

War and Civil Partnerships

LGBTQ SITUATION IN UKRAINE IN 2023





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This publication presents information that reflects the social, legal and political situation of the LGBTQ (lesbian, gay, bisexual, and transgender) people in Ukraine in 2023. 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: open LGBTQs in the ranks of the Armed Forces and the National Guard of Ukraine, the Facebook page of NGO "Ukrainian LGBT+ military for equal rights". All photos in this publication are taken from open sources.

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SUMMARY

In 2023, the protection of Ukraine from Russian aggression remained the main issue for Ukrainian society in general and the LGBTQ community in particular. The number of open LGBTQ military personnel has increased significantly — in particular, there have appeared open transgender persons, despite the fact that the current legislation still formally limits their ability to serve in the Armed Forces of Ukraine. According to LGBTQ military, their treatment by fellow service members and commanders is generally tolerant, although there are occasional instances of homo / transphobic discrimination and violence.

The full-scale war actualized and clearly demonstrated the need to protect the rights of same-sex family partners. The decision of the European Court of Human Rights recognized that Ukraine violates human rights by denying same-sex couples any form of legal recognition and protection. Inna Sovsun MP, supported by a number of colleagues from the ruling party and the pro-European opposition, submitted to the Verkhovna Rada Bill 9103 on the introduction of registered civil partnerships available to same-sex couples, which would grant them basic marital rights. Advocacy for the adoption of this bill became the most important political issue for the Ukrainian LGBTQ movement and was actively supported by the domestic mass media.

The main opponent of legal equality for LGBTQ people remains the leading Ukrainian churches, which adhere to an uncompromisingly hostile position and refuse dialogue and public discussion of these issues. Most of the Verkhovna Rada members are still inclined to listen to their opinion, but the situation in this area is changing rapidly. According to all the latest public opinion polls, the attitude of Ukrainian society towards LGBTQ people is steadily improving while, towards churches, it is getting worse. Another campaign of homophobic appeals by local councils to the state leadership was noticeably weaker than similar campaigns in previous years.

The Pride Month 2023 in Ukraine was marked by an unprecedented wave of symbolic support from businesses, including leading ones in their fields of activity, which published statements in support of LGBTQ people and/or painted their logos on social networks in rainbow colors. At the same time, there were also attempts to discriminate against LGBTQ people in hiring

that is expressly prohibited by Ukrainian legislation. The total number of cases of discrimination, hate crimes and other violations of LGBT people's rights since 2020 shows a rapid downward trend.

1. LEGISLATION AND JUDICIARY

In May 2023, the Verkhovna Rada amended the Law “On Advertising,” prohibiting job advertisements from making demands on a number of grounds, including sexual orientation (Article 24-1).

In December, the Verkhovna Rada adopted Bill 9226 on expanding the list of groups of people who can receive one-time monetary assistance after the death of military personnel and certain other persons (in particular, police officers as well as critical infrastructure workers, civil servants, local government officials, victims of Russian aggression). This document provides for the right of the military or other mentioned persons to make a will or a written order for the payment of such assistance (in whole or in part) to any persons — previously assistance was paid only to parents, minor children, wives and dependents of the deceased. In the absence of such a will or order, the members of the deceased's family, who have the right to receive a one-time monetary assistance, now also include “the woman (man) with whom the deceased person lived as a family, but were not in marriage to each other or in any other marriage, provided that this fact is established by a court decision that has entered into legal force”.

In fact, this means that now the same-sex partners of a deceased soldier or other relevant person will be able to receive such financial assistance. This, however, does not cancel the state's discriminatory attitude towards the same-sex partners of our defenders. Unlike legal spouses, they will have to prove the fact of their family relationship in court. It is also unclear whether the partners of the deceased are exempt from taxation of this financial assistance as is provided for the other family members.

Back in May 2021, the Cabinet of Ministers submitted to consideration of the Verkhovna Rada Bill 5488 developed by the Ministry of Internal Affairs, which provides for the criminalization of hate crimes and hate speech as well as a direct ban on discrimination based on sexual orientation and gender identity (hereinafter abbreviated as SOGI). In May 2023, it was finally considered by the relevant parliamentary Committee on Law Enforcement, which recommended that the Verkhovna Rada adopt this bill in the first reading as a basis. According to the Verkhovna Rada’s Plan of

Legislative Work, Bill 5488 was supposed to be considered in the last quarter of 2023, but this did not happen.

In February 2023, the Verkhovna Rada withdrew from consideration Bill 3916 authored by Hryhoriy Mazurashu, a member of parliament (“Servant of the People”) well-known by his homophobic initiatives, which proposed to prohibit “propaganda of homosexuality and transgenderism.”

In March 2023, Inna Sovsun MP (Holos party), joined by 17 more members of parliament from the Holos and Servant of the People parties, submitted to the Verkhovna Rada Bill 9103 “On the institute of registered partnerships” which provides for the introduction of registered civil partnerships in Ukraine available to both opposite-sex and same-sex couples. According to this document, civil partners should receive the status of a close relative of the first degree of consanguinity and the basic rights and obligations of marriage, with the exception of issues related to the adoption of children. Bill 9103 has not yet been considered by the relevant parliamentary Committee on Legal Policy, but received positive conclusions from several other parliamentary committees. According to Inna Sovsun, currently, both the relevant committee and the entire Verkhovna Rada lack votes to support it, so the bill’s initiators are in no hurry to put it to a vote, expecting a more favorable situation.

At the beginning of the year, the Ministry of Justice announced that, according to the Action Plan on Human Rights, it was developing a similar bill, which should be completed and submitted to the Verkhovna Rada for consideration in December 2023. The Verkhovna Rada’s Plan of Legislative Work for 2023, adopted by the parliament, included consideration of the draft law on registered civil partnerships also in December 2023 (item 297). The justification for such a step was “Implementation of the recommendations of the European Commission regarding Ukraine’s application for EU membership dated June 17, 2022, COM (2022) 407 final, which states that ‘sexual orientation and gender identity are not recognized as protected characteristics in anti-discrimination legislation’.”

However, in November 2023, the Ministry of Justice announced that it would wait for the results of consideration of Bill 9103 and would submit its

draft to the Verkhovna Rada only if Bill 9103 was not supported. By the end of 2023, Bill 9103 had not been considered by the Ukrainian parliament.

The adoption of the law on registered civil partnership should also correct the systemic shortcomings of Ukrainian legislation which are indicated in the decision of the European Court of Human Rights in the case *Maymulakhin and Markiv v. Ukraine*, adopted on June 1, 2023.¹ The panel of judges unanimously decided that Ukraine violated Article 8 of the European Convention on Human Rights (right to respect for private and family life) in combination with Article 14 (prohibition of discrimination) due to the absence of any form of legal recognition for same-sex family partners in our country, and, as compensation for moral damage, ordered to pay them 5,000 euros each, as well as reimburse the costs of lawyers. The Ukrainian government decided not to appeal this decision, and it entered into force in the fall of 2023. The plaintiffs have already received from the state the monetary compensation awarded to them.

In November, the Podilskyi District Court of Kyiv issued a sentence regarding the homophobic attack that occurred at the end of May, in which, for the first time in Ukraine, applied Article 67 of the Criminal Code regarding a crime committed under the motives of homo /transphobia — namely, it recognized as an aggravating circumstance the commission of a criminal offense “on the basis of sex [i.e. gender].”²

Another innovation in judicial practice in 2023 was the first application of Article 161 of the Criminal Code (“Violation of the equality of citizens based on their racial, national, regional affiliation, religious beliefs, disability, and on other grounds”) in relation to a crime motivated by transphobia. In its sentence on the case regarding the beating of a military transgender woman in Lviv on August 15, 2023, the Halytskyi District Court of Lviv noted that the accused created a conflict based on discrimination “on certain grounds, where in this particular case they manifested themselves in one collective term, ‘transgenderness’.”³

¹ <https://hudoc.echr.coe.int/fre?i=001-224984>

² <https://reyestr.court.gov.ua/Review/115166133>

³ <https://reyestr.court.gov.ua/Review/114549159>

In February 2023, the Supreme Court of Ukraine considered a cassation appeal against the decision of the Shevchenkivskyi District Court of Kyiv dated February 24, 2021, and the resolution of the Kyiv Court of Appeals dated November 23, 2021, in the lawsuit of the NGO Insight against Patriarch Filaret of the UOC-KP, who in an interview to the Channel 4 TV called same-sex marriages the cause of the coronavirus epidemic. The courts of previous instances came to the conclusion that such an assessment is an expression of the subjective opinion of Patriarch Filaret, and is not a statement of fact, such conclusions can neither be refuted nor confirmed, and therefore cannot be the subject of a dispute. The Supreme Court left the mentioned decision and resolution, which refused to satisfy the plaintiff's demands, unchanged.

