

LGBTQ SITUATION IN UKRAINE IN JANUARY- JUNE 2024

In the first half of 2024, no noticeable changes were made in the legislation regarding the protection of LGBTQ rights in Ukraine. Consideration of Bill 9103 on registered civil partnerships is blocked by ultra-conservative members of the Verkhovna Rada, who refer to the position of leading Ukrainian churches. At the same time, the Ukrainian government is trying to advance the adoption of Bill 5488 on amendments to anti-discrimination and criminal legislation as a part of the process of Ukraine's European integration.

Advocacy for the adoption of these draft laws, direct aid to LGBTQ people affected by the Russian aggression, and support for the Ukrainian military remain the main issues for the Ukrainian LGBTQ movement. For the first time since the beginning of the full-scale Russian invasion, the Equality March took place in Kyiv though being rather limited due to security reasons. Meanwhile, it seems that the intensification of the public activities of the LGBTQ movement and its allies increased the activity of its aggressive opponents — ultraconservative and rightist radical groupings. More incidents of homo / transphobic threats and attacks were documented in the first half of 2024 than in all of 2023.

Sociological surveys, however, demonstrate that the attitude of Ukrainian society towards LGBTQ people is slowly but surely continuing to improve. At the same time, the leading Ukrainian churches consistently declare their irreconcilable homo / transphobic attitude towards their LGBTQ fellow citizens, which is no different from the ideology of the Russian World and repeats the theses of its propaganda in this area.

1. GENERALIZED SOCIO-POLITICAL SITUATION

LEGISLATION AND JUDICIARY

In the first half of 2024, no noticeable changes were made in the legislation regarding the protection of LGBTQ rights in Ukraine. Two main draft laws in this area — 9103 (on the introduction of registered partnerships available to same-sex couples) and 5488 (on changes to anti-discrimination and criminal legislation) — still have not been considered by the parliament.

While consideration of Bill 9103 was not even included in the agenda of the Verkhovna Rada's current session, the situation with Bill 5488 is somewhat better: like the previous year, it is scheduled for consideration. However, it should be noted that both of these documents were scheduled for consideration by the Verkhovna Rada in 2023, yet this did not happen. The chances for the adoption of Bill 5488 have increased slightly due to the fact that in the government's "Report on the initial assessment of the progress in the implementation of the European Union legal acts (EU acquis)", adopted in December 2023, such a step is defined as a "priority task" within the implementation of Council Framework Decision 2008/913/JHA of 28 November 2008 on combating certain forms and expressions of racism and xenophobia by means of criminal law.

The Cabinet of Ministers of Ukraine has updated the procedure for the assignment and payment of one-time money benefit after the death of military personnel in accordance with the law "On amendments to certain legislative acts of Ukraine regarding the assignment and payment of one-time money benefit" adopted last December. Now the members of the deceased's family who can receive such payments also include "a woman (man) with whom deceased person lived as a family but were not in marriage with this person or in any other marriage, provided that this fact has been established by a court decision that took legal force."

In fact, this means that now same-sex partners of deceased soldiers will be able to receive such financial benefit. This, however, does not cancel discriminatory attitude of the state towards same-sex partners: unlike spouses, they will have to prove the fact of their family relationship in court. It is also unclear whether the partner of the deceased is exempt from taxation of this money benefit, as is provided for other family members.

On April 11, 2024, the European Court of Human Rights made the decision in *Karter v. Ukraine* case, in which it recognized that the investigation and punishment of hate crimes based on sexual orientation as ordinary crimes, without taking into account the motives of intolerance, is a violation of Article 3 of the European Convention on Human Rights (prohibition of torture or inhuman or degrading treatment) in conjunction with Article 14 (prohibition of discrimination).

STATE AND LAW ENFORCEMENT AGENCIES, LOCAL SELF-GOVERNMENT

Minister of Justice Denys Malyuska said that he is “maximally positive” about the introduction of registered civil partnerships, but believes that there is still no “social compromise” on this issue in Ukraine, so it is necessary to continue communication with the conservative part of the parliament and society. According to him, he agreed with the authors of Bill 9103 that, unless this document is adopted by the Verkhovna Rada, the Ministry of Justice will introduce its own compromise draft law to the parliament. Neither the defenders of LGBTQ rights nor their opponents will like this document, but, according to the minister, it will have a chance of success.

