

# UNITED AGAINST VIOLENCE

## LGBT+ SITUATION IN UKRAINE IN 2021





**United against violence. LGBT+ situation in Ukraine in 2021** / Nash Svit Center. - K.: Nash Svit Center, 2022. - 51 pp.

This publication presents information that reflects the social, legal and political situation of the LGBT+ (lesbian, gay, bisexual, and transgender) people in Ukraine in 2021. 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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This report was prepared according to results obtained through monitoring and human rights defending activities by Nash Svit Center. The authors express their gratitude to LGBT+ organizations and individual activists as well as all active participants of e-mail lists and Facebook groups who collect and exchange up-to-date information on various aspects of the LGBT+ situation in Ukraine. We also thank Daria Ivashkevych for proofreading the English translation of this document.

We thank Freedom House and Tides Foundation (USA) for supporting our activities. Opinions expressed by the report's authors are solely theirs, and should not be considered as the official position of the donors to Nash Svit Center.

This publication is provided by the Nash Svit Center under the USAID/ENGAGE activity, which is funded by the United States Agency for International Development (USAID) and implemented by Pact. The contents of this publication are the sole responsibility of Pact and its implementing partners and do not necessarily reflect the views of the United States Agency for International Development (USAID) or the United States Government.

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### **To the readers of our publications**

**Nash Svit Center** was established more than 20 years ago in Luhansk by a group of young Russian-speaking gay activists, in a quite different political, social and cultural situation. All these years we used to use as the English variant of the organizations' name the transcription from its Russian variant: **Nash Mir Center**. Now, when Kiev is gradually becoming Kyiv in the English-speaking world, we have decided that since now our official name in English would be the transcription from the Ukrainian original: **Nash Svit Center**.

We are still the same organization, and both of the English variants of our name are legitimate, but the transcription from Ukrainian is preferable.

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## SUMMARY

New legislative initiatives of the Cabinet of Ministers and the expected decision of the ECtHR create conditions for solving the most critical legal problems concerning the protection of LGBT+ rights in Ukraine. The Ukrainian government continues to implement the LGBT components of the Human Rights Action Plan. The main problem in this area remains the lobbying activities of the leading Ukrainian churches, which oppose all steps to combat homophobia and its consequences, claiming that it violates freedoms of conscience and speech.

The National Police has improved the practice of protecting mass public events from attacks by far-right groupings but continues to demonstrate ineffective investigation of hate crimes. At the same time, the National Police and the Office of the Prosecutor General have demonstrated a desire and willingness to remedy the situation by developing a methodology for investigating such crimes and training personnel.

Unlike the previous year of the COVID-19 pandemic, in 2021 the organizers of mass public LGBT events in large Ukrainian cities decided to hold their actions in the usual format of physical demonstrations, except for Zaporizhzhya Pride. After the change in the tactics of protection of mass LGBT+ actions by the police from the aggression of far-right groups, all major LGBT+ events in 2021 took place without significant incidents.

Far-right groups continue to purposefully monitor and attack LGBT+ events, organizations and individual activists. "Tradition and Order" continues to be the most active and prominent among such groups. Its participants and leadership openly promote ultra-conservative anti-Western ideology in Ukraine and talk about the need to reconsider the importance of the Maidan. They are not popular in society and influential in politics, although they constantly attract attention with unpunished attacks on public actions of a liberal character.

Nevertheless, the Ukrainian LGBT+ movement has not reduced its activity, focusing this year on security issues and the fight against crimes motivated by intolerance. The LGBT initiative group of military and volunteers, which this year created a new public organization "Ukrainian LGBT Military for Equal Rights," attracted a lot of public attention.

## 1. LEGISLATION AND THE JUSTICIARY

In 2021, several decisions were made that significantly affected the legal situation regarding the protection of the rights and interests of LGBT people in Ukraine or created conditions for its improvement in the near future. All of them are somehow related to implementing the LGBT component of the Human Rights Action Plan for the Period up to 2020. At the beginning of 2021, the deadline for implementing the measures provided for in this document has expired. The Ministry of Justice developed a draft Action Plan for the next period (2021-2023) in time, but for some reason, it was submitted to the Cabinet of Ministers and approved only on June 23 this year.<sup>1</sup>

While the first Action Plan (until 2020) contained about 20 LGBTI components, the new document includes only five actions directly related to the protection of LGBT+ rights — however, it should be noted that about a third of the actions provided for in the first Plan was implemented. The two main unimplemented LGBTI components of the first Action Plan were the development of amendments to the legislation on the criminalization of crimes motivated by intolerance (in particular, on grounds of sexual orientation and gender identity — from now on abbreviated as "SOGI") and the bill on civil partnership available to same-sex couples. Both of these provisions have been transferred to the new Action Plan (for the period up to 2023) — Actions 28 and 33, respectively. In addition, the new document included provisions on the training of police investigators to investigate crimes committed under motives of intolerance (Action 29) and training of public prosecutors to investigate such crimes (Action 30). Finally, Action 27 of the new Action Plan provides for "Adoption of instructions for employees of the National Police, National Guard on ensuring the security of peaceful assemblies following the decisions of the European Court of Human Rights and the Guidelines on Freedom of Peaceful Assembly developed by the Organization for Security and Cooperation in Europe to ensure that tactics used to ensure the security of peaceful assemblies would be aimed at

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<sup>1</sup> Кабінет Міністрів України, *Про затвердження плану дій з реалізації Національної стратегії у сфері прав людини на 2021-2023 роки*, 23.06.2021, rada.gov.ua.

immediate cessation of violent attacks and not at the isolation of peaceful protesters." The latter provision has to correct the common situation in Ukraine when the police only isolate participants of a peaceful assembly from their aggressive opponents but do not provide for the possibility of holding such a meeting.

Without any publicity, on February 8, the Ministry of Health issued Order 207 "On amendments to the Procedure for quarantine of donor plasma and the Procedure for medical examination of donors of blood and (or) its components," which effectively lifted the ban on blood donation for persons having homosexual relations. Thus, another item of the first Human Rights Action Plan (for the period up to 2020) was implemented five years late — Action 11 of Paragraph 105.

As the Action Plans for the Implementation of the National Human Rights Strategy are government documents, they only provide for developing relevant draft laws and their submission to the Verkhovna Rada of Ukraine; still, they do not guarantee their adoption by the parliament. On May 13, the Cabinet of Ministers registered in the Verkhovna Rada Bill 5488 "On amendments to the Code of Ukraine on Administrative Offences and the Criminal Code of Ukraine to combat manifestations of discrimination" developed by the Ministry of Internal Affairs to implement Action 3 of Paragraph 105 of the Human Rights Action Plan until 2020. According to this Action Plan, it had to be done in 2016, and we know that the lawyers of the Main Investigation Department of the National Police of Ukraine developed this bill on time. Still, then it waited five years until Interior Minister Arsen Avakov finally submitted it to the government. However, by delaying implementing this provision of the first Action Plan (until 2020), the government has thus already implemented a similar Action 28 of the new Action Plan (until 2023).

Bill 5488 presented by the government can be described as a very progressive and comprehensive document which, if adopted, will be able to solve almost all existing legal problems regarding the correct classification and investigation of crimes committed under motives of intolerance and punishment of perpetrators. However, it expectedly provoked dissatisfaction and protests from leading Ukrainian churches united in the All-Ukrainian Council of Churches and Religious Organizations. As

demonstrated during consideration of similar Bills 3316, 3316-2, and 3316-3 last year, the religious lobby in the Ukrainian parliament is potent, and without persistent efforts by the government and the President of Ukraine, the majority of MPs tend to reject any initiatives aimed at to protect LGBT+ rights. The relevant parliamentary Committee on Law Enforcement Activities has not yet considered Bill 5488 (Bills 3316, 3316-2, and 3316-3 were withdrawn from consideration by the Verkhovna Rada at this stage after this committee did not recommend their consideration at the parliamentary session).

In November 2021, a group of MPs from the Servant of the People (Heorhii Mazurashu, Anatolii Drabovskyi, Serhii Kuzminykh and Artem Kulenko) together with the independent MP from the parliamentary group For the Future Victor Myalyk registered a package of bills (6325, 6326 and 6327) prohibiting propaganda of "pedophilia, homosexuality and transgenderism." Heorhii Mazurashu already registered similar Bills 3916 and 3917 in 2020, but they were not supported by his party and were not submitted to a plenary session of the Verkhovna Rada. Apparently, the same fate will befall the next homophobic initiatives of this member of parliament.

In response to this step, in December 2021, Inna Sovsun MP from Holos (The Voice) party, the friendliest and most active ally of the LGBT+ movement in the current convocation of the Verkhovna Rada of Ukraine, registered a package of alternative bills 6325-1, 6326-1 and 6327-1. Their text is broadly similar to Bills 6325, 6326 and 6327, but instead of combating "the promotion of homosexuality and transgenderism", they are aimed at combating intolerance and discrimination, in particular on grounds of sexual orientation and gender identity. Based on the previous experience in such situations, we can safely predict that the Verkhovna Rada will not consider them as well.

On September 21, 2021, the Verkhovna Rada passed in the first reading the government Bill 5266, which introduces certain changes to the legislation on workers' rights. This bill retains a direct prohibition of discrimination on SOGI grounds contained in Article 2<sup>1</sup> of the current Code of Labor Laws, and adds such a prohibition to the law "On Employment of the Population" as



well as a prohibition of discrimination on ground of sexual orientation to the law "On Advertising" (regarding job vacancy advertisements).

In February 2021, the European Court of Human Rights announced the commencement of proceedings in the case *Maimulakhin and Markiv v. Ukraine*, one of two lawsuits filed with the ECtHR by the Nash Mir Center in 2014 in which plaintiffs complained of violations of their rights due to the lack of any legal form for recognition of same-sex family relations in Ukraine. The European Court of Human Rights recently ruled in a similar case *Fedotova and Others v. Russia*, where it found Russia violating Article 8 of the European Convention on Human Rights.

As the political and legal situation regarding the recognition of the rights of same-sex family partners in Ukraine and Russia is currently very similar, it is worth expecting a similar decision of the ECtHR in the case against Ukraine. If and when adopted, such a decision will fundamentally change the current political and legal situation regarding recognizing same-sex civil partnership in Ukraine. Russia has the political will of the state leadership, resources, and legislation to ignore ECtHR decisions — all lacking in Ukraine.

