced by a so-called "court of the Donetsk People's Republic" for his pro-Ukrainian statements in the Internet under four articles of the local "Penal Code". However, given his homosexual orientation that the occupational health administration sees as a mental disorder, the "court" placed him in a psychiatric hospital of severe regime for an indefinite time.

He was detained in late 2017, when he came from Kharkiv to visit his sick elderly mother. Since then until the "trial" he was kept "in the basement"

(unofficial and unequipped detention facility in the Russian-occupied Donbas, usually a literal basement in some state institution) and then in a pre-trial detention centre.

At the time of this report's completion, the man was kept in a prison-like local psychiatric hospital and forced to take unknown drugs.

Case 1575

Until recently, Nataliya lived in occupied Holubivka (formerly Kirovsk) of Luhansk oblast. She has a masculine appearance, and because of this was often subjected to insults and harassment from military occupation forces that are abundant there. One day in mid-January 2019, she was returning from work in the evening. In a desolate place she was attacked by three drunken military men who insulted Nataliya because of her sexual orientation and subjected her to sexual violence and humiliation. Shortly after this incident, she moved to the territory controlled by Ukraine.

Case 1540

In spring and summer 2019 raids of the occupation police in Simferopol on the local gay cruising place became more frequent. Its visitors were subjected to ungrounded checks of their documents and demands to pay a "fine" for alleged immoral behaviour.

7. CONCLUSIONS AND RECOMMENDATIONS

The Ukrainian LGBT movement has fully taken advantage of the opportunities that emerged after the victory of the Revolution of Dignity in 2014. In recent years it demonstrates continuous quantitative and qualitative increases in its public activities. An example of this was the unexpectedly large first Equality March turn-out in Kharkiv, which took place despite opposition of the city government and right-wing radical groups.

Constant interaction with the leadership and numerous educational activities for individual members of the National Police from the LGBT and human rights organizations have contributed to the establishment of mutual understanding and cooperation between the police and the LGBT movement. This new rapport enabled to some extent neutralization of the aggression by homophobic right-wing organizations, which also recently have been increasing their activity. However, their attacks on LGBT events, organizations and individual activists remain a sore issue for the Ukrainian LGBT community, and law enforcement agencies are not in a hurry to improve the current legislation and practice of investigation of hate crimes on SOGI grounds.

Very important is the educational activity of LGBT and human rights organizations in the form of various events for professional groups such as journalists, teachers, psychologists, social workers, and others. The good consequences are already obvious in the press sphere, because the work with journalists began many years ago. Familiarity with the subject and the friendly or neutral coverage of LGBT issues in journalistic publications in Ukraine have become the norm. Mass work with specialists in education and psychological assistance became possible only recently, and until that it was very hindered because of the silent resistance from the relevant government agencies. The results of this work upon society should become visible after some more time.

Silent, and sometimes loud, resistance to the promotion of tolerance towards LGBT people and protection of their legitimate rights and interests up to now has been based on the fact that the authorities in Ukraine mostly belonged to the religious and conservative forces that were willing to meet

requests and demands of the Ukrainian churches and religious organizations. The Ukrainian churches have not changed their homophobic position, but the presidential and parliamentary elections held in Ukraine in 2019 brought to power a new generation of politicians – much younger, modern and less religious. In addition, the representation of women within the state authorities has markedly increased. The main lobbyists of the churches' interests have lost their position in the Ukrainian government and politics. This created obviously more favourable conditions for the promotion of effective equality for LGBT people and protection of their interests. However, although encouraging signals have been received from the newly formed Ukrainian authorities, no real decisions have been taken on such issues at the time.

During 2019 the implementation of the LGBTI components of the Action Plan on Human Rights did not progress at all – the old government obviously was not going to implement them, and the new one was just being formed and solving the most urgent problems. However, the LGBTI components in the existing Action Plan (which covers the period up to 2020) have not been changed, although the Ministry of Justice published proposals actually to withdraw some of them. The positive sign is that new parliamentary and government leaders immediately launched vigorous preparations to develop a new Action Plan for the next period, and perhaps to change the National Strategy on Human Rights, that is the basis of this plan. This process is open and transparent, and from the very beginning representatives of all stakeholders, particularly LGBT organizations, including Nash Mir Center, were engaged in it.