Among all government departments, the Ministry of Foreign Affairs of Ukraine has always demonstrated the most consistent position on the protection of LGBTQ people’s rights, but its activity in this area has significantly increased after the Council on Human Rights, Gender Equality and Diversity was formed under it. Zoryan Kis , a well-known Ukrainian LGBTQ activist who is now an employee of the Ministry of Foreign Affairs, was appointed as its secretary. On the occasion of the International Day Against Homophobia / Transphobia (May 17), this Council announced a call for projects aimed at protecting the human rights of women and LGBTQI+ people, and held a special meeting dedicated, in particular, to advocacy for the adoption of Bills 9103 and 5488.

Similarly, in 2024 the Ministry of Foreign Affairs became the only government department to express its symbolic support for Pride Month (May-June) by painting its logo on the X social network in rainbow colors. The Embassy of Ukraine in Hungary joined the statement of representatives of foreign countries and international organizations before the 29th Budapest Pride, in which they expressed support for the LGBTQ community and condemned its persecution by the Hungarian government.

Several other state institutions also symbolically supported the Ukrainian LGBTQ community during the Pride Month, namely the Ukrainian Institute (it represents Ukrainian culture in the world and forms a positive image of Ukraine abroad), the Ukrainian Cultural Fund (it contributes to the development of national culture and art), the Ukrainian Youth Fund (it supports youth initiatives and performs certain tasks in the field of youth policy), Ukrposhta (the state-owned and largest postal service in Ukraine).

Following a complaint from a representative of Nash Svit Center, the National Council of Ukraine on Television and Radio Broadcasting (shortened as “the National Council”), which performs the functions of the national media regulator, issued an order to the public organization Movement “All Together!” for publishing the article “LGBT Movement and Pedophilia: Historical Connection” on its website. The National Council recognized the violation by the organization “All Together!” requirements of of Article 36 (Part One, Paragraph 3) of the law “On Media” (“On the territory of Ukraine, in the media and on platforms for shared access to video, it is prohibited to distribute [...] expressions that incite discrimination or oppression against individuals or groups of persons on the basis of [...] sexual orientation, gender identity”) and obliged it to eliminate the detected violations. On March 14, the movement “All together!” appealed this order of the National Council in the Kyiv District Administrative Court — the court has not yet issued a decision on this case.

The National Council also posted a statement on its Internet resources dedicated to the International Day against Homophobia / Transphobia (May 17), in which it emphasized the importance of observing the principles of equality and non-discrimination in the media space and reminded that hate speech, propaganda of discrimination and incitement of hatred (in particular, towards LGBTQ people) in the media is prohibited.

In 2024, the Ukrainian Parliament Commissioner for Human Rights Dmytro Lubinets and his office in their activities paid due attention to issues of protecting the rights of LGBTQ people. In particular, in his annual

report on the state of observance and protection of human and citizen rights and freedoms in Ukraine in 2023, the Ukrainian Ombudsman once again emphasized the need to adopt amendments to anti-discrimination and criminal legislation and a law on registered civil partnership (which is provided, respectively, in Bills 5488 and 9103).

A number of LGBTQ activists, including a representative of Nash Svit Center, joined the newly created Expert Council on Equal Rights, Prevention of Discrimination, Domestic Violence and Human Trafficking under the Representative of the Commissioner for Equal Rights and Freedoms, Rights of National Minorities, Political and Religious Views. In January 2024, the Representative of the Ombudsman Mykhailo Spasov sent a letter to the head of the Chernivtsi Oblast Council Oleksii Boiko, in which he recommended “refraining from actions and decisions in the activities of the Chernivtsi Oblast Council that could be considered as prejudiced against LGBTIQ people” after, at late 2023, this council adopted an appeal to the Verkhovna Rada with a call not to adopt Bill 9103.

For the first time in recent years, since the beginning of 2024 such public appeals by local councils to the Ukrainian state authorities have not been noticed.