The Ukrainian legislation, namely the law "On enforcement of judgments and application of the case law of the European Court of Human Rights," explicitly stipulates that ECtHR judgments are binding on Ukraine (Article 1), Ukrainian courts must apply ECtHR judgments and case law as a source of law (i.e. along with the Ukrainian national law, Article 17), and the state must take general measures, in particular, amend the legislation to address the systemic shortcomings that underlie the violation identified by the ECtHR (Article 13). Thus, the forthcoming decision in the case of *Maimulakhin and Markiv v. Ukraine* could become a very effective advocacy tool for the adoption of a law on registered civil partnership in Ukraine, generally similar to ordinary marriage and available to same-sex couples (Action 33 of the current Human Rights Action Plan for the Period up to 2023). For now, all attempts to adopt such a bill in the Verkhovna Rada are guaranteed to fail due to the fierce, uncompromising opposition from the religious lobby. Still, the expected decision of the ECtHR will force the Ukrainian government to look for ways to persuade parliamentarians to pass it.

Similarly, according to Ukrainian officials, the government is still looking for ways to persuade MPs to finally ratify the Istanbul Convention.<sup>2</sup>

Ukrainian churches see the criminalization of crimes motivated by intolerance on SOGI grounds (particularly, incitement to hatred on these grounds) as an attack on their freedom of speech and religion, but the existing case law opposes such allegations. In particular, on February 24 this year, the Shevchenkivskyi District Court of Kyiv dismissed the lawsuit of NGO Insight against Patriarch Filaret (the head of the Ukrainian Orthodox Church of Kyiv Patriarchate). The plaintiffs asked the court to declare untrue, discriminatory and violating the right of the LGBT community to respect of their honour and dignity the patriarch's words said in the studio of Channel 4 in March 2020 that the coronavirus epidemic is God's punishment for the spread of same-sex marriage, and the opportunity for children to choose their gender is evil. Explaining its decision, the court noted that no one could be held liable for making value judgments and referred to the European Court of Human Rights case law.<sup>3</sup>

23.11.2021 Kyiv Court of Appeal rejected the appeal of the NGO Insight, leaving the decision of the Shevchenkivskyi District Court of Kyiv unchanged.<sup>4</sup>

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<sup>2</sup> Інтерфакс-Україна, *Стамбульську конвенцію буде ратифіковано у 2022 році* — Стефанішина, 04.01.2022, [interfax.com.ua](https://interfax.com.ua).

<sup>3</sup> Єдиний державний реєстр судових справ, *Справа № 761/11339/20*, 24.02.2021, [reestr.court.gov.ua](https://reestr.court.gov.ua).

<sup>4</sup> Єдиний державний реєстр судових справ, *Справа № 761/11339/20*, 23.11.2021, [reestr.court.gov.ua](https://reestr.court.gov.ua).

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

For the first time in the history of Ukraine, concrete promises were made at the highest political level regarding protection of LGBT+ rights in our country. A meeting of the Presidents of Ukraine and the United States took place on September 1, following which a joint statement was issued declaring, inter alia: "With U.S. support, Ukraine will continue to advance respect for human rights, civil liberties, and fundamental freedoms in accordance with international standards and obligations, as well as to fight racism, xenophobia, anti-Semitism, and discrimination against the LGBTQI+ community. Ukraine plans to strengthen accountability for violence against all persons regardless of gender, race, ethnicity, religion, sexual orientation, or political views, including through legislation."<sup>5</sup> This promise by President Zelenskyi was supported by the signing of the Ukraine-U.S. Charter on Strategic Partnership in which "Ukraine and the United States confirm the importance of advancing respect for human rights, and fundamental freedoms in accordance with international commitments and obligations, as well as fighting racism, xenophobia, anti-Semitism, and discrimination, including against Roma and members of the LGBTQI+ communities."<sup>6</sup>

Traditionally, LGBT+ issues have been reflected in the annual report of the Ukrainian Parliament Commissioner for Human Rights on the state of observance and protection of human and civil rights and freedoms in Ukraine in 2020. In Section 1.2.4 "Adherence to the principle of non-discrimination on the grounds of sexual orientation and gender identity," Ombudsperson Lyudmyla Denisova reports on her response to cases of discrimination and hate speech against LGBT+ people, and recommends the Ukrainian authorities, in particular, to legalize same-sex civil partnership and amend the law "On the principles of preventing and combatting discrimination in Ukraine" by adding characteristics of sexual orientation

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<sup>5</sup> President of Ukraine, Official Website, *Joint Statement on the U.S.-Ukraine Strategic Partnership*, 01.09.2021, [president.gov.ua](http://president.gov.ua).

<sup>6</sup> Ministry of Foreign Affairs of Ukraine, *Ukraine-U.S. Charter on Strategic Partnership*, 10.11.2021, [mfa.gov.ua](http://mfa.gov.ua).

and gender identity in the definition of the term "discrimination."<sup>7</sup> In 2021, the Secretariat of the Commissioner continued to monitor and respond to violations of LGBT+ rights quite quickly and effectively.

Another state institution, the National Council on Television and Radio Broadcasting, on the other hand, has demonstrated inconsistent policy in combatting hate speech. When activists of NGO Alliance.Global complained to this body about the speech of politician Yevhen Murayev on Nash TV channel on March 8, 2021, they received a reply that the National Council confirms the fact of humiliating and discriminatory statements of this person, but cannot do anything, as in Ukraine "there is no legal mechanism for identifying signs of violations and responding to manifestations of sexism in the broadcasting of the TV company, and therefore, accordingly, there is no legal mechanism for imposing sanctions for this violation."<sup>8</sup> Quite a strange statement, given that in a similar case a year ago the National Council scheduled an extraordinary inspection of TV channel KRT due to "the spread of hate speech, incitement to discrimination on grounds of sexual orientation and gender identity, the use of offensive and derogatory expressions, evaluative judgments and statements that degrade human honor and dignity, during the broadcast of Hotline program on June 12, 2020."<sup>9</sup>

Representatives of public authorities in Ukraine do not touch on LGBT issues in their speeches and statements, avoiding both support and condemnation of homophobic statements and appeals by politicians and public figures. In June, President Zelenskyi fired his Commissioner for Children's Rights, Mykola Kuleba, who caused a scandal last year by equating same-sex family partners with rapists. However, the President did not condemn these words of his representative, despite appeals of the public and Ukrainian Parliament Commissioner for Human Rights, and dismissed him not

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<sup>7</sup> Уповноважений Верховної Ради України з прав людини, *Щорічна доповідь про стан дотримання та захисту прав і свобод людини і громадянина в Україні, 2020 рік*, 2021, с. 47-49, ombudsman.gov.ua.

<sup>8</sup> Мережі параюристів, 23.06.2021, facebook.com/paralegals.ua.

<sup>9</sup> Національна рада України з питань телебачення та радіомовлення, *Телеканалу «КРТ» призначено позапланову перевірку через ознаки поширення мови ворожнечі і дискримінації*, 30.07.2020, nrada.gov.ua.

because of his unacceptable behavior, but in connection with the "transformation of the institution of the President of Ukraine's Commissioners."<sup>10</sup>

Six months after the expiration of the first Action Plan for the Implementation of the Human Rights National Strategy, the Cabinet of Ministers approved the Action Plan for the new period (2021-2023). Despite objections and protests from churches and conservative politicians, it retained the two most important unimplemented measures on protection of LGBT rights from the previous Action Plan — the development of amendments to the legislation on crimes motivated by intolerance and the draft law on registered civil partnership. In fact, the Ukrainian government has already implemented the first of these actions ahead of schedule by approving and submitting to the Verkhovna Rada Bill 5488.

For the fourth year in a row, the Centre for Public Health of the Ministry of Health of Ukraine publicly supported LGBT people by posting a message on its Facebook page during the Pride Month.<sup>11</sup> In November, the homophobic movement "All together!" led by Ruslan Kukharchuk filed a lawsuit with the Kyiv District Administrative Court to declare the actions of the Centre for Public Health unlawful due to "propaganda of LGBT+ ideology." However, after the court decided to consider the claim under a simplified procedure, without holding a hearing (the standard procedure in minor administrative cases), the plaintiff for unknown reasons asked the court to leave the claim without consideration.<sup>12</sup>

In 2021, the Ministry of Health also finally lifted the ban on blood donation for persons in homosexual relations.<sup>13</sup> This happened five years later than planned by the Human Rights Action Plan until 2020. We know that the Ministry of Health's Blood Service leadership long resisted this decision

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<sup>10</sup> Прищепя Я., *Микола Кулеба залишає посаду омбудсмана з прав дитини. Хто його замінить*, Суспільне, 16.06.2021, [susplne.media](https://susplne.media).

<sup>11</sup> Центр громадського здоров'я України, 22.06.2021, [facebook.com/phc.org.ua](https://facebook.com/phc.org.ua).

<sup>12</sup> Єдиний державний реєстр судових справ, *Справа № 640/29708/21*, 03.12.2021, [reestr.court.gov.ua](https://reestr.court.gov.ua).

<sup>13</sup> Радіо Свобода, *МОЗ підтвердило скасування заборони для гомосексуалів бути донорами крові*, 03.06.2021, [radiosvoboda.org](https://radiosvoboda.org).

despite the lack of scientific justification for maintaining the ban. According to an LGBT activist, who communicated with the Ministry of Health on this issue, lifting the ban on blood donation by LGBT people was lobbied by the then Chief State Sanitary Doctor Viktor Lyashko, who was appointed Minister of Health of Ukraine on May 20.

The Command of the Armed Forces of Ukraine reacted quite quickly and effectively to two cases of homophobic treatment of gay soldiers by other soldiers and junior commanders. The investigation of the first case, which took place in the summer of 2021, has already been completed; the perpetrator was reprimanded and apologized to the victim.<sup>14</sup> The investigation of another incident, which happened in the autumn, is still ongoing, but the command immediately separated the victim from the alleged perpetrators, and he now feels safe.<sup>15</sup>

A tendency to a decrease in the number of homophobic decisions and appeals of local councils, which became apparent a couple of years ago, preserves in 2021. Local councils have virtually stopped making obviously illegal decisions to restrict LGBT activities on their territory and calling on the central government to ban "homosexual propaganda" — now they mostly call not to ratify the Istanbul Convention and to refuse "the gender ideology", as well as condemn any steps to protect the interests of LGBT+ people.