2. STATE AND LOCAL AUTHORITIES, LAW ENFORCEMENT AGENCIES

In May 2023, the President of Ukraine Volodymyr Zelenskyi evasively responded to a petition in support of Bill 9103 “On the institution of registered partnerships” noting that “[...] the Ukrainian state has consciously chosen to move towards European standards, which are based on the three fundamental values of the Council of Europe — democracy, rule of law, and human rights. European law proceeds from the fact that respect and protection of fundamental human rights (primarily [...] the right to respect for private and family life, prohibition of discrimination) is the main duty of the state.”

According to reports from many sources, the Ministry of Justice of Ukraine has prepared the text of its draft law on registered civil partnerships, which, according to the Action Plan on Human Rights, was to be submitted by the Ukrainian government to the Verkhovna Rada in December 2023. Deputy Minister of Justice Valeria Kolomiets quite actively covered the progress of work on this document and repeatedly expressed her support to it and protection of LGBTQ people’s rights in general. Meanwhile, the Ministry of Justice expressed a negative opinion on Bill 9103.

Also, there were published proposals to Bill 9103 on behalf of the Minister of Defense Oleksiy Reznikov, in which he stated that his ministry does not support this document and expressed a number of comments to it, which, however, looked quite strange and contradicted the current Ukrainian legislation. After that, the NGO “Ukrainian LGBT+ military for equal rights” asked Minister Reznikov for a meeting to discuss controversial issues regarding this draft law. Representatives of the Ministry of Defense promised to organize such a meeting with the minister or another official representative of the ministry, but did not fulfilled this promise.

One of the problematic issues for the Ministry of Defense was the lack of information about the number of LGBTQ persons among military personnel that prompted the command of some military units to conduct allegedly anonymous surveys of personnel about their LGBTQ affiliation or awareness of such affiliation of other military. LGBTQ and human rights organizations, however, immediately pointed out the flawed methodology of such a

survey, its fundamental unreliability and insignificance in relation to issues of protecting the rights of LGBTQ military staff.

After the resignation of Oleksiy Reznikov as the Minister of Defense and the appointment of Rustem Umerov in his place in September 2023, the ministry changed its attitude to Bill 910 by supporting it with minor remarks.

In November, the Ministry of Justice also unexpectedly changed its attitude towards this document: it expressed a new, generally positive, opinion on Inna Sovsun's bill and announced that it would submit its similar draft law to the Verkhovna Rada only if, by the results of consideration in the parliament, Bill 9103 would not be adopted.⁴ According to the secretary of one of the inter-factional parliamentary associations, this happened because Prime Minister Denys Shmyhal and few ministers, due to their political and ideological views, do not want to support a draft law on registered partnerships for same-sex couples for its further introduction to consideration of the Verkhovna Rada on behalf of the Cabinet of Ministers of Ukraine, as provided for in Clause 33 of the current Action Plan on Human Rights. Since the Cabinet of Ministers has not done this by the end of 2023, it can be stated that the Ukrainian government has not fulfilled this item of the Action Plan.



During the Pride Month, two government bodies — the Ministry of Culture and the Ministry of Foreign Affairs — painted their logos on their social media pages in rainbow colors

as a sign of solidarity with the LGBTQ community. Although the Ministry of Foreign Affairs of Ukraine decided not to join the joint statement prepared by the ministers of the Council of Europe member countries on the occasion of May 17 (the International Day against Homophobia, Biphobia and Transphobia), the ambassador of Ukraine in Moldova signed a joint letter of foreign countries' and international organizations' representatives in support of the Pride Month in this country. On December 26, the Ambassador of Ukraine to the USA Oksana Markarova took part in the

⁴ <https://www.facebook.com/sovsun.inna/posts/pfbid0225DD8yTabLVuHQG-dX4XvSmWSWjnYw5ioa8XSTCfqkGSgN5jP8YcDjMZo6CMkWV7PI>

opening of the photo exhibition “LGBTIQ+ in Defense of Ukraine” organized in the US capital, Washington, by a number of LGBTQ organizations with the help of the Ukrainian embassy.⁵ Similarly, Ukrainian ambassadors to Sweden, Germany and Australia took part in local LGBTQ pride events.



In 2023, the Ambassador of Ukraine to Sweden Andrii Plahotniuk (center) took part in Stockholm Pride for the second year in a row — this time in the company of Swedish Prime Minister Ulf Kristersson (left) and Foreign Minister Tobias Billström (on the right in the photo).

The National Television and Radio Broadcasting Council, which has become the national media regulator under the law “On Media,” has very actively started work on developing criteria for determining information that may be discriminatory, particularly, in relation to the LGBTIQ community. To this end, it held a series of meetings and consultations with representatives of civil society and other stakeholders and presented these criteria in the fall of 2023, promising to establish control over all mass media, including Internet sites, for their compliance.⁶

⁵ <https://www.washingtonblade.com/2023/01/29/ukrainian-ambassador-to-us-highlights-support-of-lgbtq-intersex-rights/>

⁶ <https://www.ukrinform.ua/rubric-society/3784042-lise-dialog-dast-zmogu-uniknuti-bagatoh-proaviv-diskriminacii-eksperti.html>

An official representative of Ukrzaliznytsia (state-owned national railways), responding to the request to organize separate compartments for women, said that this service will also be available for transgender women.⁷

The activity of the Ukrainian Parliament Commissioner for Human Rights in 2023 was mainly focused on problems directly related to Russian aggression, but the Ombudsman Dmytro Lubinets and his Secretariat did not ignore the issue of protecting LGBTQ people's rights. In particular, the Ukrainian Ombudsman said that he insisted on taking into account the homo / transphobic motives of the accused when investigating crimes and imposing punishment for them, and also strongly supported the introduction of registered civil partnerships in Ukraine, available to same-sex couples: "This is a choice without a choice. [...] If this issue is legally recognized on the territory of the European Union, what do you think should be the respond on the territory of Ukraine? [...] As one of the tools to regulate this without changes to the Constitution of Ukraine, it is to adopt a draft law on so-called civil partnerships."⁸

Local councils, mainly in western Ukraine, took part in a campaign against the adoption of Bill 9103 on registered civil partnerships, organized with the help of leading Ukrainian churches. Members of local councils participated in public discussions of this topic and/or adopted appeals to the central government with demands not to adopt laws protecting the rights of LGBTQ people, prepared with the help of the homophobic movement "All Together!" — in particular, such documents were supported by Kovel (Volyn oblast), Ivano-Frankivsk and Lutsk city councils, Volyn and Chernivtsi oblast councils, etc.