Representatives of the Ministry of Internal Affairs and the Office of the Prosecutor General of Ukraine at various events have consistently emphasized the need to adopt Bill 5488 aimed at combating discrimination, hate speech and hate crimes, in particular, based on sexual orientation and gender identity. Thus, at the meeting-seminar held in Uzhhorod in March 2024 by the State Service of Ukraine for Ethnopolitics and Freedom of Conscience within the framework of the project “Supporting the implementation of European standards on combatting discrimination and the rights of national minorities in Ukraine” for representatives of state and regional authorities, public organizations and national communities, a heated discussion broke out on this occasion. Lyudmila Tymoshchuk, a representative of the Department on Human Rights Observation Monitoring of the Ministry of Internal Affairs of Ukraine, explained to the participants of the event that this draft law is not aimed at protecting any particular social groups — it offers equal protection to all citizens of Ukraine, regardless of their nationality, skin color, language, religious, political or other beliefs, sex, age, sexual orientation, gender identity, place of residence, etc.

In 2024, the National Police was generally effective in protecting not numerous public LGBTQ events from homo / transphobic violence — notably the Sunny Bunny Queer Film Festival and the Kyiv Equality March.

Although the organizers of the Equality March 2024, which took place in Kyiv for the first time since the beginning of the full-scale Russian invasion, had some problems with the city authorities and the police, they managed to find a common language. On the eve of the march, the Kyiv City State Administration and personally the First Deputy Head of the KCSA Mykola Povoroznyk publicly called on the citizens of Kyiv and guests of the city to demonstrate tolerance and mutual respect, and ensured its successful conduct.

POLITICS, MASS MEDIA AND SOCIETY

In 2023, the head of the ruling party “Servant of the People” Olena Shulyak became one of MPs who initiated Bill 9103 on the introduction of registered civil partnership in Ukraine available to same-sex couples. In 2024, among Ukrainian politicians, she and members of parliament from Holos (“Voice”) party Inna Sovsun and Dmytro Gurin were the most active advocates of this document, as well as Bill 5488 on combatting discrimination, hate speech and hate crimes. They constantly participated in various events on this matter, gave interviews to the mass media, published materials on their own and party Internet resources.

The vast majority of Ukrainian politicians, however, simply ignored these issues. Some of them, on the contrary, tried in every way to prevent the consideration and adoption of these bills, arguing this with their own beliefs and / or the position of Ukrainian churches — particularly, Ihor Friz MP (“Servant of the People”). In an attempt to increase the chances of Bill 9103 to be adopted, its initiators tried to change the relevant committee of the Verkhovna Rada, which is supposed to preliminarily consider this document, from the current Committee on Legal Policy to the Committee on Integration of Ukraine into

the European Union, but, due to the opposition of Ihor Friz and other homophobic members of the Committee on Legal Policy, they did not succeed.

Yulia Tymoshenko and her *Batkivshchyna* party, who last year decided to increase their popularity by promoting homo / transphobic ideology, refrained from discussing this topic in the public space, but in parliamentary activities they consistently took ultra-conservative positions.

The main political enemies of the LGBTQ community — radical nationalist and ultraconservative organizations and individual activists — have been very little visible in Ukrainian politics in recent years, but, apparently due to a certain increase in the public activity of the Ukrainian LGBTQ movement in 2024, they have also become more active, trying to hinder various activities related to LGBTQ issues. In particular, unknown persons painted the facade of Zhovten cinema in Kyiv, where the film “Lessons of Tolerance” was scheduled for screening, with homophobic inscriptions and nationalist symbols, and in Kharkiv a group of youths tried to disrupt the screening of this film with the same slogans and symbols.

Very revealing was the counter-march to the Kyiv Equality March, which took place on June 16, 2024. The alternative “March for the Protection of Family and Tradition” was organized by the journalist and Pentecostal preacher Ruslan Kukharchuk, who has long been a central figure in the homophobic movement of Ukraine. However, this time he failed to mobilize for this event its traditional audience — families of conservative Protestants and representatives of leading Ukrainian churches — so the main contingent of the march, supposedly dedicated to family values, consisted of several hundred very young men under the banners of the far-right organizations known for its aggressiveness who hid their faces under balaclavas. Thus, for the first time, the Ukrainian “movement for the traditional family” openly united with far-right radicals.

At the same time, it became noticeable that some right-wing radical activists softened their attitude towards their LGBTQ fellow citizens. In particular, Olena Bilozerska, a well-known and popular activist of the nationalist movement, journalist, blogger, and military officer of the Armed Forces of Ukraine, in fact completely renounced homophobic rhetoric and demonstrated an understanding of same-sex family partners’ problems in her internet posts. At early 2024, the Mayor of Ivano-Frankivsk Ruslan Martsinkiv, a member of the right-nationalist *Svoboda* party, known for his repeated statements that a gay cannot be a Ukrainian patriot, unexpectedly, answered extremely evasively to another journalist’s question about his attitude towards the LGBTQ community: “I love all people. I pray for them. The Lord said to pray even for enemies. [...] A Christian cannot do otherwise.”