Iryna Kravets, a member of the Lviv Oblast Council, wrote on her Facebook page that the council had adopted a resolution calling not to ratify the Istanbul Convention, noting that the decision was supported by only the minimum required — 43 votes. The chairman of the oblast council and several other council members abstained from voting, others simply did not participate in it. With some sadness, she noted: "[...] I have the impression that someone did not look at what was voted and pressed "Yes" accidentally."<sup>16</sup>

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<sup>14</sup> ZMINA, *Сержант, який публічно назвав солдата "п\*\*\*ром", вибачився перед ним та отримав догану від керівництва*, 10.09.2021, zmina.info.

<sup>15</sup> ZMINA, *Контрактника ЗСУ, якого гомофоби цькували під час бойового чергування, повернули до його частини*, 22.11.2021, zmina.info.

<sup>16</sup> Ірина Кравець, 17.11.2021, facebook.com/profile.php?id=100021421344235.

It has become common practice in local councils to create inter-factional associations in support of "spirituality, morality, and family values"<sup>17</sup> as well as holding "prayer breakfasts".

In Chernihiv, some city council members tried to consider removing from libraries the children's comic book "Princess + Princess: Ever After" which tells the story of the love between two princesses, but the majority of deputies decided to turn down the proposal.<sup>18</sup> Members of the Lutsk City Council, Ivano-Frankivsk and Odesa Oblast Councils approved the relevant appeals to the government though. Myroslava Kornelyuk, a Deputy Head of the Culture Department of the Ivano-Frankivsk Oblast State Administration, even stated at a meeting with deputies of the oblast council that these books were already being removed from the oblast's libraries.<sup>19</sup> However, in response to a request from the Lutsk City Council, the Ministry of Culture and Information Policy stated that it did not have such power because Article 18 of the law "On libraries and library affairs" prohibits the removal of books from libraries on ideological grounds.<sup>20</sup> Later, Volodymyr Fedorak, the Head of the Ivano-Frankivsk Oblast State Administration's Department of Culture and Religions, told reporters that "no books have been removed from the oblast's libraries, and administrative documents on this issue have not been adopted."<sup>21</sup>

At the end of the year, a high-profile scandal erupted over the upcoming film "My Young Prince", the project of which won an open competition of the Ukrainian Film State Agency and received state funding. The religious

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<sup>17</sup> Всеукраїнський Собор, *В Рівненській облраді створено міжфракційне об'єднання за духовність і сім'ю*, 15.11.2021, sobor.com.ua.

<sup>18</sup> Рекун К., *Комікс-казку «Принцеса+принцеса» не вилучатимуть з міських бібліотек Чернігова*, Суспільне, 27.05.2021, suspilne.media.

<sup>19</sup> Читомо, *Чотири місцевих ради в Україні виступили проти книжки про дружбу двох принцес*, 07.07.2021, chytomo.com.

<sup>20</sup> Всеукраїнський Собор, *Міністерство культури заявило, що не буде вилучати з бібліотек дитячі книги про одностатеве кохання принцес через ідеологічну основу*, 23.06.2021, sobor.com.ua.

<sup>21</sup> КУРС, *З бібліотек Прикарпаття не вилучали жодної книги "Принцеса + принцеса: довго і щасливо"*, — Федорак, 12.07.2021, kurs.if.ua.

and the conservative lobby was dissatisfied, in particular, that the tape touches on LGBT+ issues.

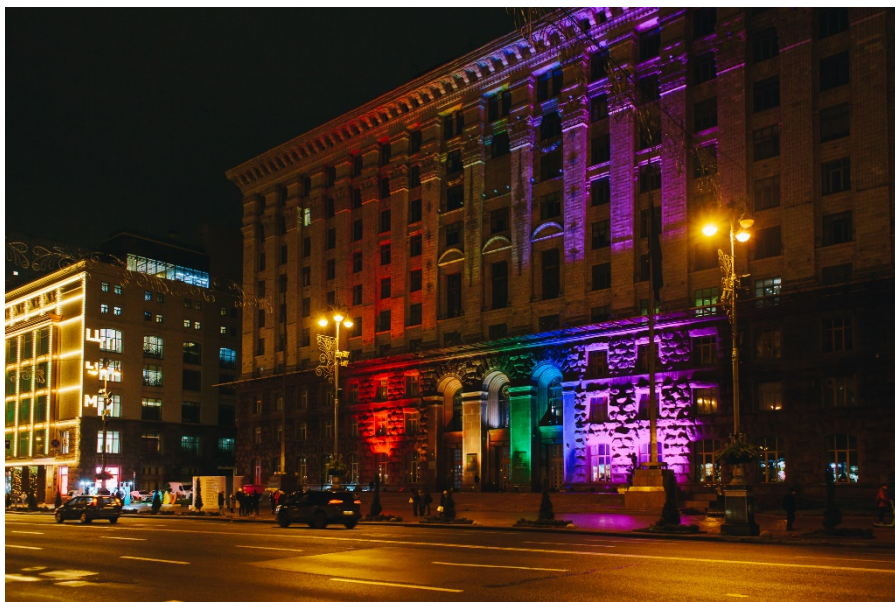


*Figure 1.* A frame from the teaser of the film "My Young Prince" which won the open competition of the Ukrainian Film State Agency and received state funding of UAH 20 mln.

Despite numerous appeals from outraged members of the Verkhovna Rada and local councils, politicians, public and religious figures, representatives of the Ukrainian Film State Agency firmly and repeatedly stated that "according to the Constitution, one of the main principles of state policy in the field of culture is to ensure freedom of creativity, that respect for equal rights and opportunities, based on the principles of diversity and equality, freedom of creativity, freedom of thought, conscience and religion, prohibition of censorship and discrimination, which are fundamental principles of human existence in the modern world, are enshrined in the legislation of our country and are important factors in the sustainable



development of the state", and this governmental institution has no authority to cancel the decision of the competition commission.<sup>22</sup>



*Figure 2. On the International Human Rights Day, December 10, the building of the Kyiv City State Administration was illuminated with the colors of the rainbow flag.*

At the initiative of the Amnesty International and KyivPride and with the support of the Kyiv City State Administration, on the International Human Rights Day, December 10, the Kyiv City State Administration building was illuminated with rainbow colors. According to Mykola Povoroznyk, First Deputy Head of the Kyiv City State Administration, the aim of the action was "to draw the attention of the public and the authorities to the importance of a proper response to crimes based on homophobia and transphobia."<sup>23</sup>

In 2021, the police in general effectively protected the participants of a few mass public LGBT events from attacks by aggressive opponents — for

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<sup>22</sup> Укрінформ, *Держкіно не може скасувати рішення про фінансування фільму «Мій юний принц»*, 29.12.2021, [ukrinform.ua](http://ukrinform.ua).

<sup>23</sup> Mykola Povoroznyk, 10.12.2021, [facebook.com/povoroznyk.m](https://facebook.com/povoroznyk.m).

example, the march in Kherson on June 27, the action in Kryvyi Rih on July 25 within Kryvbas Pride 2021, Reivakh Pride in front of the President's Office in Kyiv on July 30.

At the same time, the police continued to respond extremely passively to reports on already committed attacks on LGBT+ organizations and activities, and the practice of investigating hate crimes and other violations of LGBT rights has not changed significantly. In 2021, Nash Mir Center conducted a study on the effectiveness of legal protection against crimes based on sexual orientation and gender identity intolerance in the context of Ukrainian legislation and law enforcement practice. It turned out that during the last 3 years, in 38% of cases the police did not even start an investigation after reporting about a possible commitment of crime motivated by homo/transphobia, only in 3.3% of cases they started an investigation under Article 161 of the Criminal Code of Ukraine (currently, the only article of the Criminal Code that theoretically allows taking into account the motive of intolerance on SOGI grounds), and the Public Prosecutor's Office has never filed a formal charge against the suspects under this article.<sup>24</sup>

The positive steps from the police and the Public Prosecutor's Office, however, are that their staff and leadership pay attention to these issues and support the adoption of Bill 5488 drafted by lawyers of the National Police, which should correct the identified systemic shortcomings of Ukrainian legislation in the field of combating crimes motivated by intolerance. Still, the advocacy efforts of the Ukrainian law enforcement agencies to ensure adoption of this document by the Verkhovna Rada currently seem too inconspicuous and insufficient to overcome the opposition of the religious lobby.

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<sup>24</sup> Кравчук А., *Незахищені ознаки. Звіт за результатами дослідження ефективності правового захисту від злочинів з мотивів нетерпимості за ознаками сексуальної орієнтації та ґендерної ідентичності в контексті українського законодавства та правозастосовної практики*, Правозахисний ЛГБТ Центр "Наш світ", 2021, [gay.org.ua](http://gay.org.ua).

### 3. POLITICS, MASS MEDIA AND SOCIETY

In 2021, leading Ukrainian parties and politicians hardly touched on LGBT issues in their speeches or activities. Commitment to equality and tolerance was demonstrated by Inna Sovsun, an MP from the liberal Holos party, who condemned the homophobic and completely unscientific remarks of a lecturer at Lviv Polytechnic University on her Facebook page,<sup>25</sup> and Oleksii Zhmerenetskyi, an MP from the ruling party Servant of the People, who participated in the presentation of the report by Nash Mir Center on hate crimes and assessed the prospects for the adoption of Bill 5488. Inna Sovsun together with Nelli Yakovleva MP (Servant of the People), the Chair of the Subcommittee on Gender Equality and Non-Discrimination within the Committee on Human Rights of the Verkhovna Rada, also took part in the XIV National LGBTI Conference of Ukraine.

The ruling Servant of the People party does not react to cases of homophobic statements by its deputies. At the same time, its representatives, noticed in incidents of this kind, often publicly disagree with official party policies, get involved in scandals and discredit their party in other ways. As a result, in 2021 Artem Dmytruk and Yevhen Shevchenko, members of the Verkhovna Rada known for their homophobic views, were expelled from the Servant of the People's parliamentary faction.

Ilya Kyva, an MP from the Opposition Platform — For Life (OPFL), also made extremely homophobic remarks, but this politician's activities totally consist of scandals of various kinds.