In general, this next campaign of homophobic appeals by local councils to the state leadership was noticeably weaker than similar campaigns in previous years. The indignation of religious and ultraconservative activists was caused by the fact that they did not find any support from the local state administrations, and the Lviv regional military administration even organized an educational lecture on the topics of sexism, gender

⁷ <https://www.facebook.com/oleksandr.shevchenko.ua/posts/6942031269147208>

⁸ <https://www.youtube.com/watch?v=gz1H1z9VTHM&t=1722s>

discrimination, and homophobia for civil servants and members of local councils.⁹

Also, homophobic public activists drew attention to the holding of a specialized training “On varieties of sexual orientation” in the School No. 29 of Khmelnytskyi among 11th grade students. They unsuccessfully demanded from the Department of Education and Science of the Khmelnytskyi City Council to dismiss the officials responsible for the conduct of training. Instead, they received an answer from the Acting Director of the Department Olga Kshanovska that she did not see any problems in the fact of its holding, since Ukrainian legislation guarantees the independence of educational institutions in making decisions regarding educational and other issues of activity.¹⁰

⁹ <http://catholicnews.org.ua/u-lvovi-chinovnikiv-navchali-virnosti-ideyam-lgbt-ta-feminizmu>

¹⁰ <https://vsirazom.ua/news/pro-riznovydy-seksualnoyi-oryentacziyi-u-shkoli-hmelnyczkogo-vidpovid-departamentu-osvity-i-nauky-shokuye-rozsliduvannya-tryvaye>

3. POLITICS, MASS MEDIA AND SOCIETY

The submission of Bill 9103 on civil registered partnership to the Verkhovna Rada by Inna Sovsun MP for the first time made the issue of LGBT rights protection one of the leading topics of Ukraine's domestic politics. Although most members of the Verkhovna Rada stayed away from the discussion of such topics, Inna Sovsun managed to attract 17 more colleagues as co-initiators of this bill: 5 of her fellow Holos party members and 12 from the ruling Servant of the People party, including the heads of these parties Kira Rudyk (Holos) and Olena Shuliak (Servant of the People).¹¹



¹¹ <https://itd.rada.gov.ua/billInfo/Bills/Card/41497>

In 2023, the Servant of the People party finally decided on its ideology by joining the pan-European political association Alliance of Liberals and Democrats for Europe (ALDE) while Holos (“The Voice”) party, which has always positioned itself as a liberal political force, has been a member of this association since 2020. Holos became the only one of the leading Ukrainian political forces to paint its logo in rainbow colors during the Pride Month.

It is worth noting that not all members of the Servants of the People share the liberal-democratic ideology; this party was actually formed as just a support group for the current President of Ukraine, Volodymyr Zelenskyi. While the head of Holos Kira Rudyk argued for the support of Bill 9103 with ideological considerations (“Liberal values are about equal opportunities for everyone. That is why I support the bill of my colleague Inna Sovsun on registered partnerships”¹²), the Servants of the People’s head Olena Shuliak mentioned appeals from public organizations and citizens (“when I read the appeals of concrete people who write that ‘now in Ukraine, every day can be the last one for us’ and ask to grant them equal rights with traditional couples — it’s simply impossible to ignore it”¹³). Thanks to the initiative of Inna Sovsun, a resolution supporting the introduction of civil registered partnership in Ukraine was adopted at the ALDE Congress held in May 2023 (which was a surprise for its participants from the Servant of the People party, according to Sovsun).

In her opinion, currently there is a lack of votes in support of any bill on same-sex civil partnerships both in the Verkhovna Rada as a whole and even in the relevant parliamentary Committee on Legal Policy — however, the situation is gradually changing for the better, and certain members of parliament are changing their views on this topic. Homophobic statements and actions of the Russian authorities are one of the reasons that motivate such changes. In particular, quite unexpectedly, Bill 9103 was supported by the head of the parliamentary Committee on Youth and Sports Andrii Kozhemiakin (Batkivshchyna party). According to the actual author of this

¹² <https://www.facebook.com/kira.rudik/posts/pfbid0iisGpJDZn7quCE9NpQyfk-4qtJPY4jewmbfg9vwKzEiPfM84U13ggZqXYjfcmd9Hl>

¹³ <https://www.kyivpost.com/uk/post/14679>

draft law, Maria Klyus, an assistant to Inna Sovsun MP, at the committee meeting, Andrii Kozhemyakin stated that he supports Christian values, “But we are now in a state of war, we clearly know who is our enemy, who is our friend. And if we can do something to move away from Russian “clamps” [i.e common values that unites society], then I support this decision and this draft.”¹⁴

Ultra-conservative and radical nationalist socio-political forces, in particular, such as the parties National Corps, Right Sector, Svoboda, etc., remain irreconcilable opponents of equal rights for LGBTQ people. They are not influential at the national level and are not represented in the Verkhovna Rada (the only exception is one Svoboda member elected to the parliament in a majority district). Svoboda party, however, is quite prominently represented in local councils, especially in the west of Ukraine, where its members together with religious activists consistently promote a homophobic agenda. In particular, the Svoboda faction in the Volyn Oblast Council made a statement in which it condemned efforts to promote “aggressive gender ideology in the educational sphere” and to legalize same-sex marriages in Ukraine, and prepared a draft of a corresponding appeal to the Verkhovna Rada.¹⁵

After banning and liquidation of pro-Russian parties, Yulia Tymoshenko took over the role of the main fighter against “propaganda of homosexuality” and “gender ideology” in the Verkhovna Rada. Someone from the participants of Tymoshenko's non-public meeting with members of her party Batkivshchyna (“The Motherland”) secretly filmed and distributed on the Internet a video where the leader instructs fellow party members: “We are against this, publicly, and as soon as the government is rebooted, we will cancel all this to the hell. There are only two genders — male and female — everything else should be forgotten. And traditional family values — that's it, full stop. Therefore, I ask you to start a separate, strategic, deep activity in this direction, which will consist of three elements. First: a meeting with the clergy of each denomination in the

¹⁴ <https://lyuk.media/people/maria-klus/>

¹⁵ <https://www.facebook.com/volynrada/posts/pfbid02VWzfwAaytY9TFp2rRZx-kMUSS7hSWow8NHHQpVM4rVfphhtLwwfAZdASa6K8kRDFNI>

region. [...] The second: to ask each denomination to produce a special edition of a newspaper which will be distributed to all believers. [...] And thirdly, these are the speeches of our deputies: the service is over, after that the conversations begin, at the end of the service both priest and one of our representatives should speak and tell the people all this and ask them to convey it to everyone. I would ask that we devote serious strategic work and attention to this topic. This is mega-important.”¹⁶

Probably, this way Yulia Tymoshenko hopes to increase, especially in the west of Ukraine, the popularity of her party, which has been steadily declining in recent years. During 2023, Tymoshenko personally and the Batkivshchyna parliamentary faction as a whole consistently took an ultra-conservative position and voted against any decisions of the Verkhovna Rada of a liberal nature. Apparently, some of members of parliament and activists of Batkivshchyna do not share such a course, but obey the dictates of their leader. Evidence of disagreement within Batkivshchyna with Tymoshenko's ultra-conservative course is, for example, the leak of the above-mentioned video on the Internet and the support of Andriy Kozhemiakin, an MP from Batkivshchyna, for the bill on registered civil partnerships.

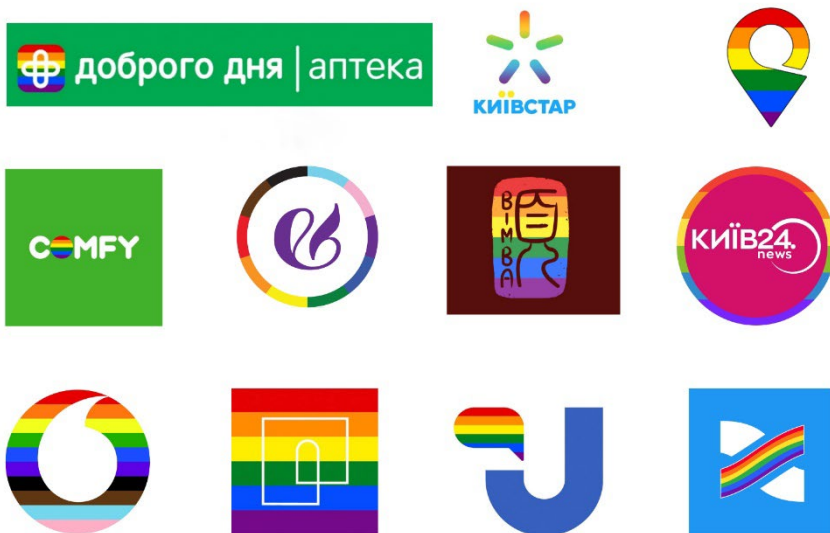
During the Pride Month, aggressive opponents of LGBTQs also became noticeably more active — in particular, the organizers of the international queer film festival Sunny Bunny, which was successfully held on June 22-28 in Kyiv, received numerous threats to set fire to the cinemas Zhovten and KINO42, which were showing the festival program. Zhovten cinema was already heavily damaged by arson committed for similar reasons on October 29, 2014, so the organizers of the festival and the management of the cinemas immediately contacted the police.¹⁷ This time, the threats of unknown perpetrators were not fulfilled.