A loud public scandal broke out over the decision of the Ukrainian Orthodox Church — Kyiv Patriarchate to deprive the famous Ukrainian LGBTQ activist, the head of the LGBTQ military association, Viktor Pylypenko of his award. Once the head of this micro-church, Patriarch Filaret, who is also the founder and Patriarch Emeritus of the Orthodox Church of Ukraine, awarded Viktor Pylypenko, along with other servicemen of his unit, with the UOC-KP medal “For Courage and Love to Ukraine” — yet, when the church administration found out that Pylypenko is an atheist and an LGBTQ activist, they canceled this award with the wording “we do not share his sinful preferences and LGBTQ agitation.”

Such a decision caused a storm of emotions and almost unanimous condemnation in the mass media and social networks — in particular, it was strongly condemned by the aforementioned Olena Bilozerska. Several other military refused their own awards, which they received from the UOC-KP, as a sign of protest. In their opinion, it was not the church that did them honor, but they supported the authority of this dubious church and its even more odious patriarch, agreeing to receive a reward from them, but after such an act they no longer want to have anything to do with them.

During the Pride Month, similar to the previous year, many Ukrainian businesses, mass media, and cultural institutions repainted their logos in rainbow colors as a sign of support for LGBTQ — in particular, such large and well-known ones as mobile phone operators Vodafone and Lifecell, the shopping network for electronics and household appliances Comfy, *Novyi* and Kyiv TV channels, the Odesa National Art Museum, and the Khanenko Museum in Kyiv.

It did not attract significant attention from the mass media and general public except the Ukrainian Literary Gazette which republished the article “How the Khanenko Museum and the Odesa Museum are

turning into a closed propaganda cluster” from the website of the homophobic movement “All Together!” headed by the above-mentioned Ruslan Kukharchuk. Likewise, a homophobic post with a link to this article was published on the official Facebook page of the National Writers’ Union of Ukraine. Probably, both of these publications reflect the personal position of Mykhailo Sydorzhhevskiy, who is the editor-in-chief of the Ukrainian Literary Gazette and the head of that Union — it is known that he professes ultra-conservative and radical-nationalist views. After that, several members of the Writers’ Union announced their resignation from this organization, and the executive producer and host of the Public Radio, Ana More, filed a complaint against the Ukrainian Literary Gazette to the Commission on Journalistic Ethics.

In fact, today in Ukraine exactly the website of the movement “All Together!” has become a principal source of openly anti-LGBTQ publications full of manipulation, distortion, and ultra-conservative propaganda rhetoric. The rest of the homo / transphobic (mostly religious) resources rarely publish their own material of this kind, preferring to share articles from this site. Ruslan Kukharchuk and his unknown assistants closely monitor LGBTQ-related news and promptly react to them — for example, to the proposal of Anton Drobovych, the Director of the Ukrainian Institute of National Memory, not to dismantle the infamous Kyiv Arch of Peoples’ Friendship (a monument of the Soviet era) but to paint it in rainbow colors, giving it a different meaning — a symbol of the LGBTQ community or just a rainbow over the water, as it already happened during Eurovision 2017.

This idea caused violent indignation of Ruslan Kukharchuk but a completely calm and somewhat ironic reaction from the general public. A public opinion survey conducted in May 2024 by the Kyiv International Institute of Sociology on behalf of Nash Svit Center once again confirmed the conclusions of similar surveys of 2023 and 2022: the attitude of Ukrainian society towards LGBTQ people is mostly neutral or friendly, and in recent years it has been slowly but steadily improving.

In particular, the number of those who believe that LGBT people should have the same rights as other citizens of Ukraine in 2024 amounted to 70.4% that is 3.1% more than in 2023 and 6.7% more than in 2022. Even among those who generally have a negative view of LGBT people, more than half (51%) agreed that they should have equal rights.

The introduction of registered civil partnership for same-sex couples in 2024 was supported by 28.7% of respondents, 25.6% were indifferent to it, and 35.7% were against. Thus, already more than a half of Ukrainians have no objections to this. If two years ago the gap between those who support civil partnership for same-sex couples and those who do not like it constituted 18.3% in favor of the latter, then in 2024 it decreased to 7%.

