

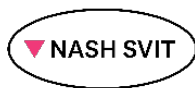


# THE BATTLE FOR FREEDOM

LGBTQ SITUATION IN UKRAINE IN 2022



Kyiv  
2023



**The battle for freedom. LGBTQ situation in Ukraine in 2022** / Nash Svit Center. — K.: Nash Svit Center, 2023. — 46 pp.

This publication presents information that reflects the social, legal and political situation of the LGBTQ (lesbian, gay, bisexual, and transgender) people in Ukraine in 2022. It contains data and analyses of the issues related to LGBTQ 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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Cover photo: above — a queer couple, gay Oleksandr Zhugan (left) and non-binary person Antonina Romanova (right) went to serve as volunteers in the Armed Forces; below — Polina Buchak and Ivanna Sakhno from Kyiv at an LGBT event in New York. All photos are taken from open sources.

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## SUMMARY

Since the beginning of the full-scale Russian invasion, the LGBTQ community, in general, has experienced the same problems as the rest of Ukrainian society, although there are also certain complications specific to LGBTQ people. In particular, a new problem related to martial law is the repeated cases of improper and discriminatory behavior by representatives of the police and Territorial Defense when checking the documents and personal belongings of LGBTQ people at checkpoints and other places, which were often accompanied by violence to LGBTQ people and other violations of their rights. This once again draws attention to the problem of hate crimes, which are particularly damaging to society in times of war, when it requires national solidarity and mutual help.

The majority of the open LGBTQ military report a generally tolerant attitude towards them from their fellow servicepersons, although there are also cases of homophobia. It should be noted that the command, as a rule, pays attention to such incidents and tries to correct the situation.

The Ukrainian government has included the LGBT components of the Human Rights Action Plan in the draft Ukraine Recovery Plan, which is to be adopted in the near future, confirming its intentions to implement them. Among them, the most important for the Ukrainian LGBTQ community, as well as the most difficult to implement, is the adoption of a law on registered civil partnerships available to same-sex couples that would grant them basic marital rights and obligations. This issue has become particularly obvious and urgent against the background of the war and mass mobilization of citizens to the Armed Forces of Ukraine. LGBTQ Ukrainians fully participate in the resistance to Russian aggression but are deprived of the fundamental human right to respect and protection of their family life.

Ukrainian politicians and society began to discuss the possible introduction of same-sex marriages or registered civil partnerships, while the still influential Ukrainian churches, having condemned the ideology of the “Russian World” as a whole, continue to share it completely when it comes to the rights of LGBTQ people and protest against any steps to protect them.

One of the most important political events of 2022 was obtaining the EU candidate status by Ukraine. The ratification of the Istanbul Convention and

the adoption of the law “On Media” demonstrated that the president and the government are able to overcome the lobbying efforts of the churches and get the parliament to pass such laws, if this is justified by the needs of the European integration of Ukraine.

Judging by the experience of previous years and obvious political trends, homo / transphobic bills have no chance of being adopted by the Ukrainian parliament while the adoption of proposals for the protection of LGBTQ rights depends on their active support by the government and, first of all, the Office of the President of Ukraine.

New sociological surveys show that in recent years Ukrainian society has radically improved its attitude towards LGBTQ people, and now opponents of equal rights for them already consist a minority in it. Meanwhile, public trust in Ukrainian churches, which are the main enemies of equal rights for their LGBTQ fellow citizens, has fallen sharply.

In 2022, our monitoring network documented 105 cases of violations of rights on grounds of sexual orientation or gender identity (hereinafter abbreviated as SOGI). This is significantly less than in 2021 (141) that, in our opinion, is explained by the impact of hostilities: currently the priority for the LGBTQ community, like for all Ukrainians, is not the protection of their rights but survival and resistance to Russian aggression, and monitoring work in such conditions is extremely complicated.

## 1. LEGISLATION AND JUDICIARY

In 2022, the Verkhovna Rada, as a part of Ukraine's fulfillment of its obligations as a candidate for the EU, adopted two important decisions that strengthen the legislative protection of equal rights of LGBTQ people. The ratification of the Istanbul Convention has prohibited discrimination on SOGI grounds in combating domestic and gender-based violence and for the first time introduced a legal definition of the term “gender” in Ukrainian legislation. The lack of such a definition was one of the main arguments against the use of modern terminology in the field of gender issues in Ukrainian laws. The law "On Media" includes a ban on calls for discrimination and harassment on SOGI grounds in the media agreed with the legislation of the European Union and also introduces a corresponding provision to the law “On All-Ukrainian Referendum.” Both bills awaited their approval for many years, in particular, due to the lobbying efforts of Ukrainian churches and conservative politicians.

After the beginning of the full-scale invasion of the Russian army in Ukraine, the Verkhovna Rada postponed the consideration of few bills introduced in previous years which offer both protection and limitation of LGBTQ rights. Judging by the previous experience and obvious political trends, homo / transphobic bills have no chance of being adopted by the Ukrainian parliament. In particular, in the beginning of the autumn session of the Verkhovna Rada, Bill 6326 “On amendments to the Budget Code of Ukraine on preventing the spending of budget funds on propaganda of pedophilia, homosexuality and transgenderism” was withdrawn from consideration. Meanwhile, it is also obvious that the adoption of proposals for the protection of LGBTQ rights still depends entirely on their active lobbying by the government and, first of all, by the Office of the President of Ukraine.

The draft Ukraine’s Recovery Plan developed by the Cabinet of Ministers has included the main LGBT components of the current Human Rights Action Plan, namely, amendments to the Criminal Code of Ukraine regarding the criminalization of hate crimes and incitement of enmity on a number of grounds, including SOGI (implementation deadline — June 2023), and the development and adoption of a law on registered civil partnership available to same-sex couples (implementation date — December 2023). The draft Plan also includes “Amendments to the

legislation of Ukraine to introduce a direct prohibition of discrimination on grounds of sexual orientation and gender identity” (implementation deadline — December 2022), however, this year the relevant amendments to the law “On the principles of prevention and counteraction of discrimination in Ukraine” was not introduced.<sup>1</sup>

The petition on the introduction of same-sex marriages, which received sufficient support for its consideration by the President of Ukraine, sparked a public debate about the essence of Article 51 of the Constitution of Ukraine which states that “Marriage is based on the free consent of a woman and a man.” The public, politicians and lawyers have expressed opposing views on whether such a wording is a definition of marriage and whether it prohibits the legalization of same-sex marriages in Ukraine. The majority were inclined that prohibits. However, the only specialist in constitutional law who took part in the discussion — the representative of the Verkhovna Rada in the Constitutional Court, a Member of Parliament and Doctor of Legal Sciences Olha Sovhyrya — stated that such an interpretation was very doubtful from her point of view and she did not see that the idea to legalize same-sex marriages contradicts the Constitution of Ukraine.<sup>2</sup> Soon after that, Olha Sovhyrya took the oath of office as a judge of the Constitutional Court of Ukraine, leaving her positions as a member of the Verkhovna Rada and its representative in the Constitutional Court. It should be noted that the right to official interpretation of the Constitution of Ukraine, which is mandatory for application, belongs exclusively to the Constitutional Court of Ukraine, which has not yet interpreted this provision of the Constitution.

In January 2023, the Grand Chamber of the European Court of Human Rights issued the final decision in the case “Fedotova and others v. Russia” that is of great importance for Ukraine as well as other member states of the Council of Europe which have not yet ensured the possibility for same-

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<sup>1</sup> [https://uploads-ssl.webflow.com/625d81ec8313622a52e2f031/62dea3ad5d48ac7a33403c94\\_%D0%9F%D1%80%D0%B0%D0%B2%D0%B0%20%D0%BB\\_%D1%8E%D0%B4%D0%B8%D0%BD%D0%B8.pdf](https://uploads-ssl.webflow.com/625d81ec8313622a52e2f031/62dea3ad5d48ac7a33403c94_%D0%9F%D1%80%D0%B0%D0%B2%D0%B0%20%D0%BB_%D1%8E%D0%B4%D0%B8%D0%BD%D0%B8.pdf), pp. 28, 29

<sup>2</sup> <https://sud.ua/ru/news/publication/243766-u-konstitutsiyi-nemaye-zaboroni-na-odnostatevi-shlyubi-predstavnitsya-verkhovnoyi-radi-u-konstitutsynomu-sudi>

sex couples to marry or register civil partnership. For the first time, the ECtHR directly stated in its decision that from now on, Article 8 of the European Convention on Human Rights must be interpreted in such a way that it obliges the Council of Europe member states to have a certain legal form of recognition of same-sex family partners which grants them the essential rights of family members.<sup>3</sup> According to Ukrainian legislation, the decisions of the ECtHR are a source of law in Ukraine — that is, they act on a par with the laws and international agreements of our country. The decision on the similar pending case “Maymulakhin and Markiv v. Ukraine” will now be made taking into account this legal position of the court.