Inna Sovsun, MP from Holos party, took part in the Kyiv Equality March 2021 (Kira Rudyk, the Head of the Voice party, expressed her support of this step<sup>26</sup>) as well as the member of the Kyiv City Council from the Servant of the People Yevheniya Kuleba, the wife of the Minister of Foreign Affairs of Ukraine. Serhii Nikiforov, the newly appointed spokesperson for the President of Ukraine Volodymyr Zelenskyi, also expressed his desire to take part in the event if he had not feared a possible negative public reaction.<sup>27</sup>

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<sup>25</sup> Inna Sovsun, 05.04.2021, [facebook.com/sovsun.inna](https://facebook.com/sovsun.inna).

<sup>26</sup> Кіра Рудик, 19.09.2021, [facebook.com/kira.rudik..](https://facebook.com/kira.rudik..)

<sup>27</sup> Трохимчук К., *"Це катастрофа": Никифоров боїться йти на ЛГБТ-прайд після хвилі хейту*, Главред, 02.09.2021, [glavred.net](https://glavred.net).

Protesters against the march consisted of marginal far-right organizations and some religious activists, in particular, Viktor Myalyk MP.



*Figure 3. Kremenchuk City Council member Larysa Horyslavets from the European Solidarity party came to the City Council session in a rainbow-colored mask.*

Kremenchuk City Council member Larysa Horyslavets of the European Solidarity party caused outrage and protests from ultra-conservative homophobic groups in February this year because she refused to receive a Bible as a gift and came to the City Council session in a rainbow-colored mask.<sup>28</sup> Meanwhile, two members of the Kharkiv City Council from the European Solidarity, Oleh Abramichev and Ihor Pushkaryov, participated in a homophobic contrary action of protest against the Equality March in Kharkiv.<sup>29</sup>

<sup>28</sup> Кучер Н., *На Полтавщині депутатку з ЄС хочуть відкликати через ЛГБТ-маску*, Коло, 11.02.2021, [kolo.news](https://kolo.news).

<sup>29</sup> Сокурєнко Є., *“Людяність личить усім”: як пройшов Марш рівності у Харкові*, ZMINA, 12.09.2021, [zmina.info](https://zmina.info).



*Figure 4. Oleh Abramichev, the head of the Kharkiv City Branch of the European Solidarity party and head of its faction in the Kharkiv City Council, took part in a rally by far-right groups against the Equality March in Kharkiv.*

Traditionally, LGBT+ issues were addressed by less influential parties and radical organizations. Among the defenders of equality for LGBT+ people is the libertarian Democratic Axe party, which joined a public campaign against the teaching of religious subjects in schools — on the party's official Facebook page, the Ministry of Education and Science was thanked for deciding not to recommend religious subjects to the standard school curriculum.

The largest nationalist parties, Svoboda and the National Corps, have shown the same restraint on LGBT issues as Ukraine's leading political forces. Their place as the most prominent and aggressive opponent of the Ukrainian LGBT+ community has been taken by newer forces of a rather traditionalist than nationalist nature, and above all, the right-wing radical group Tradition and Order. However, these new radicals enjoy even less support in Ukrainian society than their older and more well-known like-minded people. After repeated scandals with the use and dissemination of Russian

materials of anti-Western and ultra-conservative character, the Tradition and Order began to receive accusations of working for the Kremlin not only from the liberal but also from the moderately conservative part of Ukrainian

Переслано від Традиція і Порядок  
ЛІБЕРАЛИ РУЙНУЮТЬ СІМ'Ю. У ЦЬОМУ ВИНЕН МАЙДАН?

Законопроект 5488 — це вежіва айзберга. Інструмент розправи над неугодними сьогодні.

Основна задача — руйнація фундаменту сім'ї.

Ліволіберали демонструють, що вся їхня риторика про свободу слова — це ширма для встановлення тоталітарного режиму як сьогоднішньому ЄС та США.

Все це — наслідок Майдану, тому необхідно переглянути його значення.

@tradition\_and\_order

YouTube  
ЛІБЕРАЛИ РУЙНУЮТЬ СІМ'Ю. У ЦЬОМУ ВИНЕН МАЙДАН?  
Законопроект 5488 - це вежіва айзберга. Інструмент розправи над неугодними сьогодні. Основна задача - руйнація фундаменту сім'ї. Ліволіберали демонструють, що вся їхня ри...



Figure 5. A screenshot from the Telegram of the Traditions and Order with a call to reconsider the significance of Euromaidan.

civil society. The organization's internet resources even called for a reassessment of Euromaidan's importance in Ukraine's history: "The leftist liberals demonstrate that all their rhetoric about freedom of speech is a screen for the establishment of a totalitarian regime in today's EU and the United States. All this is a consequence of the Maidan, so it is necessary to reconsider its significance."<sup>30</sup> Obviously, "traditional" nationalists, who are proud of their participation in the events of the Euromaidan and the Revolution of Dignity, will not support such calls at the moment.

Experts from the Institute of Mass Information monitored how twenty leading Ukrainian online media covered LGBT+ issues from May 1 to June 15, 2021. The study

results confirmed relatively high compliance with modern professional standards in this field by the Ukrainian media: out of 212 materials on this topic, only 5.2% had an incorrect vocabulary, and 1.9% — hate speech. Most manipulative materials, incorrect vocabulary and hate speech were found

<sup>30</sup> This publication in the Telegram messenger of the Tradition and Order was later deleted along with all the others, but many of its screenshots have survived on the Internet.

in publications of Korrespondent.net and Strana.ua websites which belong to pro-Russian owners.<sup>31</sup>

The popular Ukrainian cosmetics chain store Beaumonde launched an advertisement for Valentine's Day with LGBT couples. Few large Ukrainian businesses in 2021 joined the celebration of the Pride Month on social networks by painting their logos in rainbow colours and/or posting appropriate messages: Privatbank (not for the first time already), electronics and accessories chain store Citrus, cinema circuit Planeta Kino.

The attention of the Internet community and the general public was attracted by the discussion on social networks about the activities of the first public association of LGBT+ military and volunteers in Ukraine. After insults to the LGBT+ military by members of far-right homophobic groups, Serhiy Hnezdilov, the current commander of the unit in the 21st separate motorized infantry battalion Sarmat based in Mariupol, defended the honour and dignity of LGBT+ people on his Facebook page: "First, walk in this form, in these boots, and then we'll talk about the family, the church, and what else confuses you there. The civilized world responds in a civilized way to difference and inclusiveness. What's more, he is a person who protects you, dear mom's radicals, and thanks to this gay, you can write your long Russian-language posts about treason in the army."<sup>32</sup> This recording received a generally positive reaction from the Internet audience.

In addition to LGBT+ people in the Ukrainian army, the media and social networks paid close attention to two statements by Ukrainian pop stars: young Ukrainian singer Melovin, who confessed to bisexuality on July 5 during a performance at the Atlas Weekend festival, and the soloist of KAZKA pop group Oleksandra Zarytska, who supported her colleague and described herself as "a queer person". The reaction of the audience to these statements was ambiguous. However, the main reproof to Melovin was not his sexuality but suspicion that he used his coming out to increase his popularity. Well-known Ukrainian singer Oleksandr Ponomaryov said in an

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<sup>31</sup> Машкова Я., *Прайду не буде — і в українських медіа теж, Моніторинг висвітлення ЛГБТ+ в онлайн-медіа*, Інститут масової інформації, 29.06.2021, imi.org.ua.

<sup>32</sup> Сергій Гнезділов, 25.07.2021, facebook.com/hnezdilovs.

interview on a YouTube channel that, although he does not condemn LGBT people, he has a negative attitude to holding prides and "popularizing" homosexuality as the norm.<sup>33</sup>

In August, the Rating Sociological Group presented the results of a public opinion poll "The Generation of Independence: Values and Motivations". According to them, 47% of Ukrainians over the age of 16 have a negative attitude towards LGBT+ people, 7% positive, and 44% neutral. At the same time, among young people aged 16-24, only 23% have a negative attitude towards LGBT+ people, 19% positive, and 58% neutral. Among the regions of Ukraine, Kyiv is the most tolerant towards LGBT+ people (31% of negative attitude, 10% positive, and 58% neutral). The most intolerant are Donbas (59% negative, 4% positive, and 35% neutral; the survey was conducted only in the unoccupied territories of Ukraine) and Halychyna (49% negative, 5% positive, and 45% neutral). Among the supporters of Ukraine's leading politicians, voters of pro-Western Zelensky and Poroshenko are expectedly the most LGBT+ friendly while voters of pro-Russian Boiko and Murayev are most hostile.<sup>34</sup>

Marches and other events in support of the "traditional family", which have been held for several years in a row in various cities of Ukraine by the homophobic movement "All together!" under the leadership of journalist and religious activist Ruslan Kukharchuk, in 2021 were practically not covered in the leading media and did not attract public attention.

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<sup>33</sup> ZMINA, "Зараз за це мене можуть убити": співак Олександр Пономарьов дав гомофобне інтерв'ю, 29.06.2021, [zmina.info](http://zmina.info).

<sup>34</sup> Соціологічна група «Рейтинг», Покоління Незалежності: цінності та мотивації, 2021, pp. 57, 58, 60, 61, 65; [ratinggroup.ua](http://ratinggroup.ua).



#### 4. CHURCHES AND RELIGIOUS ORGANIZATIONS

In 2021, Ukrainian churches very rarely spoke out on LGBT issues, focusing on non-public lobbying of their interests in meetings with high-ranking officials and politicians. Now their representatives practically do not call for a ban on "homosexual propaganda", but instead for the protection of freedoms of speech and religion as well as "the traditional family," which is allegedly threatened by the equality of rights for LGBT people. Thus, on June 4, the All-Ukrainian Council of Churches and Religious Organizations (AUCCRO) called on the Ukrainian government and parliament not to pass Bill 5488 on hate crimes because, according to leaders of the most prominent Ukrainian churches, "the combat against discrimination may lead to oppression of freedom of religion, freedom of speech and expression of views."<sup>35</sup> On September 14, the AUCCRO issued a statement "on the need to protect the traditional family values of the Ukrainian people" condemning "gender ideology," in which they again feared for "threats of criminal prosecution of dissenters."<sup>36</sup>

At a meeting with young people on July 17, Major Archbishop Sviatoslav, the Head of the Ukrainian Greek Catholic Church (UGCC), stated that homosexual relations are a grave sin and that same-sex couples have no right to be called spouses. At the same time, the Head of the UGCC called the cruel and contemptuous treatment of such people unacceptable. Meanwhile, he once again condemned the "gender ideology", describing it as "atheistic."<sup>37</sup> Patriarch Filaret (Ukrainian Orthodox Church — Kyiv Patriarchate),<sup>38</sup> Bishop Victor of Baryshev (the representative of the

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<sup>35</sup> Всеукраїнська Рада Церков і релігійних організацій, *Рада Церков закликає відхилити законопроект № 5488 щодо нетерпимості*, 04.06.2021, [vrciro.org.ua](http://vrciro.org.ua).