CHURCHES AND RELIGIOUS ORGANIZATIONS

As in several previous years, in 2024 the leading Ukrainian churches joined in the All-Ukrainian Council of Churches and Religious Organizations (hereinafter abbreviated as AUCCRO) almost did not touch on LGBTQ issues in their public activities. However, according to the testimonies of MPs who support Bills 5488 and 9103, they still retain significant influence over Ukrainian legislators in their efforts to block the adoption of any documents that would protect equal rights for LGBTQ people.

Ukrainian churches do not share any softening of anti-LGBTQ attitudes seen among their co-religionists in the West — in particular, the head of the OCU Metropolitan Epiphany rejected a suggestion to take a cue from Pope Francis, who allowed priests to bless same-sex couples, pointing out that even the Roman and Greek Catholic bishops of Ukraine do not support this position of the Pope.

Having almost stopped homophobic propaganda of their own production, Ukrainian religious resources, especially Protestant ones, continue to spread extremely manipulative materials from the website of the leading homophobic movement “All together!” which violate all norms of journalistic ethics. Similar to Russian propaganda, these materials give the reader a completely false impression of Ukraine as a “leftist” country, where freedoms of speech and religion are grossly violated in favor of “propaganda of homosexuality” and “gender ideology,” and defenders of “traditional values” are subjected to repressions.

An unexpected effect of this for the Ukrainian churches was that certain of their Western colleagues — mainly ultra-conservative Protestants in the United States — believed Russian propaganda supported by similar statements from the Ukrainian side that significantly undermined support for Ukraine among American conservatives. Particularly because of this, since the beginning of 2024 the AUCCRO and representatives of concrete churches had to hold a series of meetings with representatives of conservative religious and political circles in the USA, at which they tried to dispel the negative effect of their own homo / transphobic propaganda and provide critical support for Ukrainian resistance to Russian aggression from the last ones.

At the same time, the AUCCRO did not give up the use of homophobic propaganda clichés, protesting against the Equality March in Kyiv as a part of a “left-radical political movement that is a continuation of Marxism of the past” and characterizing legislative proposals aimed at protecting LGBTQ rights as “laws that would promote spreading sin of debauchery and immorality in Ukrainian society.”

LGBTQ COMMUNITY

Promoting resistance to Russian aggression and survival in war conditions remained the main issues for the Ukrainian LGBTQ movement in the first half of 2024. Thanks to international aid, LGBTQ organizations were able to support the activities of shelters for forced migrants, provide direct material, financial and psychological assistance to victims of military operations.

Advocacy for the adoption of legislation aimed at protecting the rights of LGBT people — primarily Bills 5488 and 9103 — as well as legal assistance to victims of homo / transphobic discrimination and violence remained another important area of the LGBTQ movement’s activity.

The vast majority of public LGBTQ actions, as in the previous year, aimed to draw public attention to LGBTQ people defending the country from Russian aggression within the Ukrainian army, and the specific problems they face due to their sexual orientation or gender identity. In February 2024, Kharkiv Pride announced that the advertising holding Megapolis, without any explanation, stopped communication regarding the information campaign in support of LGBTQ military planned by KharkivPride together with the public organization Rizni.Rivni (“Different.Equal”). This campaign, in the form of placing portraits of military personnel and their stories on advertising planes in Kyiv and Kharkiv, was conducted later though.

The placement of the symbolic “Shelter from Intolerance” on Kyiv's Independence Square, also at the initiative of the Rizni.Rivni platform, had a similar informational and advocacy nature. It was intended to draw the public's attention to the issue of homo / transphobic violence and the need to adopt Bill 5488 aimed at overcoming this problem.

Under the leadership of the well-known Kharkiv LGBTQ and feminist activist Anna Sharyhina, who temporarily headed KyivPride until the formation of a full-fledged new team, the first Equality March since the beginning of the full-scale Russian invasion was quite successfully held in the Ukrainian capital. For security reasons, it had a limited and closed nature — to participate in it, you had to register in advance, and the organizers from the very beginning focused on only about half a thousand participants. Despite its purely symbolic nature (the march was very brief), it attracted a lot of attention from the media, the LGBTQ community and its allies, as well as its opponents — ultra-conservative and right-wing radical organizations, which organized a counter-march under the slogan of “protecting family and tradition.”