The Pride Month, which lasted from May to June 2023, was also marked by a wave of symbolic support from businesses, both small and leading in their fields, earlier unprecedented in Ukraine. Such large national companies as

¹⁶ <https://www.facebook.com/nashsvitcenter/videos/398569019188842/>

¹⁷ <https://hromadske.ua/posts/kiyivskim-kinoteatram-pogrozhu-yut-pidpalom-cherez-provedennya-pershogo-v-ukrayini-lgbt-kinofestivalyu>

Dobroho Dnya Pharmacy chain, all major mobile operators — Vodafone, Kyivstar, Lifecell, — the chain of household appliances and electronics stores Comfy, the state and largest postal service in Ukraine Ukrposhta, Internet provider Lanet, etc. published statements in support of LGBTQ people and/or painted their logos in rainbow colors, The reaction of the audience to such actions was very various, they received both approval and strong condemnation. According to Mariya Nazarenko, Comfy's Director of marketing and e-commerce, after the company published its logo with a rainbow flag on its pages in social networks, the number of new followers on Facebook and Instagram increased slightly while on X (formerly Twitter) tripled.¹⁸



During Pride Month 2023, a number of large and medium-sized Ukrainian businesses painted their logos in rainbow colors.

At the same time, the reaction to the Pride Month of the largest private postal company Nova Poshta was restrained, but noticeably unfriendly:

¹⁸ <https://www.facebook.com/maria.nazarenko.12/posts/pfbid06CVVm9mHiev-ZhSYXAE4Uy9hi6aoqffdEw6WczeqakxM6Rvd9brfmwZ2SGAgytxAKI>

administrators of its social networks deleted questions about the company's attitude to LGBTQ people from users and even blocked the most active of them. According to the reports of critics of Nova Poshta, this is connected with the personal position of its owner. An even bigger scandal erupted around the publication of an advertisement for employment at the IT company Soft.ua, in which the requirements for candidates included "non-involvement with the LGBT movement." After the company's management realized that such requirements directly contradict the current Ukrainian legislation and may lead to them being brought to administrative and even criminal responsibility, this ad was removed from the job vacancies website, but Soft.ua and its manager Dmytro Asmohilov on their social networks has repeatedly emphasized their principled negative attitude towards LGBTQ people.¹⁹

However, according to all recent public opinion polls, this attitude is now shared by a minority of Ukrainian society. Thus, a comprehensive study by the Rating Sociological Group, conducted in early 2023, found that, during a year since the beginning of the full-scale Russian invasion, the neutral or positive attitude towards the LGBT community increased from 53 to 64%.²⁰ According to the survey of the Rating Sociological Group conducted in August 2023, 42% of respondents spoke against the legalization of same-sex marriages, 37% supported it, and 22% did not have a definite opinion on this matter.²¹

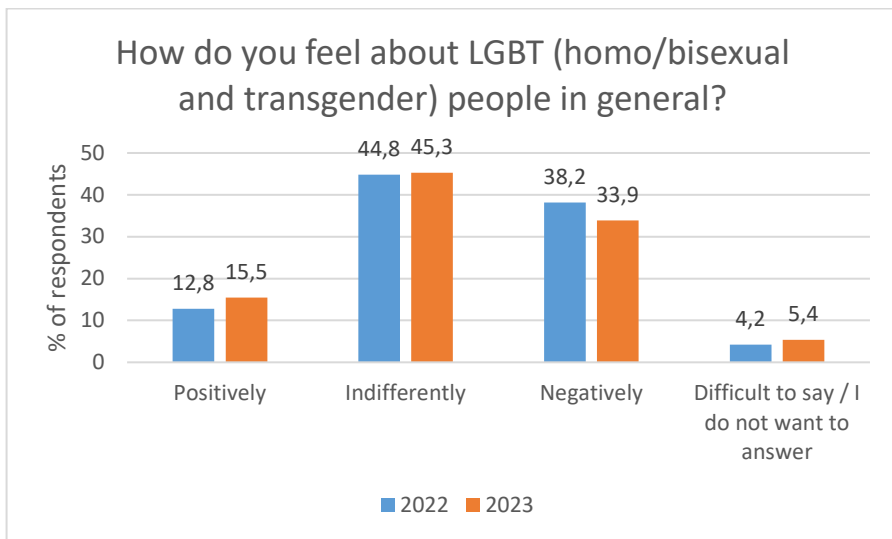
A survey, conducted by the Kyiv International Institute of Sociology (KIIS) on request of Nash Svit Center in June 2023, also confirmed this positive trend: over the year, the share of those who have a negative attitude towards LGBT people decreased from 38.2% to 33.9%; the share of those who support the introduction of civil registered partnerships for same-sex couples increased from 23.6% to 28%, while the share of those against it

¹⁹ https://zaxid.net/ukrayinska_it_kompaniya_potrapila_u_skandal_cherez_discriminatsiyu_lgbt_n1565745

²⁰ https://ratinggroup.ua/research/ukraine/kompleksne_dosl_dzhennya_yak_v_yna_zm_nila_mene_ta_kra_nu_p_dsumki_roku.html

²¹ https://ratinggroup.ua/research/ukraine/soc_olog_chne_dosl_dzhennya_do_dnya_nezalezhno_uyavlennya_pro_patr_otizm_ta_maybutn_ukra_ni_16-20_se.html

decreased from 41.9% to 38.9%.²² Another KIIS study showed that in the first half of 2023, 53-56% of respondents completely or rather agreed with the statement “LGBT+ people should have the right to civil partnerships” while 22-24% completely or rather disagreed.²³



According to public opinion polls conducted by the Kyiv International Institute of Sociology on the request of Nash Svit Center, the attitude of Ukrainian society towards LGBTQ people is gradually improving.

According to our estimates, in 2023, the Ukrainian mass media, for the most part, actively and positively covered the participation of openly LGBTQ people in the war against Russia and the introduction of registered civil partnership. The exception was religious websites, which voiced the irreconcilably homophobic position of the leading Ukrainian churches — however, they are not too visible and popular in the Ukrainian media space.

²² <https://gay.org.ua/blog/2023/06/15/za-rik-ukraintsi-pokrashchyly-svoie-stavlennia-do-lhbt/>

²³ https://kiis.com.ua/materials/pr/20230630_p/May%202023_wartime%20-survey_Public%20version_Ukr.pdf, p. 12.

4. CHURCHES AND RELIGIOUS ORGANIZATIONS

In 2023, official representatives of the leading Ukrainian churches, unified in the All-Ukrainian Council of Churches and Religious Organizations (hereinafter abbreviated as AUCCRO), focused their efforts on opposing the introduction of registered civil partnerships available to same-sex couples in Ukraine. On March 27, AUCCRO appealed to the Chairman of the Verkhovna Rada regarding the inadmissibility of the adoption of Bill 9103, and on June 14 it published a statement “on the inadmissibility of equating same-sex cohabitation with family,”²⁴ responding to the decision of the ECtHR in the case *Maymulakhin and Markiv v. Ukraine* (although, according to Article 3 of the Family Code of Ukraine, same-sex partnerships are already considered a family, which is confirmed by existing court decisions).

Similar statements with objections to any steps towards the recognition of family relationships and protection of the rights of same-sex partners were also made by the heads of certain churches and religious associations — in particular, the Ukrainian Greek Catholic Church (UGCC), Orthodox Church of Ukraine (OCU), Ukrainian Orthodox Church – Kyiv Patriarchate, Ukrainian Pentecostal Church, All-Ukrainian Union of Churches of Evangelical Christian Baptists, etc.