<sup>36</sup> Всеукраїнська Рада Церков і релігійних організацій, *Заява ВРЦіРО щодо необхідності захисту традиційних сімейних цінностей українського народу*, 14.09.2021, [vrciro.org.ua](http://vrciro.org.ua).

<sup>37</sup> Релігійно-Інформаційна Служба України, *"Вчіться молитися зі Святим Письмом, не йдіть на компроміс зі злом, чиніть добро", — Глава УГКЦ до молоді у Зарваниці*, 17.07.2021, [risu.ua](http://risu.ua).

<sup>38</sup> Київський Патріархат, *Патріарх Філарет взяв участь у програмі "ХАРД з Влащенко" на телеканалі "Україна 24"*, 12.04.2021, [youtube.com](https://www.youtube.com).

Ukrainian Orthodox Church of the Moscow Patriarchate at international organizations),<sup>39</sup> and the senior bishop of the Ukrainian Church of Christians of the Evangelical Faith Mykhailo Panochko<sup>40</sup> also reaffirmed the categorical condemnation of same-sex marriage and "gender ideology" by their churches.

Apparently, feeling the precariousness of their position on LGBT+ issues, officials of leading Ukrainian churches and religious associations avoid direct contact with the LGBT+ movement and human rights defenders as well as any public discussions on the subject. In particular, Archbishop Eustratius of Chernihiv, a spokesperson for the Orthodox Church of Ukraine (OCU), has traditionally ignored a request to meet and discuss issues with LGBT+ activists on his Facebook page by a representative of the Nash Svit Center. Instead, he stated that LGBT+ Ukrainians do not exist — "there are fellow citizens who have a certain worldview and share a certain ideology," and "the Church will not promote your ideology or assist in the propagation of your outlook with the help of technologies that your like-minded people have already developed in other countries."<sup>41</sup>

However, this position is shared not by all believers and clergy of the Ukrainian churches. In particular, the famous priest of the Orthodox Church of Ukraine Serhii Dmytriyev disagrees with such views of the leadership of his church — he serves as a chaplain in the Armed Forces of Ukraine and heads Eleos-Ukraine, a network of public organizations for the social service of the OCU. He supports the ratification of the Istanbul Convention and believes that "We now need a dialogue between religious organizations, the state and the public sector. [...] We need to sit down and talk, we need to find common ground, because it is important. [...] Why do we not talk about it? In some religious organizations it is just a closed topic. Can you imagine

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<sup>39</sup> Українська Православна Церква, *Єпископ Баришівський Віктор взяв участь у зустрічі ВРЦіРО з Прем'єр-міністром Д.А. Шмигалем*, 02.12.2021, news.church.ua.

<sup>40</sup> Українська Церква Християн Віри Євангельської, *«Гендер» є ідеологією підступного наступу на сімейні цінності*, 04.01.2021, chve.org.ua.

<sup>41</sup> Євстратій Зоря, 02.12.2021, facebook.com/yevstr.

if an ambulance will go only to those who are well? The priest should be where he is needed, where there are problems."<sup>42</sup>



*Figure 6. Military Chaplain Serhii Dmitriev (OCU) does not share his church's fear of "gender ideology" and its hostility to LGBT+ people.*

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<sup>42</sup> Раєвський Д., Спірін Є., *Про роботу з атеїстами та язичниками, боротьбу з РПЦ, захист жінок та новий статус священників у армії. Розповідають капелани отець Сергій та отець Дмитро — інтерв'ю, 27.12.2021, Бабель, babel.ua.*

## 5. LGBT+ COMMUNITY

On May 22, a Trans-march in support of the protection of transgender people's rights took place in Kyiv, bringing together several hundred participants and no fewer of their opponents, mainly from the Tradition and Order group. The police prevented attacks by aggressive opponents of the Trans-march on its participants during the rally.

While in 2020 the Equality Marches were canceled due to quarantine measures in all Ukrainian cities except Zaporizhzhya, in 2021 the organizing committees, on the contrary, decided to hold them in Kyiv, Kharkiv, and Odesa. At the same time, the organizing committee of Zaporizhzhya Pride 2021 decided to cancel the mass march this year. The march "For Diversity and Against Discrimination" took place on June 27 in Kherson as a part of the Queer Forum 2021 festival; another demonstration took place on July 25 in Kryvyi Rih as a part of the Kryvbas Pride 2021 festival. Both small rallies took place without incidents and under the adequate protection of the police.

The Equality March, which took place on August 28 as a part of the LGBT+ festival Odesa Pride 2021, demonstrated a fundamental change in the practice of ensuring conducting public LGBT+ events in Ukraine by law enforcement agencies. This coincided with the resignation of Interior Minister Arsen Avakov who was replaced by Denis Monastyrskyi.

Until that time, the police had generally been extremely passive, trying only to physically separate participants of peaceful LGBT+ events from their aggressive opponents, but not preventing the latter's attacks in the immediate vicinity and blocking of LGBT+ rallies. This year the events developed differently. The well-known homophobic organization Tradition and Order promised to disrupt the peaceful LGBT+ march in Odesa, following the example of similar Georgian groupings — "to arrange a second Tbilisi." For this purpose, they brought their fighters from different cities of Ukraine to Odesa. However, despite their expectations, the police effectively isolated the entire route of the future march from possible attacks. Enraged by the failure, the rioters tore down the European flag in the city center and tried to attack the guards, but were immediately

detained by the police. The Equality March in Odessa ended without incident, none of its participants (about 300) was injured.



Figure 7. In 2021, militants of the far-right group Tradition and Order were securely isolated by the police away from the Equality March in Odesa.

The police have launched an investigation of the attackers' actions, and the Prymorskyi District Court of Odesa placed under home detention a number of Tradition and Order's members, particularly the leader of the Odesa branch Ilya Popkov and the head of all organization Bohdan Khodakovskiy.<sup>43</sup>

Representatives of the Tradition and Order promised to take revenge on the Kharkiv Equality March, but the Kharkiv police repeated the successful experience of their Odesa colleagues: the peaceful rally to protect LGBT+ rights on September 12 was effectively isolated from possible attacks. The march attracted from one thousand (according to the police's estimation)

<sup>43</sup> Журавель Д., Суд Одеси відправив лідера "Традиції і порядку" Богдана Ходаковського під домашній арешт, Суспільне, 30.08.2021, [suspilne.media](https://suspilne.media).

to three thousand (according to the organizers) participants.<sup>44</sup> Militants of the far-right Freikorps and Tradition and Order groupings, who had threatened to disrupt the Pride march the day before its holding, in view of the physical impossibility of an unpunished attack, had to be satisfied with holding their meeting in another place, and did not even try to organize a "hunt" for participants of the march as occurred in previous years.

The Kyiv Equality March also ended almost without incidents on September 19 — only a few of the most aggressive homophobes from the alternative action in Shevchenko Park unsuccessfully tried to break through the police borders. Opponents of the peaceful march, as usual, were preparing to block it in advance, but this time the police separated them from its participants by two long-distanced borders in such a way that they could barely hear or see each other. It is difficult to convey how the absence of hateful faces of opponents and their homophobic slogans contributed to the surprisingly free, relaxed and calm atmosphere in which the Equality March took place in Kyiv this year. According to independent observers, it was attended by about 4.5 thousand people,<sup>45</sup> while the organizers announced 7,000 participants.<sup>46</sup>

Homophobic activists were very angry and upset but powerless against preventive police measures to ensure the March holding. As in Kharkiv, in 2021, there was no "safari" for its participants on the Kyiv streets by far-right young men after the end of the event.

It is noteworthy that the organizers of all mass public LGBT+ events in 2021 made one of the main or the main demand of their actions to combat homophobic violence and, in particular, to adopt Bill 5488. Besides the above-mentioned events, two rallies in Kyiv were dedicated to this issue in front of the President's Office: a meeting under the slogan "Press lest to be

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<sup>44</sup> МедіаПорт, *Прапори, плакати та кордон поліції: як проходив марш «ХарківПрайд»*, 13.09.2021, [mediaport.ua](http://mediaport.ua).

<sup>45</sup> Озон/Озон — громадське спостереження, 19.09.2021, [facebook.com/OZON.monitoring](https://facebook.com/OZON.monitoring).

<sup>46</sup> Радіо Свобода, *Сім тисяч людей взяли участь у Марші рівності — організатори*, 19.09.2021, [radiosvoboda.org](http://radiosvoboda.org).

pressed"<sup>47</sup> on June 5 and Reivakh Pride on July 30. Reivakh Pride and several other similar events were held by the new LGBT+ organization Ukraine Pride, which is aimed primarily at young people and seeks to promote LGBT+ rights in a more relaxed, creative format, using music and design popular among young people.

On November 29, a protest rally was held outside the Ministry of the Internal Affairs against attacks by far-right groups on LGBT+ friendly nightclubs in Kyiv's Podil district and police inaction in these cases. After that, the head of the Podil Police Department in Kyiv Pavlo Vasilenko was fired.

The problem of homo / transphobic aggression is obviously really important for the Ukrainian LGBT+ community: the number and aggressiveness of attacks by radical far-right groups on LGBT+ events and organizations have only increased in recent years in all cities where LGBT+ activity is noticeable. For example, in Mykolaiv since the end of 2020 unknown perpetrators have regularly threatened to blow up the office of the LGBT Association LIGA and left on its facade leaflets of a homophobic nature, signed on behalf of the ultra-conservative organization Tradition and Order; representatives of probably the same group on May 29 attacked NGO Insight's events in Kyiv and Odesa; on May 31, unknown individuals attacked the office of the Odesa branch of the LGBT Association LIGA, etc. The effectiveness of the police investigation of all these cases, according to LGBT+ organizations' lawyers, is close to zero.