The non-governmental organization “Ukrainian LGBTQ military for equal rights” and individual military LGBTQ activists took an active part in advocacy campaigns to promote Bills 9103 and 5488, directly representing those who defend Ukraine from Russian aggression. As for military service itself, they testified to a generally tolerant attitude on the part of fellow soldiers and commanders, but indicated the presence of systematic discrimination against same-sex family partners by the state, which is especially painful during wartime, as well as individual cases of harassment and even violence connected with homo / transphobia still widespread in Ukrainian society.

According to numerous testimonies of transgender persons, Ukrainian doctors have practically stopped making diagnoses of “transsexualism” and “gender dysphoria” which can be grounds for removal from military registration. Obviously, there is no official ban on this, but doctors are now afraid that law

enforcement agencies may pay attention to their practice, suspecting them of facilitating the evasion of conscripts from military service. There are still no clear medical and psychological criteria for the suitability or unfitness for military service of persons who have been given the mentioned diagnoses (code F.64 according to the International Statistical Classification of Diseases of the 10th revision), so doctors bear full personal responsibility for their assessment of the condition of such persons. Thus, in fact, the official process of gender transition for trans*women in Ukraine is currently suspended.

2. VIOLENCE, DISCRIMINATION AND OTHER VIOLATIONS OF LGBTQ PEOPLE'S RIGHTS¹

In the first half of 2024, Nash Svit Center's monitoring network documented 39 cases of actions based on homophobia / transphobia, discrimination and other violations of human rights on SOGI grounds in Ukraine. The distribution of the documented cases by region was as follows (please see Table 1):

Table 1

Region	Number
Kyiv and Kyiv oblast	16
Zhytomyr	4
Kharkiv	4
Lutsk and Volynska oblast	3
Dnipro	2
Zakarpatska oblast	2
Lviv	2
Kherson oblast	2
Crimea	1
Vinnytsia	1
Odesa	1
Poltava	1
Total	39

Violations by the occupation authorities in the temporarily occupied territories

One documented case includes application of the Russian discriminatory legislative norm regarding the so-called "ban on LGBT propaganda": in March 2024, a 23-year-old male resident of occupied Yalta was fined 100,000 rubles for appearing in a nightclub in women's clothing.

Also during this period, a case of physical violence and threats of a sexual nature by the Russian military against a transgender woman was documented, which took place in May 2023 in the occupied Oleshki of Kherson oblast.

¹ 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.

Actions based on intolerance to LGBTQ by private individuals or groups

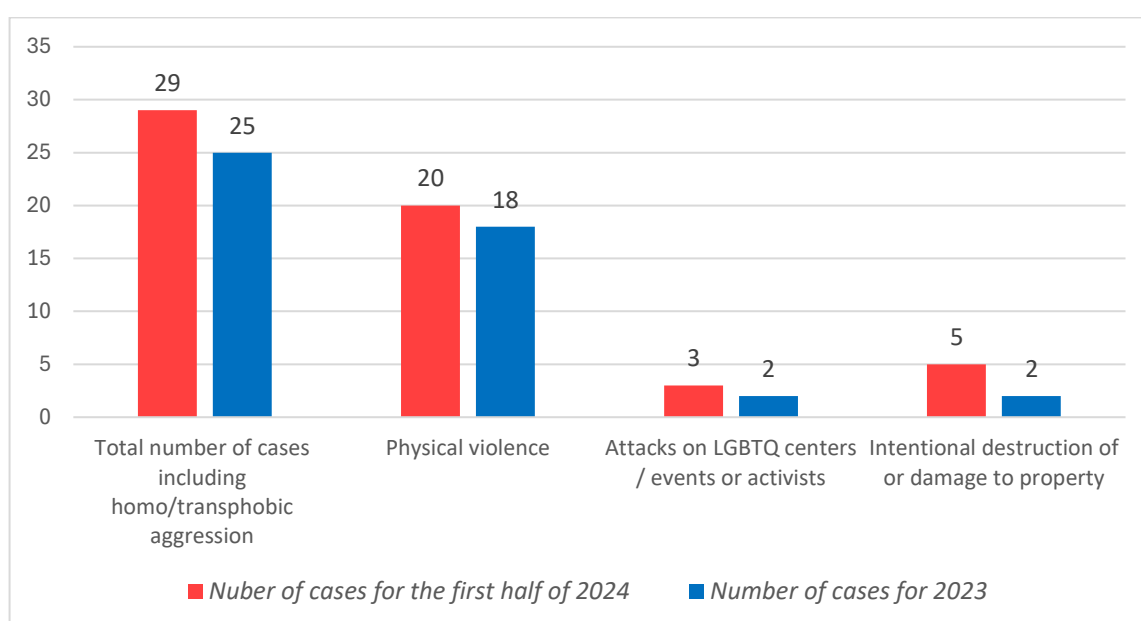
The largest number of cases (29) concerns actions based on homophobia and transphobia. 20 of them can be characterized as hate crimes, 8 — as hate incidents, 6 include hate speech according to the OSCE classification. In these cases, the following types of violations were noted (please see Table 2):