In 2023, leading religious mass media began regularly reprinting highly manipulative materials on LGBTQ issues issued by the homophobic movement “All Together!” led by religious activist and journalist Ruslan Kukharchuk, and leaders of Ukrainian churches began to participate in events organized by this movement. Church officials, however, carefully avoided wordings that would directly condemn homosexuality and LGBTQ people, replacing them with vague phrases about “protecting the family” and “family values.” Particularly, the local Spiritual Council of Christian Churches and Religious Organizations conducted another march “for family values” in Kamianets-Podilskyi on May 21 that, unexpectedly for its organizers, caused a flurry of criticism in social networks as an event directed against LGBTQ people and European integration of Ukraine. The representatives of the Spiritual Council were forced to justify themselves,

²⁴ <https://vrciro.org.ua/ua/statements/zayava-vseukrainskoi-radi-tserkov-i-religiynikh-organizatsiy-pro-nepripustimist-zrivnyannya-odnostatevikh-spivmeshkan-iz-simeyu>

emphasizing that the announcements or speeches of the clergy did not indicated that this was an “anti-LGBT march” and never mentioned the topic of homosexuality.²⁵

Obviously, Ukrainian churches are forced to respond to the changing mood of Ukrainian society, which is becoming more and more tolerant and friendly to LGBTQ people and is beginning to become disillusioned with the church. The latest sociological surveys demonstrate both the growth of support for the LGBTQ community and the decline in the authority of the church in Ukraine. Thus, regular sociological polls by the Razumkov Center have shown that, since the beginning of 2023, the level of public trust in the church has decreased by 6.3% — from 69.7% in February-March²⁶ to 63.4% in December.²⁷ Regular surveys of the Kyiv International Institute of Sociology consistently show even a lower level of trust in the church. According to these data, the level of trust in the church by Ukrainian society decreased by 6% over the last year — from 44% in December 2022 to 38% in December 2023.²⁸

Liberalization of attitude towards homosexuality in the Roman Catholic Church as well as the permission to bless same-sex couples became a heavy blow to the irreconcilably homophobic position of the leading Ukrainian churches. By the end of 2023, homophobic materials had almost disappeared from the pages of the leading religious Ukrainian media, which instead focused on discussing and criticizing changes in Catholic doctrine on this matter. As expected, the Roman and Greek Catholic bishops of Ukraine spoke out against the Vatican's decision to allow same-sex couples to be blessed and said they would not allow this within their jurisdiction.

²⁵ <https://www.facebook.com/kpmrada/posts/pfbid0n9bvjUqK94pkQAJb-W6hxVZVzASQ7FwqU3zQMaXk7SoN91t3SJy6g8Gatgag3VS9l>

²⁶ <https://razumkov.org.ua/napriamky/sotsiologichni-doslidzhennia/otsinka-gromadianamy-sytuatsii-v-kraini-ta-dii-vlady-dovira-do-sotsialnykh-instytutiv-liutyi-berezen-2023r>

²⁷ <https://razumkov.org.ua/napriamky/sotsiologichni-doslidzhennia/otsinka-gromadianamy-sytuatsii-v-kraini-dovira-do-sotsialnykh-instytutiv-politykiv-posadovtsiv-ta-gromadskykh-diiachiv-gruden-2023r>

²⁸ <https://www.kiis.com.ua/?lang=ukr&cat=reports&id=1335&page=1>

It is obvious that Ukrainian churches now feel extremely uncomfortable, forced to publicly discuss LGBTQ issues that they carefully avoided before. A violent public reaction was caused by the video clip for the song “Heart” performed by the famous writer and singer Serhii Zhadan and the singer Khrystyna Solovii, which, among other things, shows a kiss between two girls that was partially filmed in a Greek Catholic temple in Lviv. The church leadership fired the rector of the temple where the clip was filmed, although the same-sex kiss scene was filmed in a completely different location, while UGCC clerics called on the musicians to remove the clip from the Internet. They, of course, refused, receiving massive support from the youth audience, which openly mocked the church's hypocrisy. The UGCC priest Nazarii Zatorskyi, known for his liberal views, supported the artists and condemned religious fanaticism.²⁹



One of the most famous chaplains in the Armed Forces of Ukraine, OCU priest Serhii Dmytriiev does not share the homo /transphobic views of the leading Ukrainian churches.

²⁹ https://zaxid.net/pro_antihristinu_sodomiy_u_tserkvi_zi_sobakami_n1573057

Some religious activists and representatives of churches began to express their disagreement with the position of the church leadership and ultra-conservative believers who have an uncompromising attitude towards homosexuality and demand that the state live according to religious laws. In particular, such views were expressed by the well-known religious expert, activist and journalist with theological education, Viktor Trehubov³⁰ (Orthodox) and military chaplain Olena Lehenchuk³¹ (Pentecostal). However, the latter was forced to recant her words — probably under the pressure of the church authorities whose permission is required to serve as a chaplain in the Armed Forces of Ukraine.

Despite sharp criticism from ultra-conservative religious activists and the dissatisfaction of his church superiors, the chief chaplain of the Territorial Defense Forces, OCU priest Serhii Dmytriyev consistently expresses a tolerant and friendly attitude towards LGBTQ people (he also holds the positions of a Deputy Head of the OCU Synodal Department of Social Service and the Executive Secretary of the AUCCRO Commission of Social Service).³²

³⁰ <https://www.ukrinform.ua/rubric-society/3716206-viktor-tregubov-major-zsu-teolog.html>

³¹ <https://rozmova.wordpress.com/2023/06/15/olena-lehenchuk/>

³² <https://glavcom.ua/longreads/ja-sluzhiv-rosijskij-tserkvi-intervju-iz-najprohresivnishim-kapelanom-zsu-943194.html>

5. LGBTQ COMMUNITY

As for the entire Ukrainian society, the main issues of the LGBTQ community in 2023 were helping the armed forces in resisting Russian aggression and surviving in war conditions. Many Ukrainian LGBTQ organizations in these difficult times focused their efforts on supporting the community, in particular, by providing emergency material and financial assistance to victims of hostilities and temporary shelter to refugees from occupied and dangerous territories. Some organizations from the east and south of Ukraine were forced to evacuate almost all of their personnel to relatively safe regions, becoming forced migrants themselves.

In particular, with the financial assistance by an American LGBTQ organization, a special shelter for transgender and non-binary people, designed for 12 persons, was created and operates in Odesa through the joint efforts of activists of the local LGBTQ community, resettlers, and the NGO Projector. During the year, it received about a hundred visitors, who were also provided with material, psychological and legal assistance. In it, temporary residents are not threatened by manifestations of transphobia, which can occur even within the LGBT community. In fact, it became a socio-cultural center for the trans community of southern Ukraine.³³

On December 12, NGO KyivPride, the organizer of the Kyiv Equality March, announced a change of its team. Its manager since 2021 Lenny Emson and his team left this organization, and the Board and General Assembly announced the beginning of a transition period and the recruitment of a new team of workers.³⁴ After the end of the project funding in December 2024, the NGO Gay-Alliance Ukraine ceased publication of the last printed regular LGBTQ edition in Ukraine, the newspaper Stonewall.

Due to the war, pride events in Ukraine in 2023 were very limited and, mostly, non-public, Equality Marches were not actually held. The only exception was Kharkiv, where, even under constant shelling from the Russian aggressors, the organizing committee of Kharkiv Pride held a

³³ <https://odessa-life.od.ua/uk/article-uk/jak-v-odesi-pracjuie-shelter-dlja-transgendernoi-ta-nebinarnoi-spilnoti>

³⁴ <https://www.facebook.com/kyivpride/posts/pfbid02ynQq3n5fwe9KCZafVw-RM1H1tvjmjcUR77ZZ9vVMUtnoM6qdvQGfa6gsKTTUoZedsI>

number of events. In particular, on August 27, 25 LGBT activists carried out a bicycle ride through the center of Kharkiv under rainbow flags,³⁵ and on September 2, the Kharkiv Pride ended with a symbolic march: about half a hundred participants placed silhouettes of people in rainbow colors on Nauka Avenue as a reminder of LGBTQ people and their problems, which have become invisible through the war.³⁶



Kharkiv Pride 2023 ended with the action “Invisible Figures” on Nauka Avenue.