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<sup>3</sup> <https://hudoc.echr.coe.int/eng?i=001-222750>, paragraphs 178-180, 189, 190



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

As in previous years, the issues of discrimination and violence on SOGI grounds were reflected in the annual report of the Parliament Commissioner on Human Rights for 2021, presented in April 2022. Ombudsperson Lyudmila Denisova once again drew attention to the fact that SOGI are still not included in the list of protected grounds in the law “On the principles of prevention and counteraction of discrimination in Ukraine” and in the Criminal Code, “in connection with which representatives of the LGBTIQ community remain one of the most unprotected categories of citizens.” The report also states that, in addition to protection from discrimination, violence and incitement to enmity, representatives of the LGBTQ community appealed to the Commissioner in 2021 with complaints about the violation of their “property and non-property rights due to the impossibility of concluding a civil partnership agreement.” To remedy the situation, the Ombudsperson recommended the Ukrainian government to implement the provisions of the Human Rights Action Plan regarding the criminalization of hate crimes and the introduction of registered civil partnerships.<sup>4</sup>

On May 31, 2022, the Verkhovna Rada dismissed Lyudmila Denisova from the position of its Commissioner for Human Rights, and on July 1 appointed Dmytro Lubinets, who at that time was a Member of Parliament and the head of the Parliamentary Committee on Human Rights, as the new Ombudsman. The newly appointed Ombudsman began his activities by fundamentally reforming the Commissioner's Secretariat and meeting with representatives of civil society, whom he called for cooperation and invited to work in his Secretariat. Representatives of LGBTQ and HIV service organizations were also invited to this meeting, and the new Ombudsman promised them to pay due attention to issues of protecting the rights and interests of the Ukrainian LGBTQ community. The Advisory Council under the new Ombudsman included, in particular, the well-known LGBTQ activist Tymur Levchuk (NGO Fulcrum UA) as well as Olena Lunyova (ZMINA Human Rights Center), Anastasiya Serbina (CO “100% Life”) and Olena Uvarova

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<sup>4</sup> <https://ombudsman.gov.ua/storage/app/media/uploaded-files/schoricha-dopovid-2021.pdf>, p. 36-39

(International Business and Human Rights Laboratory of Yaroslav the Wise National University of Law) who represent partners and allies of the Ukrainian LGBTQ movement.

On August 2, President Zelenskyi published his reply to a petition on legalization same-sex marriages in Ukraine, in which it was noted that “According to the Constitution of Ukraine, marriage is based on the free consent of a woman and a man (Article 51). In the conditions of war or a state of emergency, the Constitution of Ukraine may not be changed (Article 157 of the Constitution of Ukraine).” This indirectly alludes to the supposed constitutional ban on the legalization of same-sex marriages in Ukraine (see the last paragraph of the previous section of this report for more details on this issue). At the same time, the President mentioned the government's plans to introduce civil registered partnership in Ukraine, available to same-sex couples, and asked the Prime Minister “to consider the issue raised in the electronic petition and inform about the relevant results.”<sup>5</sup> As already mentioned, the Ukrainian government, represented by the Ministry of Justice, included this and other LGBT components of the Human Rights Action Plan in the draft Ukraine’s Recovery Plan which is to be adopted in the near future.

Traditionally, of all government agencies, the Ministry of Foreign Affairs pays the most attention to LGBTQ issues — obviously, for the sake of forming the international image of Ukraine as a modern liberal and democratic state. Minister of Foreign Affairs of Ukraine Dmytro Kuleba in his articles for the German magazine *Der Spiegel*<sup>6</sup> and American Foreign Affairs<sup>7</sup> mentioned Russia's consistent policy of spreading hatred and persecution, particularly against LGBTQ people. Since the beginning of the new Russian invasion, the official English-language Instagram page of Ukraine *ukraine.ua*, which belongs to the Ministry of Foreign Affairs, published several materials on the participation of LGBTQ people in the resistance to Russian aggression, and for the first time an official

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

<sup>6</sup> <https://www.spiegel.de/ausland/dmytro-kuleba-es-ist-zeit-russlands-feldzug-als-genozid-zu-bezeichnen-ein-plaedoyer-des-ukrainischen-aussenministers-a-013b85cd-aabb-4bff-869f-575508b93794>

<sup>7</sup> <https://www.foreignaffairs.com/articles/ukraine/2021-08-02/ukraine-part-west>

representative of our country took part in an LGBTQ Pride March (on August 6, the Ambassador of Ukraine to Sweden Andrii Plakhotnyuk at Stockholm Pride).<sup>8</sup>



*Figure 1. On August 6, 2022, Ambassador of Ukraine to Sweden Andriy Plakhotnyuk (in a black T-shirt) took part in Stockholm Pride.*

After the beginning of the active phase of Russian aggression, the Ukrainian State Film Agency ceased to finance filming of many previously selected projects, particularly the film “My Young Prince” which touched on LGBTQ topics. At the same time, in the autumn of 2022, it announced the start of filming of the full-length feature film “Lessons of Tolerance” which is

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<sup>8</sup> <https://twitter.com/UKRinSWE/status/1555937656785321984>

entirely devoted to the topic of tolerance and the fight against homophobia.<sup>9</sup>

After the start of a new active phase of the war with Russia, ultra-conservative public movements sharply reduced their activity, and local councils completely stopped adopting the homophobic and anti-gender appeals to the central government. The notorious Ivano-Frankivsk Mayor Ruslan Martsynkiv reaffirmed his homophobic beliefs ("A gay cannot be a patriot of Ukraine")<sup>10</sup> that, however, did not prevent him from announcing the establishment of partnership relations between his city and San Diego, USA, which is headed by openly gay Todd Gloria.

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<https://www.facebook.com/ukrainefilmagency/posts/pfbid0SztacJNxYNVvrL5Vzv5q658aVL3aBkSaoBT4DAu6DEHk2NqEJA7ppLy5PShZmvbhl>

<sup>10</sup> [https://www.youtube.com/watch?v=w\\_d5fxcMDYU&t=3613s](https://www.youtube.com/watch?v=w_d5fxcMDYU&t=3613s)

### 3. POLITICS, MASS MEDIA AND SOCIETY

Among the leading political forces of Ukraine, the most active and consistent defender of equal rights for LGBTQ people is the Member of Parliament from Holos ("Voice") party Inna Sovsun. In 2022, she repeatedly expressed her support for bills to protect LGBTQ rights, particularly regarding the introduction of registered civil partnerships in Ukraine.

After the petition to the President of Ukraine regarding the legalization of same-sex marriages gathered the necessary votes for its consideration, a discussion broke out among the members of the Verkhovna Rada about the possibility of such legalization in Ukraine, and in fact about the need to protect the rights of same-sex couples. It demonstrated that the political parties represented in the Verkhovna Rada do not have a defined position and policy regarding LGBT issues. Members of Parliament from the ruling party Servant of the People demonstrated opposite views on this issue: while Olha Sovgyrya, Dmytro Hurin and Oleksandr Merezhko declared the principled possibility of introducing same-sex marriages, their colleague from the same faction Ihor Fris came out with a categorical, principled objection to such a step.<sup>11</sup> The majority of MPs, however, did not react to this event.

Diametrically opposed views on the protection of LGBTQ rights are demonstrated even by MPs from the liberal Holos party: while aforementioned Inna Sovsun actively supports it, her colleague Andrii Sharaskin proposed to exclude the ban on discrimination on SOGI grounds from the draft law "On Media" (this amendment was not supported by the parliament).