The main opponents of LGBT people in Ukraine remain right-wing nationalist groups, churches and religious organizations. It is noticeable that the far-right nationalists are trying to establish ties and to unite with the Ukrainian churches, especially the Orthodox Church of Ukraine, under the slogan of "protection of the traditional family." However, as in the case of churches, the social and political influence of far-right and ultraconservative political movements in Ukraine is diminishing – they are virtually not represented in the new Verkhovna Rada.

Because the situation of LGBT people in Ukraine during 2019 did not undergo significant changes, our recommendations to the authorities have remained almost the same as in the previous year:

1. **The Verkhovna Rada of Ukraine** is recommended to eliminate all provisions in the Ukrainian legislation that lead to discrimination on grounds of sexual orientation or gender identity – in particular, in Article 74 "The right to property of a woman and a man who live as one family but are not married to each other or are not in another marriage" and Article 91 "The right to maintenance of a woman and a man who are not married to each other" as well as the respective clauses of Article 211 "Persons who can be adoptive parents" of the Family Code of Ukraine.

When adopting new laws, anti-discrimination articles in them have to directly and openly prohibit discrimination on grounds of sexual orientation and gender identity. Laws and regulations aimed at protecting families and children should protect all families without discrimination – in particular, same-sex family couples and children raised by them. The grounds of sexual orientation and gender identity should be explicitly included in the list of protected characteristics in the Law of Ukraine "On Principles of Prevention and Combating Discrimination in Ukraine" (Paragraph 2 of Part 1 of Article 1).

2. **The President, the Cabinet of Ministers of Ukraine, and the Commissioner of the Verkhovna Rada of Ukraine on Human Rights** are advised to adopt national policies to combat inequality, discrimination, increase tolerance and mutual respect in society, and always explicitly to mention sexual orientation and gender identity in the policies as protected characteristics, and LGBTIs – as a vulnerable group. Special attention should be paid to these issues within the development of amendments to the current Action Plan on Human Rights.
3. **The Ministry of Justice of Ukraine** is recommended to implement Action 6, Para. 105 of the Action Plan on Human Rights – development and submission to the Cabinet of Ministers of Ukraine of a draft law to legalize registered civil partnerships for both opposite-sex and same-sex

couples in Ukraine. Although adoption of such a law by the Verkhovna Rada in the near future seems unlikely, this would send to Ukrainian society the right message from the Ukrainian government, while indulgence towards homophobic sentiments in society can only contribute to their strengthening. By leaving without solutions the problems of overcoming social homophobia and establishing the legal status of same-sex partnerships, the Ukrainian government only postpones them into the future and complicates its tasks towards European integration.

4. **The Ministry of Health of Ukraine** is recommended:

To amend the MoH Order 479 from 20.08.2008 "On Approving the List of Diseases Having Which Disables a Person to Be an Adoptive Parent" by removing from it the code F64 (item 9 "Gender identity disorders").

To monitor implementation and maintenance of a new order of medical care to persons in need of gender reassignment; to continue the development and adoption of amendments to this order in collaboration with activists of the transgender community – in particular, to reduce the minimum term for psychiatric supervision of patients with transsexual identification set by the Unified Clinical Protocols "Gender Dysphoria" (currently – 2 years).

5. **The Ministry of Education** is recommended to include topics of sexual orientation and gender identity in the school curricula and programmes of universities and professional training of the teaching staff; to attract LGBT and other civil society organisations to design and implement such programmes. The state standards of social work with adolescents and young people belonging in particular to LGBTs, and providing them with social and psychological services in their social adaptation must be developed and implemented in accordance with Action 9, Para. 107 of Action Plan on Human Rights. Development of these standards should involve representatives of NGOs that represent and protect the interests of these vulnerable groups.