Public activity to protect the rights of LGBTQ people this year was mainly focused on advocacy for the adoption of the law on registered civil partnership, especially by the NGO “Ukrainian LGBT+ military for equal rights” and merely open LGBTQ military, in which they were actively supported by journalists and other LGBTQ organizations. This activity has

³⁵ <https://www.objectiv.tv/uk/objectively/2023/08/27/lgbt-aktivisti-proveli-veselkovij-veloprobig-u-tsentr-harkova-foto/>

³⁶ <https://gwaramedia.com/en/uniting-for-victory-kharkivpride-march-took-place-in-the-city/>

led to a noticeable counteraction from homophobic religious activists and the military, who have tried in every way to downplay the merits of LGBTQ soldiers or deny their existence altogether. It is worth noting that the not very tolerant attitude towards LGBTQ people in Ukrainian society forces the vast majority of them to hide their identity, particularly in the military service; open LGBTQ people in Ukraine still make up a small share of their total number.



Soldiers of the Ukrainian Armed Forces, gunner Pavlo Lahoida (right) and infantryman Vladyslav Polishchuk do not hide their relationship and demand the speedy adoption of the law on registered civil partnership.

Meanwhile, over the past year, the number of open LGBTQ personnel in the Ukrainian army has significantly increased. At the beginning of 2023, only one open transgender woman served in the Armed Forces — a volunteer, military journalist from the USA Sarah Ashton-Cirillo, who was even appointed as the presenter of the official Territorial Defense Forces English-

language news.³⁷ Over the course of the year, several openly transgender and dozens, if not hundreds, of LGB soldiers dared to publicly come out.

Open LGBTQ soldiers report, for the most part, neutral or tolerant treatment by servicemates and command as well as lack of discrimination in promotions and meritorious service awards. However, due to the lack of an official policy of the Ministry of Defense and the Ministry of Internal Affairs in this matter, there are reported also cases of intolerant behavior and even violence from fellow soldiers and, less often, direct command. The most intolerant attitude towards LGBTQs is typical for various volunteer units formed by right-wing radical organizations — however, this does not create serious problems due to the fact that they include volunteers with the corresponding ideological views, among whom there are no open LGBTQ people.

Transgender people in some places experience problems with the necessary hormonal drugs — both with their availability and with the cost against the background of a general decrease in their incomes. LGBTQ and charitable organizations try to help them in solving this problem as much as possible. LGBTQ activists reported repeated cases of discriminatory treatment by the Border Guard Service against transgender women leaving Ukraine: Ukrainian border guards demanded from them documents not required for leaving the country and did not allow them to cross the border due to their “unconvincing” appearance, even though in the passport their gender was indicated as female, accompanying this with homo /transphobic insults and humiliations.

³⁷ <https://www.facebook.com/Svetlyi/posts/pfbid02zsL8tx4RBcvLnBMTa2hBM-2e3bgsvtzRHH2nCn3qyRS3UV5KhyB9ZiFCHBMiH42Vgl>

6 . VIOLENCE, DISCRIMINATION AND OTHER VIOLATIONS OF LGBTQ PEOPLE’S RIGHTS³⁸

In 2023, Nash Svit Center’s monitoring network documented 56 cases of actions motivated by homophobia / transphobia, discrimination and other violations of human rights in Ukraine, of which 52 occurred in the territory of Ukraine, and 4 — abroad with Ukrainian LGBTQ refugees.

Table 1. Regional distribution of cases documented in 2023.

Region	Number
Kyiv and oblast	16
Odesa and oblast	5
Zhytomyr oblast	4
Lviv	4
Donetsk and oblast	3
Lutsk	3
Ivano-Frankivsk and oblast	3
Mykolaiv and oblast	2
Sumy	2
Chernivtsi	2
Dnipro	1
Zaporizhzhia	1
Kirovohrad oblast	1
Poltava	1
Rivne	1
Ternopil	1
Kharkiv	1
Kherson region	1
Abroad (Netherlands, UK, Poland)	4
Total:	56

³⁸ 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.

Violations by the occupying forces (war crimes)

In 2023, 3 war crimes were recorded by the Russian invaders in the temporarily occupied Ukrainian territories: two in Donetsk and one in Kherson region. This is significantly less than in 2022 (31), which may be due to the fact that the occupied territory liberated in 2023 was rather small, and information about violations by the Russian occupiers is obtained, most often, from local residents after their liberation.

Case 2306

In the first half of September 2023, the occupation administration of one of the towns in Kherson oblast suspected a local resident A. of contacts with the Ukrainian side and threw him to a torture chamber. A. was beaten and subjected to sexual violence: he was forcibly undressed, poked in different parts of his body with the muzzle of machine guns, told to “suck himself for Ukraine” or to the occupiers; they said that “there are many faggots in Ukraine,” that he is “like them, because have no woman.” They threatened to rape him and said that “then you will be normal,” they hardly gave him food and water. They kept him for about a week, then they said “for now, go, and we'll look at your behavior then.”

Case 2307

In mid-October, the lesbian couple S., aged 36, and A., aged 28, were subjected to sexual violence and extortion by the Russian military at one of the checkpoints in Donetsk oblast, when the women tried to leave for the territory controlled by Ukraine. The occupiers became suspicious of A., whom they initially mistook for a boy. The women were taken to a barn and forced to strip down to their underpants, they found a labris tattoo (a traditional lesbian symbol in the form of a double-edged ax), threatened with gang rape as a “prevention of lesbianism,” groped their bodies, insulted them. It was early in the morning and very cold, and the soldiers deliberately kept them from getting dressed for some time, even when they stopped the search. S. was able to agree to let them go: she gave her family jewelry (rings and brooches made of antique gold) — the only things of value she had. They spent 2 to 4 hours at the checkpoint.

Interaction with private persons

In 2023, 25 cases of actions based on homophobia / transphobia and hate speech by private individuals or groups of individuals were recorded in Ukraine. 17 of them can be characterized as *hate crimes*, and 7 as *hate incidents*. In one case, manifestations of *hate speech* were recorded.³⁹ The following types of violations were noted (please see Table 2):

Table 2. Actions motivated by intolerance based on SOGI by private persons in 2023.

Types of violations	Number
insults, humiliation of human dignity, threats	21
physical violence of varying severity	18
illegal collection, disclosure or threat of disclosure of confidential information	5
homophobia / transphobia in family	4
brigandage	3
extortion and blackmail	3
attacks on LGBTQ centers / events or activists	2
intrusion in private life	2
damage to property	2
homophobic inscriptions / calls (hate speech)	1
illegal eviction	1
kidnapping	1

As in the previous war year, in 2023 the trend of decreasing attacks on LGBTQ centers and events continued. Among this type of violations, we can mention the counteraction of the homophobic group “Tradition and Order” (officially it was liquidated, but in fact it operates under other names) dedicated to the opening of an LGBTQ-themed exhibition in the Odesa Art Museum in December 2023 — the picketers tried to damage the normal functioning of the museum, tore off the exhibition banner and took it with

³⁹ Italicized terms are given according to the ODIHR/OSCE classification.

them as a trophy. Soon, inscriptions with neo-Nazi symbols appeared on another museum banner.



On December 22, 2023, in Odesa, members of the "Tradition and Order" grouping damaged an LGBTQ exhibition banner, and another museum banner was later painted with homophobic insults and neo-Nazi symbols.

Case 2265

At the end of March 2023, Dmytro aged 27, in the elevator of his house encountered a neighbor who knew about his homosexual orientation and repeatedly expressed his homophobic attitude. This time, this man aged 50 began to harass him again, and when Dmytro demanded to stop insulting, the neighbor attacked him with his fists and brutally beat him.



Beating of a gay man in Zaporizhzhia (Case 2288).

Case 2288

At the beginning of August in Zaporizhzhia, a group of young men in a Telegram group for gay dating lured a gay man aged 45 on a date where they beat him, filming it and posting it on the Internet. Despite the fact that the victim gave the police some information that could help find the attackers, the police did nothing for several months.

Relations with law enforcement agencies

The interaction of the victims with law enforcement agencies was noted in 22 cases (calling the police, submitting statements about offenses, conducting investigative actions, etc.). Violations by police representatives were recorded in 10 of them (please see Table 3).