A very notable and significant decision of the Verkhovna Rada was the voting for the ratification of the Istanbul Convention, against which the leading churches of Ukraine and ultra-conservative public and political figures opposed extremely sharply and irreconcilably. Obviously, this vote was successful only thanks to the non-public hard work with MPs by the Office of the President of Ukraine, since representatives of the Ukrainian

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<sup>11</sup> <https://my.ua/news/cluster/2022-07-15-nardepi-rozsvarilisia-cherez-odnostatevi-shliubi-vidvoliksia-na-to-khto-i-iak-z-kim-shpilitsia>

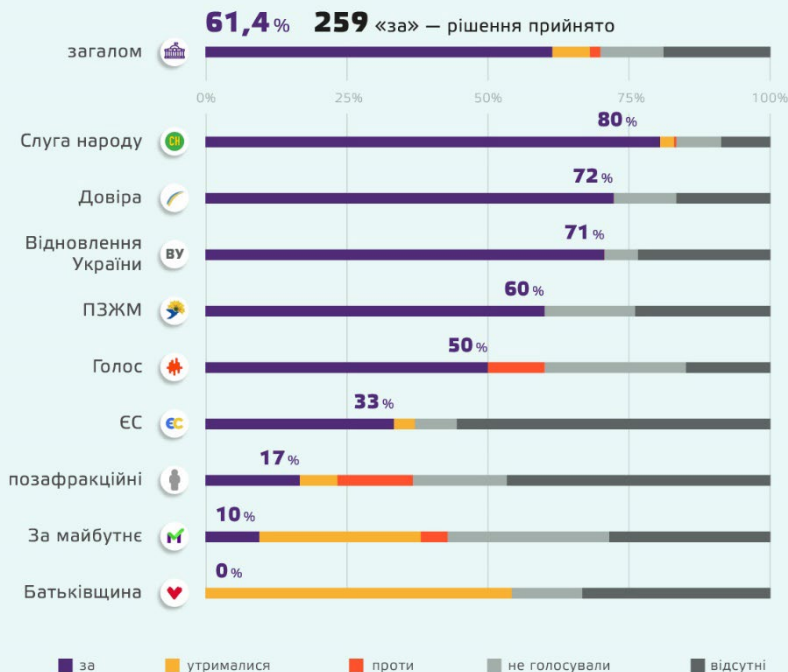
government and parliament earlier claimed that there was a lack of votes in the Verkhovna Rada to pass such a decision. Of all the factions and political groups of the Verkhovna Rada, only Batkivshchyna ("Fatherland") faction did not cast a single vote in support of the ratification — however, no one from Yulia Tymoshenko's party voted against it as well; its deputies either abstained or did not participate in the vote. The conservative but pro-European faction of the European Solidarity party headed by former Ukrainian President Petro Poroshenko almost unanimously supported the ratification. The necessity to ratify the convention was explained by its supporters with the need to demonstrate that Ukraine shares the modern European values and standards in the field of human rights on the eve of the decision to grant Ukraine the status of a candidate for EU membership.

The ratification of the Istanbul Convention demonstrated that the arguments in favor of the Ukraine's European integration prevail over the generally conservative sentiments among the members of the Ukrainian parliament and are able to overcome the lobbying efforts of the extremely homophobic and still socially influential Ukrainian churches. It is obvious that the persistent position of the EU governing bodies and/or the governments of its influential member states regarding the most important decisions in the field of LGBTQ rights protection forces the Ukrainian authorities to take the necessary steps in this direction.

According to Nash Svit's estimation, the most important issue in this area is the adoption of the law on registered civil partnerships available to same-sex couples that should provide them with basic marital rights and obligations. The ongoing war with Russia draws the attention of society and the mass media to the problems of same-sex family partners who fulfill their duty to defend their country but are deprived of absolutely all the rights that legal spouses and even unregistered heterosexual partners have. After the ratification of the Istanbul Convention, which was a real nightmare for Ukrainian ultraconservative churches and politicians, the task for the Ukrainian President and government to grant them legal status and related rights and opportunities no longer seems unrealistic.

## ГОЛОСУВАННЯ ЗА РАТИФІКАЦІЮ СТАМБУЛЬСЬКОЇ КОНВЕНЦІЇ

ЗАКОНОПРОЕКТ № 0157



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Figure 2. Active lobbying for the ratification of the Istanbul Convention by the government and the Office of the President ensured its overwhelming support in the parliament, especially by the ruling Servant of the People party and the former pro-Russian opposition.

After that, Yulia Tymoshenko, whose party did not support the ratification of the Istanbul Convention, created a petition on the website of the President of Ukraine with the demand to denounce this international agreement.<sup>12</sup> Obviously, this politician, who is not very popular in Ukraine,

<sup>12</sup> <https://petition.president.gov.ua/petition/146508>

will now try to position herself and her political power as the main defenders of the so-called traditional values promoted by Ukrainian churches and ultraconservative politicians. However, the practice shows that it hardly can help her to gain public popularity and mass support. It is typical that “the largest in the history of Ukrainian parliamentarianism” inter-factional association “Values. Dignity. Family,” created a few years ago to protect “traditional family values,” turned out to be completely powerless both when ratifying the Istanbul Convention and when considering homophobic bills actively lobbied by Ukrainian churches. Members of the Verkhovna Rada willingly signed up for this association, but ignored the position of its leaders within the legislative process. From the Servant of the People party, only Svyatoslav Yurash — a co-founder, co-chairman and the most active member of the mentioned group — voted against the ratification of the Istanbul Convention.

Far-right Ukrainian politicians continued to demonstrate their consistently and irreconcilably homo/transphobic position, even in the conditions of the war against Russia, whose authorities fully share this attitude. In particular, Ruslan Martsinkiv, the Mayor of Ivano-Frankivsk and a member of Svoboda party, once again confirmed his conviction that “a gay cannot be a patriot of Ukraine” despite the well-known facts about the participation of openly LGBTQ people in the defense of Ukraine from Russian aggression. Also, in July 2022, an article with similar statements appeared on the official website of the well-known, though marginal and uninfluential, far-right party Right Sector.<sup>13</sup>

A sociological survey conducted in May 2022 by the Kyiv International Institute of Sociology (KIIS) by the order of Nash Mir Center demonstrated a radical improvement in the attitude of Ukrainian society towards LGBTQ people in recent years.<sup>14</sup> Compared to the results of the previous similar survey in 2016, the number of LGBT-friendly responses increased by two to five times. In particular, the number of those who generally have a negative attitude towards LGBTs decreased by one and a half times (from 60.4% to

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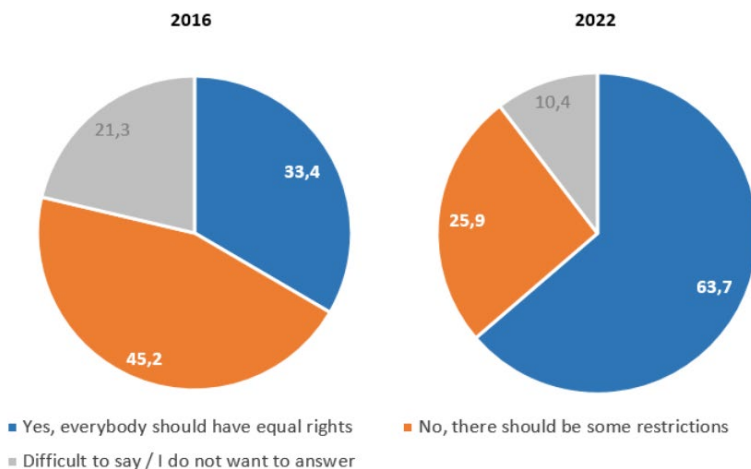
<sup>13</sup> <https://pravyysektor.info/novyny-poglyad/lgbt-ce-patriotychno>

<sup>14</sup> <https://gay.org.ua/blog/2022/06/02/spryiniattia-lgbt-liudei-ta-ikh-prav-v-ukraini-traven-2022-roku-analitychnyi-zvit/>



38.2%) while the number of those who have a positive attitude towards LGBTs increased fourfold (from 3.3% to 12.8%), and of those who are indifferent to them — by one and a half times (from 30.7% to 44.8%). Since 2016, the share of those who declaratively support their full equality has doubled (from 33.4% to 63.7%), and the share of those who believe that the rights of LGBT people should be limited in some way has almost halved (from 45.2% to 25.9%). Similarly, the number of those who hesitated to answer has halved from 21.3% to 10.4%. Support for the introduction of registered civil partnerships for same-sex couples increased fivefold, from 4.8% to 23.6%, and the number of those who are indifferent to the issue increased one and a half times, from 18% to 27.1%. Thus, now less than a half of Ukrainians, namely 41.9%, are against same-sex partnerships, while in 2016 those constituted 69%.<sup>15</sup>

**In your opinion, should LGBT people in Ukraine have the same rights as other citizens of our country?**



*Figure 3. According to surveys by the Kyiv International Institute of Sociology, over the past six years the level of support for full equality of rights for LGBTQ people in Ukrainian society has doubled and now accounts for two-thirds of the respondents.*

<sup>15</sup> <https://gay.org.ua/en/blog/2022/06/01/ukrainians-have-dramatically-improved-their-attitude-towards-lgbt-people/>

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

Immediately before the resumption of the active phase of the Russian invasion in Ukraine, another survey conducted by the Center for Social Expertise of the Institute of Sociology of the National Academy of Sciences of Ukraine was completed.<sup>16</sup> Its results turned out to be quantitatively different, but they qualitatively confirm the conclusions of the KIIS survey about a significant improvement in the attitude of Ukrainian society towards its LGBTQ fellow citizens. In particular, according to the received data, 53% supported the prohibition of discrimination and incitement of enmity on SOGI grounds; 46% agreed that LGBTQ people should enjoy the same rights as other citizens (41% opposed); 27% definitely supported the right of same-sex couples to state registration of their family relationships, and 26% supported such a right with certain exceptions.