However, even in such conditions, Ukrainian LGBT+ organizations do not curtail their activities and continue to work with the LGBT+ community as well as with its allies and society as a whole. For example, the Parents' Initiative TERGO held two tolerance trainings for educators in Kyiv on June 9 and 10, drawing attention to the problem of homo / transphobic bullying in schools.<sup>48</sup> On March 16, UNIAN Press Agency hosted a presentation of the results of the National School Environment Survey in Ukraine, which found, in particular, that only 20% of LGBT+ students feel safe in Ukrainian

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<sup>47</sup> The cover of this report uses a photo from this action (Sergey Dolzhenko / EPA).

<sup>48</sup> TERGO, 14.06.2021, [facebook.com/tergouk](https://facebook.com/tergouk).

schools.<sup>49</sup> In October, TERGO placed billboards in Mykolaiv with an appeal to teachers to understand their LGBT+ pupils and to pass trainings on tolerance developed by this organization.<sup>50</sup>

In 2021, much media and public attention were attracted to the initiative group of LGBT military and volunteers, led by Viktor Pylypenko, a veteran of the war with Russia. On May 19, the group held a constituent meeting of NGO Ukrainian LGBT Military for Equal Rights. In the process of state registration, its founders faced discriminatory and homophobic attitudes and illegal demands from a state registrar of the Central Interregional Department of the Ministry of Justice in Kyiv. The organization's founders filed a complaint about such unacceptable conduct of the state registrar with the Ministry of Justice's Commission on State Registration and submitted documents for their organization's registration to the Eastern Interregional Department of the Ministry of Justice in Kharkiv. The process of state registration of the NGO "Ukrainian LGBT Military for Equal Rights" in this department of the Ministry of Justice was carried out in a friendly atmosphere and without any problems.<sup>51</sup>

The coming-out of the popular Ukrainian young singer Melovin, which he did in July right during a performance at the Atlas Weekend festival, attracted a lot of attention from the media and young audience.<sup>52</sup>

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<sup>49</sup> УНІАН, *Презентація Національного дослідження шкільного середовища в Україні*, 16.03.2021, youtube.com.

<sup>50</sup> НикВести, *«Ваш ученик трансгендер?»*, — в Николаеве разместили борды с рекламой курсов толерантности для педагогов, 04.10.2021, nikvesti.com.

<sup>51</sup> This information was received from the direct participants of the events and from the Facebook page "Ukrainian LGBT Soldiers and our Allies", facebook.com/LGBTmilitary.

<sup>52</sup> MÉLOVIN, 05.06.2021, facebook.com/bighousemelovin.





*Figure 8. Presumably, a soldier of the Armed Forces of Ukraine with his boyfriend at the Equality March, Kyiv, September 19, 2021.*

## 6. VIOLENCE, DISCRIMINATION AND OTHER VIOLATIONS OF LGBT+ PEOPLE'S RIGHTS<sup>53</sup>

In 2021, the Nash Svit's Monitoring Network documented 141 cases of actions motivated by homophobia / transphobia, discrimination, and other violations of LGBT+ rights in Ukraine. 131 cases included events that happened in 2021, the rest (11 cases) occurred in 2020.

As in 2020, in 2021 the number of documented cases significantly decreased compared to previous years (188 — in 2020; 369 — in 2019). First of all, we associate this with quarantine measures, which certainly affected the social activity of both LGBT+ people and their opponents. Also in 2021, due to the lack of resources, we stopped documenting minor incidents in which only verbal abuse and threats in interpersonal relationships were noted.

*Table 1. The regional distribution of cases documented in 2021.*

Region	Number
Kyiv and oblast	60
Zhytomyr and oblast	14
Odesa	13
Kherson and oblast	13
Lviv and oblast	10
Kharkiv	7
Donetsk region (under Russian occupation)	6
Donetsk region (under Ukrainian control)	3
Khmelnytskyi	3
Dnipro and Dnipropetrovsk oblast	2
Zaporizhzhya oblast	2
Mykolaiv	2
Luts'k	1

<sup>53</sup> 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 oblast	1
Luhansk oblast (under Ukrainian control)	1
Rivne oblast	1
Cherkasy oblast	1
Chernihiv	1
<b>Total:</b>	<b>141</b>

Most homophobic / transphobic aggression, discrimination and other violations were suffered by representatives of big city LGBT+ communities in urban areas where they are most visible.

### 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 102 cases. 55 of them may be described as *hate crimes* and 45 as *hate incidents*. In 4 cases, manifestations of *hate speech* were recorded.<sup>54</sup>

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

*Table 2. The number of different types of LGBT+ rights violations in 2021.*

<b>Types of violations</b>	<b>Number</b>
insults, humiliation of human dignity, threats	81
physical violence of varying severity	66
illegal collection, disclosure or the threat of disclosure of confidential information	14
attacks on LGBT+ centers / events or activists	12
homophobia / transphobia in family	7
threats with weapons and their application	6
intrusion into personal life	5
extortion and blackmail	5
robbery	5

<sup>54</sup> Italicized terms correspond to the classification of the OSCE / ODIHR.

damage to property	5
homophobic inscriptions / appeals	4
obstruction to peaceful action	3
brigandage	2
murder	2
sexual violence	1
disobedience to lawful demands of police officers	1

Due to quarantine measures related to the COVID-19 pandemic, the number of public LGBT+ actions has significantly decreased since the beginning of 2020. As a result, the number of attacks on them has also decreased: 3 cases in 2021 (2 cases in 2020) against 13 recorded in 2019.

After the increase in the number of attacks on LGBT+ centers and events by far-right and conservative groups in 2020 (24 cases), in 2021 this figure fell again to the level of 2019 — 11 attacks.

#### *Case 2126*

On the evening of November 26, 2021, about 30 young men in masks stormed the territory of the LGBT+-friendly HVLV (Хвильовий in Ukrainian) bar in the capital's Podil district, smashed furniture and windows, sprayed visitors with tear gas and beat security guards shouting homophobic slogans like "Death to LGBT!"

The police detained some attackers who turned out to be minors. None of the organizations claimed responsibility for the attack, but the head of the far-right Foundation for the Future (formerly C14), Yevhen Karas, came to "pull out" detainees from the Podil District Police Department.

HVLV was also attacked on November 6, 2021, when the attackers left homophobic inscriptions on the walls. Similarly, under the slogans of combating drug addiction and debauchery, right-wing radicals carried out few more attacks on entertainment venues in the same area during November.



*Figure 9. Consequences of the pogrom in HVLV bar in Kyiv's Podil, 26.11.2021.*

In 2021, fewer property crimes were recorded than in the previous year (7 compared to 20 in 2020), when victims were purposefully selected because of their sexual orientation / gender identity for extortion, blackmail or robbery. In two other cases, such meetings ended in homicides.

#### *Case 2033*

On April 3, 2021, a 41-year-old resident of the capital met a 25-year-old guy for an intimate massage through one of the gay channels in the Telegram and invited him to his country house. There, the perpetrator attacked the victim and, after inflicting numerous blows with a screwdriver, robbed him and disappeared. The victim died on the spot, and the malefactor was soon detained.



*Figure 10. Injuries received by the victims in Case 2057.*

### *Case 2057*

At the end of May 2021 in Lviv, a lesbian couple was physically assaulted by the father of one of the girls because of their sexual orientation. A 56-year-old man (a doctor by profession) insulted the girls with homophobic language and inflicted numerous blows with a stick on various parts of the victims' bodies.

Then he put them out the door. The victims called the police, and only with the help of patrol police officers they were able to pick up their belongings. All this happened in front of the young child of one of the victims.

### *Case 2129*

On November 24, 2021, a 30-year-old man on a gay dating website met a guy who invited him to his home. There, two other men attacked the victim and, handcuffing him, threatening him with a gun and disclosure of the information about his sexual orientation, demanded money and passwords from his bank cards. After receiving everything possible, the perpetrators released the victim. He immediately turned to the police. Only there he learned that at the same time as he was being robbed in a rented apartment, there was another victim of this kind of acquaintance in the next room, who was also robbed. Both victims filed a complaint with the police, and soon a gang of robbers was detained at the scene of a new crime.

### *Case 2134 and few others*

During 2021, a young man aged 17 from Kherson was repeatedly attacked by a group of teenagers from his neighborhood due to his sexual orientation. Each time they beat and mocked him. Because of this, the victim is intimidated and is in an extremely difficult psychological state. He does not want to report to the police for fear of even more serious violence by the attackers.

## **Relations with the law enforcement agencies**

In 2021, 56 cases included the interaction of the victims with law enforcement agencies (calling the police, filing a statement on an offense, investigative actions, protection of peaceful assemblies, etc.). Violations by the police or public prosecutors were reported in 19 of them (please see Table 3):

*Table 3. Violations of LGBT+ rights in 2021 by law enforcement agencies.*

<b>Violated rights (what actions)</b>	<b>Number</b>
the right to an effective remedy (failure to protect the rights, denial to protect the rights)	15
freedom from discrimination (insults, humiliation of human dignity, threats, biased attitude)	4
the right to respect for private life (invasion of private life)	1



The main type of violations by the law enforcement was an ineffective response to hate crimes and incidents of hatred related to SOGI grounds which consisted of not entering such crimes to the Unifier Register and their ineffective and incorrect investigation — above all, by ignoring homophobic / transphobic motives of the perpetrators.



*Figure 11. Injuries received by the victim in Case 2072.*

### *Case 2072*

One of the hate crimes was committed, most likely, by a police officer. On July 2, 2021, a conflict arose between a gay couple who rented a garden house in Kyiv and its owner on the ground of homophobia and HIV-phobia of the latter (the owner illegally and repeatedly broke into the rented premises and rummaged in the private belongings of the victims). During the conflict with one of the gays (the other was not at home), the owner allegedly called the police. After a while, a car stopped behind the fence, and a man in a police uniform and with a badge did appear in the yard. The house owner told him about the essence of the conflict and demanded that the police officer, whom she evidently knew, judging by the manner of their communication, "bring to reason and throw away" the unwanted tenant. A



man in police uniform took the victim into the house and brutally beat him, expressing insults about the victim's sexual orientation and HIV status.