Table 3. Violations on the basis of SOGI in 2023 by the police.

Violated rights (by what actions)	Number
effective means of legal protection (improper performance of rights protection functions, refusal to protect rights)	7
equality and non-discrimination (biased treatment)	4
freedom and personal integrity (violation of procedural norms, excess of official powers, insults, humiliation of human dignity, threats, physical violence)	3
respect for private life (intrusion into private life, illegal collection, disclosure or threat of disclosure of confidential information)	3
freedom from torture and inhuman treatment (torture or inhuman treatment)	1

Most of the cases of violations by law enforcement officers relate to improper performance of their functions regarding the protection of rights and denial of protection. Thus, the Dniprovskiy District Police Department of Kyiv in fact “froze” the investigation into the attack on Nash Svit Center’s office by presumably members of the Carpathian Sich organization, which took place in the first days of the full-scale Russian invasion, and the investigator, who is conducting the investigation of this cases, consistently refuses to recognize Nash Svit Center as an injured party in this proceeding

despite numerous complaints from victims and decisions of investigative judges.

We also documented three cases of violation of the right to freedom and personal integrity by the police.

Case 2300

While investigating the murder of a gay man, officers of one of the district police departments in Kyiv interrogated men with whom the murdered man had meetings. 32-year-old S., who also attended such an interrogation as a witness in mid-December 2023, reported that police officers insulted him in connection with his sexual orientation and used physical violence in order to induce him to confess. In addition, during the interrogation, the police showed intimate videos from the murdered man's phone and made fun of his sexual practices, while asked S. if he does the same, etc., brutally interfering in his private life. Also, the police, for some unknown reason, informed S. that the murdered man was HIV-infected and asked about S.'s HIV status. The investigator in this case was not present at the interrogation, although, according to the Criminal Procedure Code, (s)he was supposed to carry out all investigative actions personally. The interrogation lasted more than 7 hours, and S. was released only after he passed a polygraph. The police said that after that they had no more questions for him and forced S. to sign a statement that he had no complaints against them.

Violations in the Armed Forces (military offenses)

In 2023, 5 cases of rights violations on SOGI grounds were documented in the Armed Forces (please see Table 4).

Table 4. Violations based on SOGI in 2023 in the Armed Forces.

Type of illegal actions	Number
insults, humiliation of human dignity, threats	5
biased treatment (discrimination)	5
physical violence of varying severity	2
harassment	1

intrusion in private life	1
illegal collection, disclosure or threat of disclosure of confidential information	1
demotion or denial of promotion	1

In two cases, which took place in February in Ternopil and in March in Izmail, discriminatory treatment (insults, humiliation of human dignity) by representatives of the Territorial Enlistment Centers towards transgender persons was noted just on the street during the delivery of summonses.

In two more cases, discriminatory treatment of homosexual soldiers by fellow soldiers and commanders was observed.

Case 2267

In March 2023, a contract soldier aged 25 reported that his fellow servicemen once caught him watching gay porn and told about it to everyone else in the unit. Since then, says the victim, “the attitude towards me changed immediately — they stopped talking to me normally, started harassing and insulting me, they could spit on me when I was sleeping, or urinate in my bed. Because of this, I once swallowed pills — when I was resuscitated, I was sent to a ‘nuthouse’ in Dnipro.”

Employment

In this field, 6 cases of violations of LGBTQ people’s labor rights were recorded (please see Table 5):

Table 5. Violations based on SOGI in 2023 in employment.

Violated rights (by what actions)	Number
equality and non-discrimination (leading to voluntary dismissal, illegal dismissal, inaction by administration, demotion or denial of promotion, harassment, biased treatment)	6
respect for private life (intrusion into private life, illegal collection, disclosure or threat of disclosure of confidential information)	4

Case 2282

In May 2023, Hanna aged 21, who shortly before got a job as a cook in one of Sumy's cafes, was called by her boss who informed that she and her husband, the owner of the cafe, did not like that they had a lesbian working for them (they noticed that after work Hanna is often met by her girlfriend) and offered to leave the job voluntary since she would not work for them anyway.

Case 2297

In October 2023, a trans*girl aged 22, who got a job in one of Auchan supermarkets in Kyiv, reported that she was being bullied by her colleagues because of her transgender status. This is her first job after the transition, so she is very nervous. Credit must be given to the supermarket administration: after the victim's complaints, they assured her of full tolerance on their part and conducted some conversations with the staff, although this did not help much.

Education

Violations in this field were recorded in one case.

Since February 2023, a first-year student at one of the Lviv colleges noticed a biased attitude towards homosexual orientation from one of the teachers. Although this teacher did not mention the name of the victim in her threats and offensive jokes, she expressively looked in her direction that, in her opinion, made the harassment personalized. In particular, the teacher said that if she found out that one of the students was “different,” she would put out cigarettes on her body, etc.

Access to goods and services

In this field, 8 cases of violations of rights on the basis of SOGI were documented (please see Table 6), three of which had characteristics of hate crimes or incidents, and another two had signs of inciting hatred against LGBTQ people through the posting of homophobic advertisements in public places.

Table 6. Violations based on SOGI in 2023 in the consumer sphere.

Violated rights (by what actions)	Number
equality and non-discrimination (biased attitude, denial of service, inaction of the administration, illegal eviction)	8
respect for private life (intrusion in private life)	2



Homophobic advertisement in “Hazard Gym”, Ivano-Frankivsk, March 2023.

Case 2281

On the evening of June 16, 2023, Leonid aged 28 used a taxi of the “594” service in Zhytomyr. During the trip, he talked on the phone with his boyfriend about private topics. The taxi driver aged about 50 became angry and rude because he could not find the right house on the map. Leonid hung up the phone and started to help him, but the taxi driver behaved inappropriately (“it seemed that he was ‘high’”), stopped abruptly and said that they had arrived, let Leonid continue to get there on his own, although the house was still about a kilometer away. Leonid said that he should bring him through to the end. The taxi driver began to shout, “I ... [don’t care] of people like you, and it’s disgusting to drive such fags!” Leonid did not want a conflict and got out of the taxi, slamming the door. Before walking 50

meters, he felt a blow to his back — the blow was so strong that he fell down and could not get up. The taxi driver began to kick him and shouted “You're finished, you bastard, go to hell, I will destroy people like you!” Leonid started screaming and calling for help, the taxi driver left him and drove away.

As a result of this incident, Leonid received a fracture of the tibia and other injuries. The victim submitted a statement to the police — they started a criminal proceeding under Article 122 (Intentional bodily injury of moderate severity) of the Criminal Code. The violator is reimbursing the costs of the victim's treatment.

Healthcare

One case of denial of medical services to a transgender person was documented in this field.

Mass media

Case 2291

After the text version of a video report about LGBTQ people in Sumy was published on July 12, 2023, on the website Tsukr, a local Internet edition, a post with aggressive and offensive remarks against LGBTQs appeared on the Telegram channel “Суми: головне” (Sumy: the Main). The post ended with insulting Tsukr’s editorial office and a direct call for its destruction, indicating its address.

NGO Detector Media reviewed the post on “Sumy: the Main” and noted that it “stands out sharply for its emotional, offensive, sometimes even obscene language.”

Later, on July 14, a post containing calls for the murder of editorial staff appeared on “Sumy: the Main” TG channel. In particular, the post published a photo of Tsukr team with the names of the employees and the caption “Enemies of the people. Shooting list 2024.”

The editors of Tsukr filed a statement with the police — they started a criminal proceeding under Part 1 of Article 345-1 of the Criminal Code (Threat or violence against journalist).

Як усвідомили орієнтацію

Андрій, 18 років: Це відбулося десь у 13-14 років. Але якби мені ще в дитинстві пояснили, що це норма, то це сталося б набагато раніше. Але з через слова ку тебе позиває бути дівчиною, сім'я, дідочок як на небі зірочкою підсвідомість гальмує. Думаєш, що це не нормально, треба бути таким, як усі. Тому «програмуєш» себе на те, що потрібно бути натуралом. Зустрінаєшся з дівчиною, хоча розумієш, що це не кохання.