The results of a public opinion poll conducted by the National Democratic Institute in August 2022 qualitatively confirmed the conclusions of the two aforementioned studies.<sup>17</sup> In this case, 31% of respondents fully supported equal rights for LGBTQ people, and 23% rather supported it. 19% of the respondents definitely did not support equal rights for LGBTQ people, and 8% rather did not support it; 10% had a neutral position, and 7% did not define their attitude.

The beginning of the new Russian invasion and, accordingly, mass mobilization into the ranks of the Ukrainian army and other military structures drew attention to the problem of protecting the rights of same-sex family partners during the war. On June 3, 2022, a petition regarding

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<sup>16</sup> <http://csep.org.ua/wp-content/uploads/2022/01/Ukrayinske-suspilstvo.pdf>

<sup>17</sup> <http://life.pravda.com.ua/society/2022/09/20/250527/>

the legalization of same-sex marriages appeared on the website of the President of Ukraine and then unexpectedly quickly gathered 25,000 signatures that is required for its consideration by the President. It was not the first petition of this kind, but even the most successful of all previous ones (from 2015) was supported by just 456 people.

The legalization of same-sex family relationships in the form of ordinary marriages or registered partnerships as well as the participation of LGBTQ people in the defense of Ukraine against Russian aggression were the topics that attracted the most attention of the media and users of social networks on the Internet. It is worth noting the almost unanimous and active support of the introduction of same-sex marriages or partnerships on the part of the journalistic community. The reaction of the general public varied, from openly homophobic to actively supportive of the LGBTQ community. A lot of attention from the media and public was attracted by the statement of the previously unknown young woman Leda Kosmachevska that she decided to marry her acquaintance, a gay soldier, in order to become the legal executor of his will in the event of his death, since his real partner may not do this according to Ukrainian legislation.<sup>18</sup>

Religious and far-right websites in 2022 repeatedly republished blatantly manipulative homo / transphobic materials from the website of the public movement “All Together!” headed by journalist and religious activist Ruslan Kukharchuk, which became the main mouthpiece of the homophobic movement in Ukraine. For example, one of the materials was titled “Provocation: troops of the Ukrainian Armed Forces spoke out against the ‘gay parade’ of Ukrainians in Warsaw”<sup>19</sup> — however, in fact, it was about a sole very specific army unit “Karpatska Sich” which was formed by the far-right homophobic organization of the same name. LGBTQ people, who are currently serving in regular units of the Armed Forces of Ukraine, note that

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<sup>18</sup>

<https://www.facebook.com/100001963973975/posts/pfbid05WbnaPejteUenEejzihc3SeVmKcdKXP7xAsug1NBLiy1RwKNcM8YbpZekAQSWkgl/>

<sup>19</sup> <https://slovoproslovo.info/provokatsiya-viyska-zsu-vislovilisya-proti-gey-paradu-ukraintsv-u-varshavi>

they are generally treated with respect and friendliness by the command and comrades in the military service.

A noticeable reaction in the mass media and social networks was caused by the words of the scandalously famous civil activist Oleksiy Arestovych, who was then a non-staff adviser to the Office of the President, that he considers LGBTs to be “people with deviations.”<sup>20</sup> Many LGBTQ activists and other people appealed to President Zelenskyi and the leadership of his Office with the demand to remove Oleksiy Arestovich from his post. There was no response to these appeals, but after another scandal related to his statements and a new flurry of criticism, in January 2023 Arestovych voluntarily resigned from his position as an adviser to the Office of the President.



*Figure 4. Eurovision winners from Ukraine, Kalush Orchestra band, performed at Stockholm Pride 2022.*

Likewise, a loud scandal in the media and the Internet was caused by homophobic statements by the singer Iryna Fedyshyn who was a member

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<sup>20</sup> <https://nv.ua/ukr/lifestyle/arestovich-vislovivsyia-pro-lgbt-shcho-pro-ce-dumayut-ukrajinci-memi-50251357.html>

of the Ukrainian jury at Eurovision 2022.<sup>21</sup> Most of the audience, as well as Fedyshyn's colleagues in the pop industry, reacted to her statements with irony and condemnation. Ukrainian pop group Kalush Orchestra, who won Eurovision 2022 Song Contest, then performed in the cultural program of Stockholm Pride.

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<sup>21</sup> <https://www.wonderzine.com.ua/wonderzine/life/situation/10899-vam-podobaetsya-sebe-ruynuvati-ruynuyte-irina-fedishin-rozpovila-pro-stavlennya-do-lgbt>

#### 4. CHURCHES AND RELIGIOUS ORGANIZATIONS

As for LGBTQ issues, in 2022 the main event for the leading Ukrainian churches united in the All-Ukrainian Council of Churches and Religious Organizations (AUCCRO) was the surprisingly quick and successful vote of the Verkhovna Rada for the ratification of the Istanbul Convention (June 20). Since the beginning of the year, with the exception of issues related to the Russian invasion in Ukraine, exactly this was the main topic of their public statements and non-public lobbying at meetings with representatives of the Ukrainian authorities.

Ukrainian churches continue to take an absolutely uncompromising stand against what they call “promotion of gender ideology” and “propaganda of homosexuality” — that is, the introduction of modern standards in gender equality and protection of LGBTQ people’s rights in Ukraine. After the failure of their efforts against the ratification of the Istanbul Convention, they tried, unsuccessfully, to organize a public campaign for its denunciation. The main voiced reason for their dissatisfaction with the actions of the Ukrainian authorities is the alleged lack of a promised discussion on gender issues — however, they constantly and repeatedly met with representatives of the government, the President's Office and members of the parliament on this issue, conducted public agitation against the ratification of the Istanbul Convention while directly refusing the discussion and any communication at all with representatives of the LGBTQ community.

The leaders of Ukrainian churches and conservative religious activists are very concerned about the processes of liberalization among their Western co-religionists. Until recently, this mostly concerned only the Catholic Church, but this year it became obvious that these processes also began in world Orthodoxy, and there is no unity in these issues even among Ukrainian Christians. The leadership of the Ukrainian churches does not know how to respond to these modern challenges and prefers to simply ignore them and avoid discussion on such topics.

After the start of a new stage of the Russian invasion in Ukraine, the AUCCRO issued a statement “regarding the facts of the genocide of the Ukrainian people committed by Russian troops in Kyiv oblast” in which it

called on all the countries of the world to “condemn the ideology of the ‘Russian World’ as justifying the genocide of peoples and the destruction of entire states.”<sup>22</sup> Similar statements were also made by representatives of member churches within the AUCCRO, for example, the Head of the Ukrainian Greek Catholic Church Svyatoslav Shevchuk.<sup>23</sup> Meanwhile, other statements of the AUCCRO and particular churches clearly demonstrate that they still fully share the part of the ideology of the “Russian World” that concerns gender and LGBT issues.