Nash Svit Center helped the victim to file a complaint with the police and to pass a forensic examination. After a month of numerous unsuccessful attempts to contact the investigator from the Dniprovskyi District Police Department in Kyiv, Nash Svit hired a lawyer for the victim. Only after numerous complaints and requests, the victim was finally interrogated. By the time of writing this report — six months after the incident — the police had taken no other investigative actions.

#### *Case 2082*

On July 19, 2021, a 19-year-old LGBT+ blogger was attacked by far-right teenagers in the center of Horodok, Lviv oblast, and sprayed with pepper spray. The victim called the police and filed an application.

However, no information was entered into the Unified Registry, and the application was not properly registered. The police said they would not accept the victim's application because he had no injuries, despite chemical burns to eyes and face received by him in the incident.

### **Legal Proceedings**

In 2021, Nash Svit Center provided legal support to victims in three cases considered by Ukrainian courts.

#### *Case 1306*

Pechersk District Court of Kyiv for the third year in a row has considered the criminal case regarding the attack on a gay man with a knife on Khreshchatyk Street in September 2018 (we wrote about the course of this case in our report for 2019<sup>55</sup>). During this time, 13 hearings took place, but due to organizational issues the court did not even start consideration of the case on the merits.

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<sup>55</sup> LGBT Human Rights Nash Mir Center, *Old problems, new prospects. LGBT situation in Ukraine in 2019, 2020*, p. 40, [gay.org.ua](http://gay.org.ua).

### *Case 1872*

At the time of writing this report, the Zhytomyr District Court had been holding fruitless hearings for a year within a criminal trial on the torture of a transgender person in Zhytomyr in April 2020 (we wrote about this crime and its unprofessional investigation in our report for 2020<sup>56</sup>). Nine hearings took place during this time, but the court still did not start considering the case on the merits due to delaying the trial by the defendants (non-appearance of the defendants, their lawyers, etc.) and the surprisingly tolerant attitude of the judge to this.

In our view, this indicates a violation of the right to a fair trial within a reasonable time.

### *Case 2021*

Another case, which was supported by Nash Svit Center in 2021, concerns discrimination in employment.

In February 2021, the employer Inter AVC LLC through the website Work.ua refused to employ student D. because of his sexual orientation, writing in plain text: "Thank you for your interest in our vacancy. We do not take people with non-traditional orientation. YOUR RESUME IS IN THE BLACK LIST OF EMPLOYERS OF THE CITY OF KIEV".

In our opinion, this violates a number of anti-discrimination legal provisions, including the Code of Labor Laws and the Law "On Principles of Preventing and Combating Discrimination in Ukraine". It should also be noted that the Code of Labor Laws is currently the only piece of legislation in Ukraine that directly prohibits discrimination on grounds of sexual orientation and gender identity (Article 2<sup>1</sup>). Also, for the first time in Ukraine, all the necessary factors came together in this case: a properly documented fact of discrimination and the victim's desire to assert his rights in court. Because of this, in March 2021 Nash Svit Center hired a lawyer for the victim, who filed a civil lawsuit in the Darnytskyi District Court of Kyiv in the interests of student D.

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<sup>56</sup> LGBT Human Rights Nash Mir Center, *Community online. LGBT situation in Ukraine in 2020*, 2020, p. 35, gay.org.ua.

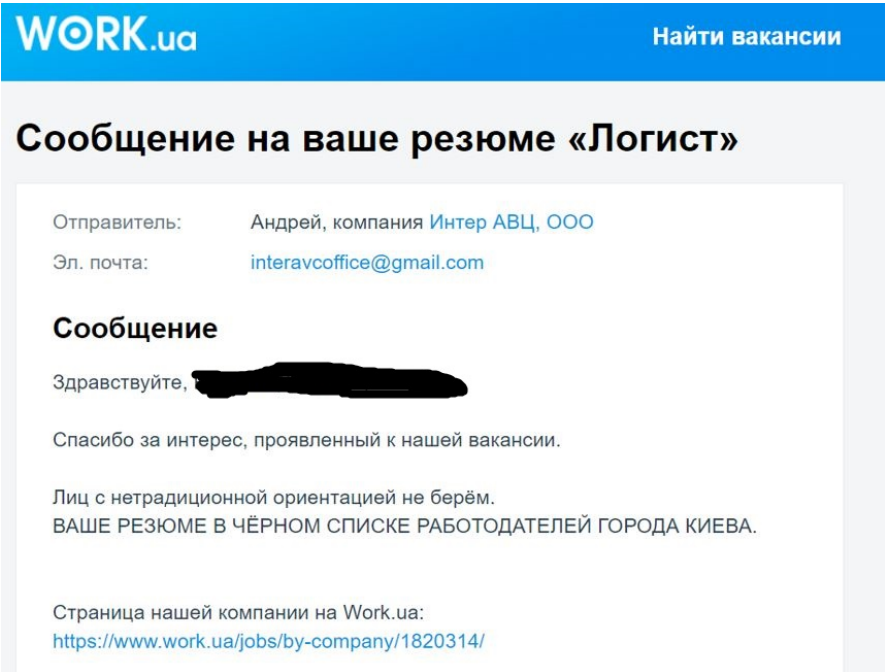


Figure 12. The frankly homophobic refusal in vacancy on a job search site (Case 2021).

The court of first instance rejected the plaintiff complaint, concluding that he had to submit to the employer a formal employment application<sup>57</sup> (student D. sent his resume to the employer with a request to consider it in accordance with the vacancy posted by the employer and immediately received a discriminatory refusal). However, based on the practice of employment, a formal application for employment usually comes only after a series of preliminary actions, including the submission of a resume and an interview, and discriminatory refusals of employment occur at these preliminary stages. Therefore, according to the logic of the court, all the relationship between the candidate and the employer, which takes place before the employer accepts the official employment application, has nothing to do with the employment relationship.

<sup>57</sup> Єдиний державний реєстр судових справ, *Справа № 753/5419/21*, 03.09.2021, [reyestr.court.gov.ua](http://reyestr.court.gov.ua).

The appellate court upheld the decision of the court of the first instance.<sup>58</sup> In our opinion, such a decision was made due to the incorrect application of substantive law that was appealed to the Supreme Court on behalf of the victim. Any final court decision in this case will set a precedent and affect the subsequent decisions of Ukrainian courts in cases of discrimination in employment. The Office of the Parliamentary Commissioner for Human Rights did not agree to the request of the applicant and Nash Svit Center to take part in this case as a third party and to express their legal position on this issue potentially important for all LGBT+ people.

## Employment

15 cases of violations of LGBT's rights were recorded in this sphere (please see Table 4):

*Table 4. Violations of LGBT+ rights in 2021 in the field of employment.*

Violated rights (what actions)	Number
discrimination (unlawful dismissal, unlawful refusal to hire, insults, humiliation of human dignity, threats, non-payment of wages, adoption of unlawful decisions / acts, biased attitude, sexual harassment, non-issuance of employment record book)	15
hate incident (illegal collection, disclosure or threat of disclosure of confidential information)	3
respect for privacy (invasion of privacy, illegal collection, disclosure or threat of disclosure of confidential information)	3

In the previous section "Legal Proceedings", we have already described Case 2021 on the refusal to employ a young man because of his sexual orientation that led to the victim's lawsuit. It is worth noting that this was the first precedent in Ukraine when a victim went to the court for

<sup>58</sup> Єдиний державний реєстр судових справ, *Справа № 753/5419/21*, 11.11.2021, [reyestr.court.gov.ua](http://reyestr.court.gov.ua).

discrimination on ground of sexual orientation after the explicit prohibition of such discrimination was introduced into the Code of Labor Laws in 2015.

### *Case 2032*

In March 2021, two girls (lesbian couple) got a job in Hayevskyi Pharmacies in Odesa. On the second day of their work, a manager approached the girls and said that she considered same-sex relationships unacceptable and did not want to see the manifestations of romantic relationships between girls at work: "Looking at lesbians hugging is disgusting. Never do it again!" she declared. One of the girls objected: "I don't want to complain, but the [female] controller and the [male] loader are constantly hugging at work. Why can they and we can't?" The manager replied: "Here's a boy with a girl — it's cute, and a girl with a girl — disgusting." Soon the manager fired one of the girls, and the other left the job herself.

## **Education**

Violations in this area were recorded in 3 cases (please see Table 5):

*Table 5. Violations of LGBT+ rights in 2021 in the field of education.*

<b>Violated rights (what actions)</b>	<b>Number</b>
discrimination (biased attitude, underestimation, calls for discrimination, inaction of the administration)	3
hate incident (illegal collection, disclosure or threat of disclosure of confidential information)	1
hate speech (offensive remarks)	1

### *Case 2120*

In January 2021 at Skovoroda Kharkiv National Pedagogical University, during the meetings of one of the departments, a teacher of psychology told a "curious" story when she was approached by a first-year female student aged 17 who was in despair of her feelings for her classmate and did not know what do. This made other employees of the department laugh. At first, the teacher mentioned only the girl's name, but since the girl was alone in the group with that name, everyone immediately guessed who

it was. When one of the graduate students present at the meeting remarked to the teacher that her action was unethical, a conflict arose between them.

### **Access to goods and services**

In this area, 4 cases were documented where discrimination on grounds of SOGI took place. Two of them consisted in denial of service, one — in illegal eviction, and another — in denial of rent.

#### *Case 2138*

At the end of November 2021, 27-year-old Olena was returning home from Khmelnytskyi. She bought a ticket at the bus station, and because it was cold, she got on the bus before the announcement of boarding. The driver told her to get out and wait for the announcement. Meanwhile, he paid attention to Olena's rainbow scarf and began to insult her: "You are one of those who disgrace our nation. You will not go here, go return the ticket!" There was nobody else on the bus. When Olena replied that she was not going anywhere, the angry driver grabbed her by the scarf and pulled her out of the bus with the words "Stupid lesbian, get out of here!" Olena appealed to the bus station administration, but they did not help, saying that they have no authority over drivers. Because of this incident, she had to take another, later bus trip.