Софія, 18 років: Спочатку хочеться бачити людину, частіше з нею спілкуватися, проводити час. І для мене це була дружба. Ще не усвідомила, що це почуття до коханої людини. Постійно хотілося спілкуватися з подругами «ільки про неї». І в якийсь момент зрозуміла, що вона подобається мені не як подруга.

Про камінг-аут перед близькими

Андрій, 18 років: Бути самому дуже важко, бо не відчуваєш жодної підтримки. Потрібно мати опору, яка тебе втішить, заспокоїть, вислухає, допоможе. І камінг-аут був найкращим рішенням, бо друзям підтриматися треба.

Влад, 18 років: Я розповів, що я гей, дідам своїм друзям, а вони «одарили тією». Це було несподівано як для них, так і для мене. Просто стукнуло мене в голову, бо ми вже спілкуємося більше ніж півтора року. І я розумію, що я не хочу тримати біля себе людей, які мене не приймають і з якими я не можу бути самим собою.

Вони традиційно хвилює сидіти з квадратними очками, ставили дивні питання, бо це нове для них. І їм треба щось донести. Але вони досі мене люблять. Дуже радий, що є такі люди, бо якщо голішмих сидіти щось не та чи щось не те — вони тебе «пришлюнуть». А тут зрозумів, що бувають і такі люди.

орудують на Сумщині — поки наші Захисники гинуть за нашу незалежність, шанувальники нетрадиційних цінностей займаються дійсно важливими питаннями: допомагають душевнохворим залишатися такими.

Вони просувають модну повістку ЛГБТ, обмежний спосіб життя та інші соєві якості. Фінансується ця клоака невстановленими міжнародними фондами. Ну, ми знаємо, які там правозахисники і що саме вони фінансують — поширення і підтримки гендерних невизначеностей.

Пора знищити цю смердючу діру! Їхній офіс — вул.



43,9K 👁️ ⚡ 14:04



88 Comments



The post on the TG channel "Sumy: the Main" from 12.07.2023.

7. CONCLUSIONS AND RECOMMENDATIONS

The full-scale war with Russia, creating a mortal threat to the existence of Ukraine as an independent state, at the same time forced Ukrainian society to unite in resistance to a common enemy and compromised ultra-conservative values — in particular, homophobia and transphobia — the protection of which the Russian state and church announced as a reason for this war. Ukraine's acquisition of the candidate status to the EU prompted the state authorities and society to carry out rapid and decisive reforms to modernize and approach modern Western standards in all spheres of life.

The trends, which became evident after the start of the full-scale Russian invasion in 2022, persisted and intensified in 2023. In particular, all recent public opinion polls confirm the growth of tolerant attitudes towards LGBTQ people and the rapid decrease of public trust to Ukrainian churches, which remain extremely conservative and do not make any concessions in their openly hostile attitude towards LGBTQ people even despite they seemingly condemned the ideology of the so-called “Russian World.”

For the Ukrainian LGBTQ community, the most important issues in 2023 were, of course, the protection of the country from Russian aggression as well as advocacy for the adoption of a law on registered civil partnerships available to same-sex couples. The ongoing war has sharply actualized and demonstrated the need to protect the rights of same-sex family partners, who bear all the responsibilities of Ukraine's citizens but have virtually no rights guaranteed to family members and close relatives under current legislation. In addition, the European Court of Human Rights passed a decision recognizing the violation of the European Convention on Human Rights by our state due to the lack of any form of legal recognition for same-sex family partners. Eliminating this ongoing violation is virtually impossible without the legalization in Ukraine of marriages or some form of civil union between people of the same sex, which would grant them basic marital rights. According to the current sociological data, the majority of Ukrainians do not object to this or even support such changes in the legislation.

In early 2023, Inna Sovsun MP registered the corresponding Bill 9103, which received wide — and generally positive — media coverage and, ultimately, favorable conclusions from the Ministry of Defense and the Ministry of

Justice. However, although it was co-initiated by a number of Verkhovna Rada members from the ruling Servant of the People party and the pro-European opposition Holos party, according to Inna Sovsun, it still does not have the necessary support from the majority of deputies and the Office of the President, which, as practice shows, is able to influence them.

The European Commission's report on Ukraine's readiness to join the European Union did not overlook the issue of protecting equal rights for LGBTQ people. The chapter "Judiciary and fundamental rights" states the progress achieved by the Ukrainian authorities in recent years and points to the still unresolved problems in this area — particularly the need to remove provisions that discriminate against same-sex couples from the Family Code as well as the demand by the European Court of Human Rights to ensure their legal recognition and protection.⁴⁰ Obviously, the formalization of such requirements by the EU would encourage the Ukrainian authorities to find the political will and opportunities to solve these problems as soon as possible — sociological surveys convincingly demonstrate that this will not create additional political risks.

Ongoing monitoring of LGBTQ rights violations in Ukraine by Nash Svit Center demonstrates a sure, rapid and significant decrease in cases of crimes and incidents motivated by intolerance based on sexual orientation and gender identity, starting from 2020 — in particular, in 2023 we documented an almost two-fold decrease compared to 2022. Initially, this could be attributed to the COVID pandemic that caused a decrease in physical contacts between people, but this trend continued even after the end of quarantine restrictions and after the start of a full-scale Russian invasion. In part, this can be explained by a sharp decrease in the activity of far-right groupings (many of their members are fighting within the Armed Forces), but the persistence of this trend in the second year of a full-scale war may also indicate profound fundamental changes in Ukrainian society that is consistent with the above-mentioned data of sociological surveys.

Police investigations and courts in 2023 demonstrated attempts to take into account the motives of intolerance on the basis of SOGI when investigating

⁴⁰ https://neighbourhood-enlargement.ec.europa.eu/system/files/2023-11/SWD_2023_699%20Ukraine%20report.pdf, p. 51.

crimes and imposing punishment on offenders. For the first time in such cases they applied Article 161 of the Criminal Code, which provides for punishment for discrimination based on an open list of characteristics, and Article 67, which establishes grounds for aggravating punishment — particularly for committing a crime motivated by intolerance on the ground of sex (gender).

These attempts, however, may not be considered as completely successful and effective, and the corresponding sentences — as properly substantiated and unquestionable. Bill 5488 on responding to manifestations of intolerance, which is waiting for its consideration in the Verkhovna Rada, particularly provides for the inclusion the concept of “intolerance” on a certain list of grounds, including SOGI, in Article 67 of the Criminal Code. If Article 67 now looked as proposed in 5488, its application to punish a crime with homophobic motives would be perfectly legitimate, but in the current form it looks rather strange, because “gender” and “sexual orientation” are completely different concepts.

Regarding the application of Article 161 of the Criminal Code (Violation of the equality of citizens depending on their racial, national, regional affiliation, religious beliefs, disability, and on other grounds) to a crime committed under transphobic motives, it is worth noting that the qualification of inflicting bodily harm as discrimination is very questionable from a legal point of view. It is obvious that it would be correct to qualify such a crime as inflicting bodily harm with the aggravating circumstance of the motive of intolerance on the basis of gender identity, which the current legislation does not allow and which can be corrected with the adoption of Bill 5488.

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 ensure support in the Verkhovna Rada of Bill 9103 on the legalization of registered civil partnerships for same-sex couples in Ukraine, clarifying the need for its adoption in accordance with Ukraine's international obligations and within the framework of acquiring EU membership.
4. **The Ministry of Health of Ukraine** is recommended:

To adopt 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. **The Ministry of Internal Affairs of Ukraine** is recommended:

To regularly conduct educational activities with the staff on the formation of 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.

When documenting human rights violations, we take into account only those cases in which a sufficient volume of information was collected to clarify all the circumstances of the incident. The main condition is the presence of evidence of the commission of an offense based on the motives of intolerance on the grounds of SOGI, and not simply against LGBTQ people or organizations. We do not document minor incidents where only insults or threats were recorded, particularly on the Internet, unless they were related to other, more serious, violations. Members of our monitoring network are trained in the methodology of selection and collection of information in accordance with ODIHR/OSCE standards.

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.

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