On October 26, representatives of Ukraine’s LGBTQ movement published an open letter to the leadership of the AUCCRO and churches represented in this association<sup>24</sup> in which LGBTQ activists asked for a meeting and beginning of a discussion on issues of concern to both the LGBTQ community and the church, referring to their previously declared readiness “to defend in open discussion the views expressed in this Declaration.”<sup>25</sup> Bishop Markos Ohanesyan of the Armenian Apostolic Church, then presiding over the AUCCRO, in a conversation with journalists of Suspilne media confirmed reception of the letter and promised to consider it and provide an answer at the next meeting of the AUCCRO Secretariat. When, more than a month later, journalists of Suspilne again turned to the AUCCRO and all the religious associations represented in it for comments, they did not receive any response.<sup>26</sup>

Some representatives of the Ukrainian churches continue to show an extremely hostile attitude towards their LGBTQ fellow citizens — in particular, this was once again demonstrated by the scandalous priest of the Orthodox Church of Ukraine Yaroslav Kulyk (also known as Yaroslav Yasenets) who has long-standing and close ties to both the far-right movement and leadership of his church. Commenting the announcement

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<sup>22</sup> <https://vrciro.org.ua/ua/statements/uccro-statement-on-genocide-of-ukrainian-people-committed-by-russian-troops>

<sup>23</sup> <https://sobor.com.ua/news/glava-ugkc-12>

<sup>24</sup> <https://gay.org.ua/blog/2022/10/26/zvernennia-ukrainskykh-lgbt-k-orhanizatsii-do-vseukrainskoi-rady-tserkov-i-relihiinykh-orhanizatsii/>

<sup>25</sup> <https://vrciro.org.ua/ua/statements/deklaraciya-vrciro-pro-negatyvne-stavlennya-do-yavyshcha-gomoseksualizmu-ta-tak-zvanyh-odnostatevyh-shlyubiv>

<sup>26</sup> <https://suspilne.media/343452-rada-cerkov-proignoruvala-zapit-lgbt-k-spilnoti/>

about the opening of an assistance point for the LGBTQ community in Kyiv (so-called invincibility point), he wished that a Russian missile would hit it.<sup>27</sup> The leadership of the OCU did not react to this scandal. Earlier, however, the head of the OCU Synodal Administration of the Military Clergy, Metropolitan John, forbade Father Yaroslav to officially perform the duties of a military chaplain due to his “unworthy behavior” and “provocative activity in social networks.”<sup>28</sup>



Figure 5. Left: a screenshot of a Facebook comment in which OCU priest Yaroslav Kulyk wishes for the death of LGBTQ people from a Russian missile. Right: Father Yaroslav (on the left in the photo) together with the head of the OCU, Metropolitan Epiphany.

After long decades, when ultra-conservative Ukrainian churches topped the ratings of public trust, their popularity has begun sharply declining. According to regular polls of the Kyiv International Institute of Sociology, if in 2012 churches ranked first in the level of public trust (62% of respondents trusted them),<sup>29</sup> then in 2022 they were only tenth (44% of respondents),

<sup>27</sup> This comment was added to the post

<https://www.facebook.com/qopjz/posts/pfbid02JHXmPpMXb581t6zjxZzZdptEo5ZaEbznYq2dUeFQqU3WgwwGHxABPiPc1hLKIBMJl> but was later removed by Facebook for violating community guidelines. A screenshot of it can be seen in Figure 5.

<sup>28</sup>

<https://www.facebook.com/volodymyr.kulyk/posts/pfbid02gA1KEZxim32z5xN7Q5go1TuuzSpnSBGViA8nvg2EReZHRbw18KXBPCDhBujmwWl>

<sup>29</sup> <https://kiis.com.ua/?lang=ukr&cat=reports&id=81>



being lost 7% public support and six positions in the trust rating within a year.<sup>30</sup>

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<sup>30</sup> <https://kiis.com.ua/?lang=ukr&cat=reports&id=1174&page=1>

## 5. LGBTQ COMMUNITY

The main event of 2022 for the Ukrainian LGBTQ community, as well as for the entire Ukrainian nation, was the full-scale invasion of the Russian army. The reaction to this event on the part of the LGBTQ community also did not differ from the nationwide one, except for its additional motivation to resist Russian aggression: Ukrainian LGBTQ people are clearly aware that they merely cannot exist either as Ukrainians or as open LGBTQ persons under the Russian authority. The domestic LGBTQ community, in general, experiences the same problems as the rest of Ukrainian society, although there are also certain complications specific to LGBTQ people.

The common problems are loss of work, housing, property, means of livelihood, threats to health and life for oneself and loved ones, psychological problems related to war and its consequences. Also, even the war with the main provider of homophobia in the world did not put an end to the manifestations of discrimination and violence against LGBTQ people in Ukrainian society, although it significantly reduced their documented number — this is described in more details in the next section of this report. A new problem related to martial law consists in the repeated cases of improper and discriminatory treatment by representatives of the police, Armed Forces and Territorial Defense when checking the documents and personal belongings of LGBTQ people at checkpoints and other places, which were often accompanied by violence to LGBTQ people and other violations of their rights.<sup>31</sup>

In fact, the entire Ukrainian LGBTQ movement, from the first days of the Russian aggression renewal, demonstrated a patriotic and responsible attitude to the defense of Ukraine and immediately joined volunteer activities. The main issues of Ukrainian LGBTQ organizations' activities have been the collection of materials and funds to help LGBTQ and other refugees, distribution of information among them about the possibility of receiving help abroad, assistance to the Ukrainian army, combating Russian

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<sup>31</sup> See, for example, <https://zmina.info/news/v-odesi-nevidomi-na-blokpostu-nushhalysya-z-dvoh-geyiv-byly-ta-prynyzhuvaly>

disinformation, drawing attention to the problems and advocacy of the interests of the LGBTQ military and the entire community.

Several LGBTQ organizations (Insight, KyivPride in partnership with Gay-Alliance Ukraine, Fulcrum UA, Alliance.Global, Gender Stream) created temporary shelters for LGBTQ refugees in the central and western part of Ukraine (Kyiv, Dnipro, Lviv, Chernivtsi, Uzhhorod). Gender Z in Zaporizhzhya and many other organizations also provide material and financial assistance to those who suffered as a result of the war and found themselves in a difficult situation, help them with evacuation from the war zone and occupied territories — these projects are not limited by, but primarily focused on the LGBTQ community.



*Figure 6. In July 2022, KyivPride opened a shelter for LGBTQ people in Ukraine's capital.*

The biggest problems of the Ukrainian LGBTQ movement at this time arise from the fact that members of LGBTQ organizations often become refugees or victims of military operations themselves, some organizations were

forced to move their activities to other cities. Their members who remained in the Russian-occupied territory face increased danger from the occupiers as public and LGBTQ activists known for their patriotic pro-Ukrainian stance. Any LGBT activity in the territories occupied by Russia is deadly dangerous and therefore practically non-existent.



*Figure 7. Members of NGO Fulcrum UA reload humanitarian aid from the Polish Red Cross and QUA — LGBTQ Ukrainians in America, May 2022.*

Meanwhile, the Ukrainian LGBTQ movement abroad, particularly such organizations as UkrainePride and QUA — LGBTQ Ukrainians in America, has intensified its activities which involve refugees, emigrants and people of Ukrainian origin. They collect aid for the Ukrainian army, the LGBTQ community and war victims, conduct various informational and advocacy

campaigns to support Ukraine by foreign countries and the international community, in particular within the Pride movement.



*Figure 8. Participants of Baltic Pride 2022 in Vilnius, like many other LGBTQ events around the world, expressed their solidarity and support for Ukraine in its resistance to Russian aggression.*

Due to hostilities and restrictions on public mass gatherings, all Equality Marches previously planned for 2022 were canceled, and only KharkivPride managed to hold “LGBT Pride in the Metro” in the front-line city which suffers daily from Russian shelling. On September 2, about 25 of its participants, dressed in traditional Ukrainian vyshyvankas (embroidered shirts), rode through Kharkiv metro stations under the slogan “United as never.”<sup>32</sup> Meanwhile, never before have the Ukrainian presence and sympathy for our country manifested itself so vividly at the Pride marches that took place throughout the world in 2022. The world Pride movement has united in its support for Ukraine and condemnation of Russian aggression. One of the most notable events of this kind was the joint Equality March held by Warsaw Pride and KyivPride in the capital of Poland on June 2. It gathered a record number of participants for Poland —

<sup>32</sup> <https://zaborona.com/u-pryfrontovomu-harkovi-vidbuvsya-lgbt-prajd-v-metro-pokazuyemo-yak-cze-bulo/>



according to the Polish organizers, about 120 thousand, among whom 2-3 thousand constituted the Ukrainian column, and thousands more specially came from other countries to walk together with Ukrainians.<sup>33</sup>

Homosexuality in Ukraine is not considered as a ground for prohibition or exemption from military service, and many gay, lesbian, and bisexual persons have been mobilized or volunteered to serve in the Armed Forces of Ukraine, the National Guard, and the Territorial Defense.