6. The Ministry of Internal Affairs of Ukraine is recommended:

Regularly to hold educational activities with their staff on the topics of tolerance and inadmissibility of human rights violations regarding LGBTIs, and (together with the prosecutors) thoroughly and impartially to investigate instances of human rights violations of LGBTI people committed by police officers and to bring the guilty persons to liability.

To submit the bill designed to implement Action 3 of Para. 105 of the Action Plan on Human Rights to the consideration of the Cabinet of Ministers, and recommend to The Cabinet of Ministers to introduce the bill to the Verkhovna Rada. The developed draft law should be amended as follows, aiming for the precise implementation of the Action Plan and providing a legal basis for the proper qualification, effective investigation and appropriate punishment of hate crimes on any grounds:

- The open list of grounds, relating to motives of intolerance which aggravate punishment of the offences, contained in the bill, should explicitly include all characteristics which in practice occur in hate crimes in Ukraine. In fact, the bill referred to all these characteristics except sexual orientation and gender identity as well as political or ideological beliefs.
- The bill is to amend the Paragraph 2 of Article 67 of the Criminal Code of Ukraine by adding Paragraph 3 of Part 1 of Article 67 in the list of the provisions of Article 67 which the court may not ignore. This will ensure the proper qualification of any offence under the Criminal Code, which includes the motive of intolerance to a particular characteristic, as a hate crime.
- It is recommended to remove the clause of the bill amending Article 161, as it prevents the introduction of the bill to the Verkhovna Rada until completion of consideration of Bill 0931, which also amends this article. However, if, at the time of consideration the MIA's bill by the Cabinet of Ministers, Bill 0931 will finally be approved or rejected by

Parliament, this provision should be retained, because it significantly improves the legal effectiveness of Article 161 as compared to its current text or those proposed in Bill 0931. The urgent need for introduction of the other changes provided for in the MIA's bill to the Criminal Code has resulted from the fact that in the case of adoption of Bill 0931 the Criminal Code will lose any legal basis to investigate hate crimes on grounds other than race, nationality / ethnicity, or gender.

7. The state authorities, local government and their representatives are recommended:

- To take into account and to be governed in their future activities by the principle enshrined in Article 35 of the Constitution of Ukraine, which states that "church and religious organisations in Ukraine are separated from the state, and schools – from the church" and that "no religion shall be recognized by the State as mandatory""
- To take note and explain to the public that the concept of family under the Family Code of Ukraine is not limited to officially registered marriage, and the protection of the interests of family extends to all forms of family relations.
- To prevent and condemn public manifestations of homophobia, adhere to the principles of respect, equality and non-discrimination for all social groups.
- Do not consider appeals and petitions that violate Ukrainian laws – in particular, a ban on incitements to discrimination and restriction of the constitutional rights and freedoms.

8. METHODOLOGY AND THE AUTHORS OF THE REPORT

The monitoring network of Nash Mir Center and publicly accessible mass media, especially electronic ones, were the main sources of information for this report. Our results cannot be considered statistically representative in terms of quantitative sociological data, but we state that they quite adequately reflect the current situation for LGBTI people in Ukraine, at least from the viewpoint of the Ukrainian LGBTI community. State institutions, except for the Parliament Commissioner for Human Rights, practically neither monitor themselves nor collect information on issues related to the observance of the rights and interests of this social group in Ukraine, therefore, more trustworthy statistics and analysis on these issues other than those published by the Ukrainian LGBTI and human rights organisations and individual activists, simply do not exist.

Our activities are aimed at both the LGBT community and Ukrainian society as a whole. We are now focusing our efforts on:

- Monitoring violations of LGBTI people's rights.
- Legal aid and counselling for victims of discrimination and hate crimes on grounds of sexual orientation or gender identity.
- Legal education for the LGBTI community.
- Advocacy for the protection of equal rights for LGBTIs on the legislative and political levels.
- Strategic litigation.
- Supporting local initiative groups, mobilizing LGBTI communities at the local level.