### **Healthcare**

In this sphere, 3 cases of discrimination (prejudice, insults, humiliation of human dignity, threats) were documented, in one of which the right to respect for private life was violated, and in two other cases a transgender person was denied medical care.

#### *Case 2139*

The situation happened in November 2021 in the oncology center of one of the largest Ukrainian cities. 25-year-old Andrii was hospitalized in a serious condition with stage IV cancer. Because his parents lived far away and the care of the staff left much to be desired, his partner Sasha, who introduced himself as his brother, tried to take care of him (the names of both partners have been changed).

From the very beginning, they were ridiculed and joked by the staff because of their sexual orientation (because of Andrii's mannerisms). One weekend during a visit, when Sasha came to take care of his boyfriend, he was met by a senior nurse, who was on duty in the department that day, saying: "I will not allow sodomy here in my hospital, do your sodomy at home, don't tell me that you're his brother, come on Monday, let relatives come instead and not clear who". The guy had to leave the food and go in despair.

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

In 2021, 7 cases of discrimination and hate speech, as well as violations of the right to respect for private life, were documented that are not included in the above-mentioned categories (please see Table 6).

*Table 6. LGBT+ rights violations in 2021 in other areas.*

<b>Violated rights (what actions)</b>	<b>Number</b>
discrimination (biased treatment, calls for discrimination, insults, humiliation of human dignity, threats, inaction of the administration, adoption of unlawful decisions / acts)	6
respect for privacy (invasion of privacy, illegal collection, disclosure or threat of disclosure of confidential information)	2
hate speech (homophobic inscriptions / appeals)	2

In one of the cases mentioned in section 2 of this report, a soldier was harassed by his colleagues because of his sexual orientation, and when he turned to his commander with a complain on this, he faced misunderstanding and secondary discrimination.

#### *Case 2135*

In September 2021, an under-age boy from Kherson, Oleksiy (name changed), who is an orphan, was subjected to prejudice, threats and intrusion into his private life by a representative of the social service of one of the city districts that pays assistance to him as an orphan.

Once on his page in the Tik-Tok, he created a short video where he painted his eyes with a black pencil and sang along to a song with the word "bitch"

in an iridescent jacket. A few days later, he was contacted by a representative of the social service because he "violates the image of an orphan who receives assistance from the state." The representative of the district council said that this was unacceptable behavior, that they had not taught him such words, that he still had to receive assistance from the state as an orphan for another year, and if he did not change his behavior, they could stop making payments. He was also hinted to think about his grandmother, who is already old and cannot stand if he would be deprived of help and live off her.

### **Violation of LGBT+ rights in the occupied territories**

In 2021, 6 cases of violations of rights on grounds of SOGI were documented in these territories. All of them were recorded in the occupied territory of the Donetsk region. One case concerns discrimination in employment, and 5 — crimes committed by the occupying authorities (physical violence, torture, abduction, intrusion into private life, extortion, and threats).

#### *Case 2019*

In December 2020, the head of a hospital in occupied Donetsk, who learned about the homosexual orientation of her subordinate O. from other persons, demanded that he pass an HIV test during a scheduled medical examination, which was not included in the list of tests. She motivated this by that "all those people are HIV-infected," and she "need neither of them in the department." O., who had a positive HIV status and did not want it to be publicized, could not agree to such a request, and was forced to resign.

#### *Case 2020*

At the end of August 2020, two gays were abducted by representatives of the so-called "the Ministry of State Security of the DPR." The reason for this was their sexual orientation and pro-Ukrainian position, which was revealed during the monitoring of gay dating websites and social networks by law enforcement officers of the Russian occupation authorities in Donetsk. At first, they were held in the notorious secret prison Isolation, where they were subjected to bullying and torture, then transferred to the temporary detention center in Khartsyzsk, and later in Donetsk. During their stay in the Isolation, the men were deprived of the opportunity to take vital medicines,



which irreversibly worsened their health, and their relatives were not informed of their whereabouts. From the moment of abduction and at the time of documenting this case (February 2021), the victims were not allowed to meet a lawyer.

#### *Case 2051*

In May 2021, when crossing the demarcation line (Novotroitske checkpoint), the militants of the so-called Donetsk People's Republic detained a 21-year-old man for inspection. During an illegal search of his smartphone, they found confidential information about his personal life, including sexual orientation. This became a pretext for them to insult the young man, intimidate him and threaten not to let him into the territory controlled by Ukraine and arrest him, as well as for extorting a significant amount of money. After receiving a much smaller amount (the victim did not have more), the militants agreed to release him from the "DPR", but advised him not to return under the threat of arrest.

## 7. CONCLUSIONS AND RECOMMENDATIONS

The issue of equality and protection of LGBT+ rights is gradually becoming increasingly important in both the domestic and foreign policy of Ukraine. Political parties are forced to articulate their views on LGBT+ issues. Among the parliamentary parties, the liberal Holos takes an LGBT+ friendly stance, the pro-Russian Opposition Platform — unequivocally negative, the rest do not have a formulated position, and their representatives make contradictory and ambiguous statements, put forward and support legislative initiatives of opposite contents. Although Ukrainian legislators are generally more inclined to support homophobic proposals, they cannot afford it for political reasons, given the principled position of Ukraine's main allies — the EU, US, Canada, and others. At the same time, deputies of the Verkhovna Rada are not ready to support steps to improve the protection of LGBT+ rights, unless it is provided by the direct international obligations of our country.

In its activities, the Ukrainian government seeks to promote the principles of tolerance, gender equality and respecting the interests of LGBT+ people as a vulnerable group. Two main measures related to the protection of LGBT+ rights, which were not implemented under the previous Action Plan until 2020, have been transferred to the new government's Action Plan for Human Rights until 2023 — the development of amendments to the legislation on the criminalization of crimes motivated by intolerance and the bill on civil partnership. In fact, the government has already fulfilled the first of these tasks by submitting to the Verkhovna Rada Bill 5488, drafted by the Ministry of the Internal Affairs.

At the same time, such policies have met with harsh criticism and opposition from conservative religious circles, which still have a significant impact on legislators and society. Leading Ukrainian churches within the All-Ukrainian Council of Churches and Religious Associations remain the main opponents of LGBT+ equality. Apparently, under the influence of modern world trends, Ukrainian churches are now trying to avoid openly homo / transphobic rhetoric, instead of using euphemisms such as "combating gender ideology" and "protecting the traditional family." Realizing the precariousness of their position, they deliberately refrain from contact with

LGBT+ and human rights organizations and avoid any public discussion of such issues.

However, opinion polls show that the authority of the church in Ukrainian society is gradually declining, and neutral or friendly attitude towards LGBT+ people, albeit slowly, is growing and, in general, already prevails negative attitude. This is especially noticeable among young people under 24, where, according to a recent study, less than a quarter of respondents showed a negative attitude towards LGBT+ people.

Nationalist political parties remain the uncompromising enemies of LGBT+ people. They have no political weight at the national level, although they control local authorities in western Ukraine. Related to them are far-right and far-conservative groups, which in recent years have consistently tried to disrupt any LGBT+ events, attacked their members, LGBT+ organizations and individual activists. However, they seem to have been taken by surprise and demotivated by a change in the tactics of police protection of mass public events, and after an unsuccessful attempt to attack the Odesa Equality March 2021, such attacks have significantly reduced.

The law enforcement demonstrated the transition to the proactive protection of Equality Marches in Odesa, Kharkiv and Kyiv, preventing the very possibility of physical aggression by far-right groups, but the situation regarding the investigation of hate crimes on SOGI grounds remains unsatisfactory. However, the National Police and the Office of the Prosecutor General have shown encouraging signals of a desire to remedy the situation by adopting the necessary legislative changes, developing guidelines and training staff.

Demands to the Ukrainian authorities to establish efficient police work and to adopt Bill 5488, which addresses legal issues related to hate crimes, have become the leitmotif of the main LGBT+ events in Ukraine in 2021. Problems of combating discrimination and violence against LGBT+ people in one way or another made up the lion's share of the Ukrainian LGBT+ movement's activities, and it is worth noting the important role of journalists who covered this topic and drew public attention to it.

In order to eliminate legal and social inequality of LGBT+ people in Ukraine, solve their everyday problems, modernize our society and successfully

promote Ukraine on the path to European integration, Nash Svit Center recommends:

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." Same-sex couples in Ukraine should be able to register their partnership providing them with all significant marital rights and responsibilities.

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. **To the President and the Cabinet of Ministers of Ukraine, as well as to the Commissioner for Human Rights of the Verkhovna Rada of Ukraine** 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 LGBT+ – as a vulnerable group.
3. **Ministry of Justice of Ukraine** is recommended to develop and submit 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. Given the recent rulings of the European Court of Human Rights in this field, it is clear that Ukraine will anyway be obliged to adopt a respective law quite soon, and the longer is the delay, the greater will be its political and financial costs.

4. **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.

5. **Ministry of Education and Science** is recommended to include topics of sexual orientation and gender identity in the school curricula and programs of universities and professional training of the teaching staff; to attract LGBT+ and other civil society organizations to design and implement such programs. The state standards of social work with adolescents and young people belonging to vulnerable groups, in particular to LGBT+, should be developed and implemented. The development of these standards should involve representatives of NGOs that represent and protect the interests of these vulnerable groups.

6. **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.

Provide support for the consideration of Bill 5488 by the Verkhovna Rada.

7. **Public authorities, local governments and their representatives** are recommended:

To take into account and to be governed in their activities by the principle enshrined in Article 35 of the Constitution of Ukraine, which states that "church and religious organizations 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 a 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 AUTHORS OF THE REPORT**

The monitoring network of Nash Svit 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 organizations and individual activists, simply do not exist. The guarantee of truthfulness and representativeness of our information is the long-term experience of our public work with the Ukrainian LGBT+ community, cooperation with leading domestic and international human rights organizations, and our own life experience as ordinary Ukrainian LGBT+ citizens — we write about what we feel and see around us in everyday life.

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 LGBT+ people's rights.
- Legal assistance and counseling for victims of discrimination and hate crimes on grounds of sexual orientation or gender identity.
- Legal education for the LGBT+ community.
- Advocacy for the protection of equal rights for LGBT+ people at the legislative and political levels.
- Strategic litigation.
- Support of local initiative groups, mobilization of the LGBT+ communities at the local level.