*Figure 9. Thousands of LGBTQ Ukrainians, along with their compatriots and foreign volunteers, are serving in the ranks of the Armed Forces and National Guard of Ukraine. Some of them proudly wear chevrons with a unicorn — the symbol of Ukrainian LGBTQ military and volunteers.*

<sup>33</sup> <https://www.facebook.com/kyivpride/posts/4977960918980764/>

Diagnoses of transsexualism and gender dysphoria (F64.0 and F64.8 according to the International Classification of Diseases, 10th edition) currently mean a person's complete unfitness for military service if they are “sharply expressed, with a tendency to repeated long-term decompensation or pathological reactions” or unfitness in peacetime and limited fitness in wartime if they are “moderately expressed with unstable compensation or compensated.” In practice, the “severity of expression” and “compensation” of these conditions are determined by a specialized medical commission — for instance, at a regional psychiatric hospital. Thus, transgender persons in Ukraine may not be mobilized in the Armed Forces and must be removed from the military register altogether in case of clearly expressed transsexuality, if this is the decision of the medical commission under the military registration and enlistment office, which is based on the conclusion of a specialized medical commission. This, in particular, allows transgender women to travel abroad, even if according to the documents they are still listed as men (according to the *Rules for crossing the state border by citizens of Ukraine* approved by the Resolution of the Cabinet of Ministers of Ukraine dated 27.01.1995 No. 57, currently male citizens of Ukraine aged from 16 to 60 are restricted in leaving the country).

The procedure for official gender reassignment in Ukraine is, although not perfect, quite simple and transparent. According to our estimates, it is much more modern and simpler than in all Ukraine's neighboring states, including EU members. In particular, it does not provide for mandatory medical intervention and in fact only requires obtaining the aforementioned medical diagnoses. In the current conditions in Ukraine, to get them is not easy yet quite possible — the relevant medical commissions operate at least in oblast centers, and medical commissions under military registration and enlistment offices send conscripts to them for examination in case of suspicion of transsexuality.

Most transgender people who undergo gender transition take expensive hormonal drugs which in wartime may become unaffordable for them due to the lack of money or the drugs themselves. Transgender refugees from Ukraine abroad also face the fact that they cannot purchase the necessary medication without a complex procedure of legalization in the country and confirmation of the diagnosis.

Without the corresponding conclusion of the medical commission, transgender women whose documents indicate the male gender are subject to military service and are restricted from travelling abroad according to the general rules for men. Transgender persons who have officially changed gender marker in their documents, theoretically, may not be called up for military service. However, if such persons look convincing in their gender role, then they can successfully pass the cursory examination of the medical commission under military registration and enlistment office and enter the service as a regular woman or man — we know of at least one transgender woman who is currently serving in the Armed Forces, hiding her status. Similarly, there is a well-known case when an openly transgender woman, a volunteer from the USA, was accepted for service in the Armed Forces of Ukraine.<sup>34</sup>



*Figure 10. Sarah Ashton-Cirillo, a transgender war correspondent from the USA, has enlisted to the Armed Forces of Ukraine and currently serves as a medic in the Noman Chelebijkhan [Crimean Tatar] Battalion.*

The vast majority of LGBTQ military personnel, like the rest of the Ukrainian LGBTQ community, are closed from their environment. They do not want to lead an open life, rightly fearing negative consequences. However, some

<sup>34</sup> <https://www.facebook.com/ElectSarahAshton>



gay or bisexual people in the Ukrainian army do not hide their sexual orientation or their environment accidentally learns about it. According to numerous reports, in most cases this does not cause serious problems, but at times the LGBTQ military can face harassment, discrimination and even violence from their servicemates.

The LGBTQ military movement, which was formed a few years ago, is gradually gaining strength and takes an active part not only in the war with the aggressor, but also in the advocacy of the LGBTQ community's rights despite the difficulty of this task in the conditions of war. The informal group of LGBTQ military and volunteers already includes more than two thousand members, of whom several hundred do serve in the ranks of the Armed Forces and the National Guard. NGO "Ukrainian LGBT military for equal rights" has been created on its basis.

Immediately after the renewal of Russian aggression, foreign and international LGBTQ organizations declared their solidarity with the Ukrainian people, created and intensified various assistance programs for Ukrainian LGBTQ refugees and the community. Human rights and LGBTQ organizations have repeatedly expressed concerns about the possible oppression of Ukrainian LGBTQ refugees in those countries whose governments have a negative attitude to the protection of LGBTQ rights — particularly in Hungary and Poland. Among other things, there could be problems with the resettlement of refugees, since the vast majority of Eastern European countries do not recognize family relationships of same-sex couples and their children. However, so far we have not documented such facts.

Many Ukrainian LGBT refugees in liberal Western countries, on the contrary, for the first time in their lives felt respect and equal treatment by the state and society. This is especially noticeable and important for same-sex couples raising children.<sup>35</sup>

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<sup>35</sup> See, for example, <https://shpalta.media/2022/11/23/ne-xochemo-shhob-nashu-ditinu-ckuvali-yak-dvi-chernivchanki-pereixali-v-kanadu-ta-odruzhilisya/>

## 6. VIOLENCE, DISCRIMINATION AND OTHER VIOLATIONS OF LGBTQ PEOPLE'S RIGHTS<sup>36</sup>

In 2022, Nash Svit Center's monitoring network documented 105 cases of actions motivated by homophobia / transphobia, discrimination and other violations of human rights in Ukraine, of which 103 happened in the territory of Ukraine, and two — abroad with Ukrainian refugees.

Almost half of the documented cases were recorded in Kherson oblast (mostly war crimes committed by the Russian occupiers) and in Kyiv, where the LGBTQ community is most visible.

*Table 1. Regional distribution of cases documented in 2022.*

Region	Number
Kherson and oblast	28
Kyiv and oblast	22
Lviv and oblast	8
Donetsk and oblast	8
Zaporizhzhya and oblast	6
Zhytomyr and oblast	4
Odesa and oblast	4
Kharkiv and oblast	4
Dnipro	3
Kropyvnytskyi and Kirovohrad oblast	3
Vinnitsa	2
Uzhhorod and Zakarpatska oblast	2
Mykolaiv and oblast	2
Rivne and oblast	2
Luts'k	1

<sup>36</sup> In this section, the number of documented violations of LGBTQ people's rights may apparently exceed the number of cases, because some cases involve several violations. More examples of violence and other violations of LGBTQ rights in 2022 can be found in our previous publications [Situation of LGBTQ in Ukraine January – August 2022](#) and [LGBTQ and War](#).

Ivano-Frankivsk oblast	1
Sumy	1
Chernivtsi	1
Chernihiv oblast	1
Abroad (Poland, Hungary)	2
<b>Total:</b>	<b>105</b>

### Violations by the occupying forces (war crimes)

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

Since the beginning of the full-scale war unleashed by Russia against Ukraine, Nash Svit Center's monitoring network has documented 31 cases of human rights violations on SOGI grounds of by the Russian occupiers (war crimes) in the temporarily occupied territories (Donetsk (3), Zaporizhzhya (2), Kherson (25) and Kharkiv (1) oblasts). In 19 of these cases, the right to respect for private life was violated. For the distribution by types of illegal actions, please see table 2.

*Table 2. Human rights violations on SOGI grounds by the occupying forces of the Russian Federation (war crimes) in 2022.*

Type of illegal actions	Number
biased treatment (discrimination)	31
physical violence of varying severity	26
insults, humiliation of human dignity, threats	23
intrusion into private life	18
torture or inhuman treatment	17
kidnapping	16
brigandage, robbery	15

sexual violence	10
threats with weapons and/or their use	4
illegal collection, disclosure or threat of disclosure of confidential information	2
murder	1
attacks on LGBT+ centers / events or activists	1
damage to property	1

Most of the war crimes occurred at checkpoints and in places of patrolling by the Russian military in the occupied territories. The pretext for homo / transphobic abuse mostly was confidential information about the private life found on the victims' phones, and in some cases, their appearance or manner of behavior. In one case of biased treatment, the HIV-positive status of the victims was added to SOGI grounds.

At least five similar cases (Cases 2246 to 2250) of sexual violence by the Russian occupiers were recorded in the city of Kherson from July to August 2022. They took place at the Kadyrov's forces<sup>37</sup> location in the hostel of the Polytechnic College on Nebesna Sotnya Street. Opposite this building is a park with a sports field, where local boys often spent time. The Kadyrov soldiers, under the guise of checking documents, chose the tenderest of them and then took them one by one to their barracks. There victims were subjected to sexual violence: they were undressed, urinated on, inserted into different parts of the body with the barrel of a machine gun, gang-raped. In the morning they were thrown out near the dormitory. All the victims had not only physical injuries, but also great psychological stress, due to which one of them committed suicide and another tried to do it. The source reported that he did not have information on the sexual orientation of the victims — most likely, they were not homosexuals. The victims was between 19 and 21 years old.

According to the same source, another case (Case 2251) happened in the same place in September with a gay man aged 32 who drunkenly visited the

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<sup>37</sup> Military units formally included in the Russian Army but actually commanded by Ramzan Kadyrov, the head of Chechen Republic in the Russian Federation.

Kadyrov soldiers in search of thrills and the next day was found dead near the same building with the broken skull.

### Interaction with private persons

Actions motivated by homophobia / transphobia and hate speech by private persons or groups of persons were noted in 39 cases. 22 of them can be described as *hate crimes*, and 17 as *hate incidents*. In three cases, manifestations of *hate speech* were recorded.<sup>38</sup> The following types of violations were noted (please see Table 3):

*Table 3. Actions motivated by intolerance towards LGBTQ people by private persons in 2022.*

Types of violations	Number
insults, humiliation of human dignity, threats	33
physical violence of varying severity	22
homophobia / transphobia in family	10
intrusion in private life	8
illegal collection, disclosure or threat of disclosure of confidential information	5
attacks on LGBTQ centers / events or activists	3
extortion and blackmail	3
homophobic inscriptions / calls (hate speech)	3
sexual violence	2
brigandage	1
kidnapping	1
damage to property	1

It is worth noting that in 2022 the number of attacks on LGBTQ centers / events or activists by far-right groups significantly decreased — apparently due to the lack of public LGBTQ events and the shift of attention of their opponents to military affairs. We included in this category the case of an

<sup>38</sup> Italicized terms are given according to the ODIHR/OSCE classification.

attack on Olena Shevchenko, head of LGBTQ NGO Insight, by an unknown man in April in Lviv, and a case of an attack by a group of youth in military uniform on participants of a closed event in the capital's gay club Versace in June, which was dedicated to the participation of the Ukrainian delegation in Warsaw Pride.



*Figure 11. On April 14, 2022, the well-known Ukrainian LGBTQ activist Olena Shevchenko was attacked in Lviv, as a result of which she received burns to her face and eyes.*

In addition, the war has significantly reduced the number of so-called “mixed-type” hate crimes, where the perpetrator's goal is to obtain a benefit, but the victims for robbery or extortion are chosen precisely because of their sexual orientation or gender identity. The reason for this may be the decrease in activity, especially in the first months of the war, of users at Internet resources for gay dating, which perpetrators usually used to meet their victims.

*Case 2231*

In Lviv, in mid-November a couple of gay men aged 28 and 29 were attacked by a group of unknown youths who beat victims just because they were walking down the street holding hands.

*Case 2234*

At the end of October, in Kyiv, a gay man aged 18 arranged a dating with some guy through a mobile application, but at the meeting place faced a group of two boys and two girls who began to insult him because of his sexual orientation, and when he started to run away, they caught up and beat him.

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

In 29 cases, the interaction of the victims with the law enforcement agencies was noted (calling the police, filing application about offenses, conducting investigative actions, etc.). In 21 of them, violations by representatives of the police, Security Service of Ukraine, and State Bureau of Investigation were recorded (please see Table 4).

*Table 4. Violations of LGBTQ people's rights in 2022 by law enforcement agencies.*

<b>Violated rights (by what actions)</b>	<b>Number</b>
equality and non-discrimination (biased treatment)	17
freedom and personal integrity (violation of procedural norms, excess of official powers, insults, humiliation of human dignity, threats, physical violence)	11
respect for private life (intrusion into private life, illegal collection, disclosure or threat of disclosure of confidential information)	9
effective means of legal protection (improper performance of rights protection functions, refusal to protect rights)	8
freedom from torture and inhuman treatment (torture or inhuman treatment)	3

During the period of martial law, a significant increase (compared to peacetime) of manifestations of homophobia / transphobia was recorded, including the use of physical violence and even torture by representatives of law enforcement agencies, particularly the police. If in 2021 such manifestations were recorded in 4 out of 19 cases of violations, then in 2022 — in 17 out of 21.

At the same time, from communication with representatives of the LGBTQ community during monitoring and providing legal advice, we noticed an alarming trend regarding the refusal of victims to apply for the protection of their rights to law enforcement agencies due to disbelief in the effectiveness of such protection, as well as due to fear of facing discrimination from the law enforcement officers themselves. Thus, in 2022, in two cases units of the State Bureau of Investigation refused to accept application from victims who suffered from actions by police officers and the Territorial Defense members. In total, violations of the right to effective legal remedies by law enforcement agencies were recorded in 8 cases.

#### *Case 2198*

32-year-old male victim, Dnipro city: “On May 30, I left the house to walk my dog. It was already curfew, but I had to walk the dog. I was almost near my house when two police officers approached me and asked me what I was doing here and where I lived. I said I went out with the dog for 5 minutes. And then one of them did not like my voice and mockingly said to me, “[Are you] A fag or what?” I kept silent. The second one started throwing taunts like “The war killed not everyone, ass-lover.” They talked among themselves deciding what to do with me. After two minutes, I didn't even understand how, I was hit on the back with a baton twice with the words “Little fag, run home and get your mongrel.”

#### **Violations by servicepersons of the Armed Forces of Ukraine / Territorial Defense (military offenses)**

In 2022, 16 cases of violations of rights on SOGI grounds by servicepersons of the Armed Forces of Ukraine / Territorial Defense , as well as paramilitary formations, were documented (please see Table 5). In 15 of these cases, violations by military personnel (military offenses) were documented, and



in one case, the violators were representatives of the Municipal Guard. 12 cases had signs of hate crimes, and 4 — hate incidents (according to the ODIHR/OSCE methodology). In 6 cases, the right to respect for private life was violated. In 13 cases, the victims were discriminated against because of SOGI, and in two of them also because of their HIV status.

Nash Svit Center documented cases of homophobic treatment in military service both before February 24 of this year and since the beginning of the full-scale invasion of Russian troops into Ukraine. It is worth noting that they did not have a systemic nature, and the command, as a rule, took measures to investigate the incident, protect the victims and correct the situation. Meanwhile, it should be noted that the vast majority of LGBTQ military personnel, as well as LGBTQ people in Ukrainian society in general, prefer not to disclose their sexual orientation or gender identity outside a narrow circle of trusted persons, fearing a negative reaction.

In addition to irregular relations among the military staff, several cases of homo / transphobic behavior by members of the Territorial Defense (hereinafter abbreviated as TD) towards civilians have been documented. Most often, such cases occurred at checkpoints, when TD members actually performed the duties of law enforcement officers in the first months of a full -scale Russian invasion. It is worth noting that since August, we have not recorded even a single case of violation by TD servicepersons that may be caused by the transfer of most TD units to the combat units of the Armed Forces and, accordingly, the reduction of their contact with civilians.

*Table 5. Violation of LGBTQ people's rights in 2022 by personnel of the Armed Forces of Ukraine / TD or paramilitary formations.*

Type of illegal actions	Number
biased treatment (discrimination)	13
insults, humiliation of human dignity, threats	13
physical violence of varying severity	8
intrusion into private life	5
illegal collection, disclosure or threat of disclosure of confidential information	4

sexual violence	3
threats with weapons and/or their use	3
brigandage and robbery	3
torture or inhuman treatment	2
death threats	2
inaction of the command	2
harassment	2
attacks on LGBTQ centers / events or activists	1
sexual harassment by the commander	1
extortion and blackmail	1
demotion or denial of promotion	1

## Employment

In this area, three cases of violations of LGBTQs' labor rights were recorded (please see Table 6):

*Table 6. Violations of LGBTQ rights in 2022 in the field of employment.*

Violated rights (by what actions)	Number
equality and non-discrimination (leading to voluntary dismissal, biased treatment, other violations of labor legislation by the administration)	3
respect for private life (intrusion into private life, illegal collection, disclosure or threat of disclosure of confidential information)	3

One of the cases concerned sexual harassment by a Russian manager in temporarily occupied Donetsk.

## Education

Violations in this area were recorded in 1 case, where a university student in the city of Kropyvnytskyi suffered from bullying, biased treatment, insults, humiliation of human dignity, threats, physical violence, and

intrusion into his private life due to his sexual orientation by a dormitory guard (Case 2209).

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

In this area, 5 cases of discrimination on SOGI grounds were documented. Two of them consisted in refusal of service, two — in illegal eviction, and one more — in inactivity of the administration of the catering establishment. In two cases, damage to the property of the victims, and in one case physical violence were recorded.

### **Healthcare**

In this area, 2 cases of refusal of medical services or their incomplete provision due to prejudiced attitude of medical workers towards LGBTQ patients were documented. In one of these cases, physical violence against the patient was noted, and in the other — intrusion into private life.

## 7. CONCLUSIONS AND RECOMMENDATIONS

The full-scale Russian invasion posed a mortal threat to the very existence of the Ukrainian state, nation, and LGBTQ community. Their survival and victory in this war are possible only under the condition of decisive, continuous and full-scale assistance to Ukraine from its Western partners and allies, and above all, the European Union and United States. Meanwhile, in addition to obvious threats, the current situation also creates new unique opportunities for the rapid modernization of Ukrainian society and the state after the end of the war and even during it.

The horrors of the war sharply reduced pro-Russian and conservative sentiments in Ukrainian society and the influence of the ideology of “Russian World,” in which homo / transphobia is beginning to play an increasingly important role. Pro-Russian parties and public organizations have practically disappeared in the territory under the control of the Ukrainian government while ultra-conservative groups have sharply reduced their activity. Public opinion polls show that in recent years Ukrainian society has radically improved its attitude towards LGBTQ people, and Ukrainians see their future as a part of the European Union. Likewise, sociological surveys show that Ukrainian churches, which are the main and implacable enemies of the LGBTQ community, are quickly losing the public trust.

Ukraine's acquisition of EU candidate status forces the Ukrainian authorities to pay attention to the urgent adaptation of Ukrainian legislation and state policy to modern European standards, particularly in the field of LGBTQ rights protection. Overcoming the opposition of ultraconservative churches and politicians, the President and government have already managed to get the Verkhovna Rada to approve several symbolically important documents, which provide for the consideration of the interests of LGBTQ people and prohibit discrimination on SOGI grounds in accordance with the recommendations and requirements of the EU and its individual member states. However, the Ukrainian authorities are in no hurry to pass the long-promised laws that could radically improve the political and legal situation of the LGBTQ community — in particular, the criminalization of hate crimes on SOGI grounds and the introduction of registered civil partnerships available to same-sex couples.

The intensification of hostilities, however, once again draws attention to the need to address these issues, as hate crimes undermine national unity in the face of a common enemy, and discrimination against same-sex partners defending Ukraine from Russian aggression seems completely unacceptable. Public opinion polls, support for the petition on the introduction of same-sex marriages, numerous articles in the Ukrainian mass media demonstrate that Ukrainian society is ready for such steps, and the only thing that prevents them is the lack of political will on the part of the highest leadership of the state. However, as demonstrated by the adoption of the law "On Media" and the ratification of the Istanbul Convention, such a will appears if Ukraine's advancement to full EU membership depends on it.

The main task of the Ukrainian LGBTQ movement in 2022 was to help the Ukrainian army and members of the community affected by the war. The survival of the Ukrainian LGBTQ community, like the country as a whole, critically depends on Western support.

In order to eliminate the legal and social inequality of LGBTQ people in Ukraine, solve their everyday problems, modernize our society and successfully advance Ukraine on the path to European integration, Nash Svit Center recommends:

1. **The Verkhovna Rada of Ukraine** is recommended to eliminate all provisions in Ukrainian legislation that lead to discrimination on grounds of sexual orientation or gender identity — in particular, in articles 74 of the Family Code of Ukraine “The right to property of a woman and a man who live as family but are not in marriage between themselves or in any other marriage” and 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 given the opportunity to register their partnership that would provides them with basic marital rights and obligations.

When adopting new laws, anti-discrimination articles in their composition should directly and openly prohibit discrimination on grounds of sexual orientation and gender identity. Laws and regulations aimed at protecting family and children should protect all families

without discrimination — in particular, same-sex married couples and children raised in such families.

Characteristics of sexual orientation and gender identity must be explicitly included in the list of protected grounds in the Law of Ukraine "On principles of prevention and counteraction of discrimination in Ukraine" (Clause 2 of Part One of Article 1). In the Criminal Code of Ukraine, motives of intolerance on grounds of sexual orientation and gender identity must be indicated as aggravating circumstances when committing crimes, and responsibility for inciting enmity based on these characteristics must be established.

2. **The President and the Cabinet of Ministers of Ukraine, as well as the Parliament Commissioner for Human Rights**, are recommended to develop and implement state policies to overcome inequality, discrimination, promote tolerance and mutual respect in society, always explicitly mentioning sexual orientation and gender identity as protected characteristics and LGBTQ people as a vulnerable group.
3. **The Ministry of Justice of Ukraine** is recommended to develop a draft law on the legalization of registered civil partnerships for same-sex couples in Ukraine, which should be submitted by the Cabinet of Ministers for consideration by the Verkhovna Rada. Taking into account the latest decisions of the European Court of Human Rights in this area, it is obvious that Ukraine will be forced to adopt the relevant law soon enough, and the longer the delay in its adoption, the greater political and financial losses await it.
4. **Ministry of Health of Ukraine** recommended:

To approve changes to the order of the Ministry of Health No. 479 dated 20.08.2008 "On approval of the List of diseases in the presence of which a person may not be an adoptive parent," removing from this list the code F64 (Clause 9 "Personality and behavior disorders in adulthood").

To monitor the implementation and provision of a new procedure for providing medical assistance to persons who need a sex change (correction); to continue the development and adoption of changes to

this procedure in cooperation with activists of the transgender community.

5. **The Ministry of Education and Science** is recommended to include the topics of sexual orientation and gender identity in the school curriculum and programs of pedagogical universities and professional development courses for teaching staff, to involve LGBTQ and other public organizations in the development and implementation of such programs.

6. **Ministry of Internal Affairs of Ukraine** recommended:

To regularly conduct educational activities with the staff on the formation of a tolerant attitude and the inadmissibility of human rights violations regarding LGBTQ people, as well as carefully and impartially investigate cases of violations of LGBTQ people's rights by the police and National Guard personnel, and bring the perpetrators to responsibility.

To provide support for consideration of Bill 5488 in the Verkhovna Rada.

7. **The Ministry of Defense of Ukraine** is recommended:

If possible, to conduct educational activities with the personnel on the formation of a tolerant attitude and the inadmissibility of human rights violations regarding LGBTQ people, as well as thoroughly and impartially investigate cases of homo / transphobic behavior on the part of military personnel and bring the perpetrators to responsibility.

To make changes to the Schedule of diseases, conditions and physical disabilities that determine the degree of fitness for military service, allowing service for persons diagnosed with transsexualism and gender dysphoria in the case of a positive conclusion of a military medical expertise.

8. **State bodies, local self-government and their representatives** are recommended:

In their activities to be guided by the principle enshrined in Article 35 of the Constitution of Ukraine, which states that "the church and religious organizations in Ukraine are separate from the state, and the school is

separate from the church” as well as that “no religion may be recognized by the state as obligatory.”

To take into account and explain to the public that the concept of “family” according to the Family Code of Ukraine is not limited to officially registered spouses, and the protection of family interests extends to all forms of family relations.

To prevent and condemn public manifestations of homophobia / transphobia, to adhere to the principles of respect, equality and non-discrimination for all social groups.

When considering appeals and petitions, to be guided by the requirements of Ukrainian legislation on the prohibition of calls for discrimination and the restriction of 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 LGBTQ people in Ukraine, at least from the viewpoint of the Ukrainian LGBTQ 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 LGBTQ 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 LGBTQ community, cooperation with leading domestic and international human rights organizations, and our own life experience as ordinary Ukrainian LGBTQ citizens — we write about what we feel and see around us in everyday life.

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

- Monitoring violations of LGBTQ 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 LGBTQ community.
- Advocacy for the protection of equal rights for LGBTQ people at the legislative and political levels.
- Strategic litigation.

2022 was a very difficult year for all members of our small organization. It may definitely be called a success that after the homophobic pogrom of our office and many other troubles in the first months of the war, we were able to overcome the problems, remain a united group of like-minded people, and carry on our activities.

You can support Nash Svit's activities at <https://gay.org.ua/donation/>