Table 2

Types of violations	Number
insults, threats, humiliation of human dignity	22
physical violence of various degrees of severity	20
homophobic inscriptions / expressions	6
intentional destruction of or damage to property	5
attacks on LGBTQ centers / events or activists	3
homophobia / transphobia in the family	2
robbery, extortion	2
illegal collection and disclosure of confidential information	1

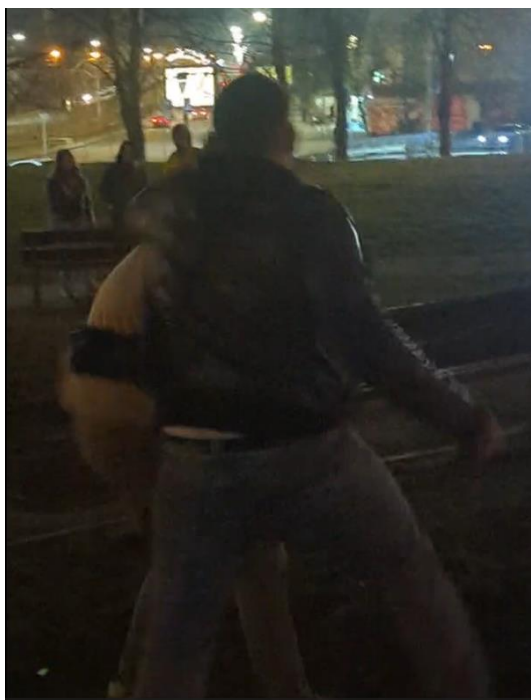
In the first half of 2024 we observed a significant increase in homophobic and transphobic aggression — 29 cases against 25 for the entire previous 2023. In our opinion, this can be connected, first of all, with the increase in public activity of both LGBTQ organizations / activists and various kinds of homo/transphobic groupings.

In particular, this applies to cases of physical violence and attacks on LGBTQ centers / events or activists. These attacks can also be united with intentional destruction of or damage to property (4 out of 5 cases) suffered by various businesses due to their support of the Pride Month, Sunny Bunny Film Festival, and other LGBTQ events. The chart below compares these data for the first half of 2024 with the same for the entire 2023.



Case 2317

On March 8, 2024, a gay man aged 24 was subjected to physical violence by a group of aggressive youths in one of the capital's parks just because he refused to answer their question about his attitude to LGBTQ (please see photo below).



Case 2321

On February 16, 2024, at the Multiplex cinema in Kharkiv, a group of young people from the Right Youth and Centuria groupings blocked the entrance to the hall where the film "Lessons of Tolerance" was to be shown. Direct physical violence did not occur due to the presence of the police, but their picket was so dense that it constituted a real barrier and endangered the event's visitors (please see screenshot below).

← Права Молодь
9 696 підписників

Прикріплене повідомлення #45
!!ЗБІР НА АВТО!! Були Т4 і легковий автомобіль, Т4 наразі на капіталі

Гроші на армію, а не на ЛГБТ фільми!

З державного бюджету на антисемейний фільм "Уроки толерантності" було витрачено близько 3 млн гривень

Права Молодь і побратимські організації Центурія та "ПОС" вийшли проти показу фільму в Харкові

Толерантність не на час! На часі допомога фронту!

Relations with law enforcement agencies

In 18 cases, the interaction of the victims with law enforcement agencies was noted. In 6 of them, cases of violations of LGBTQ people's rights by law enforcement officers were documented (please see Table 3):

Table 3

Infringed rights (by what actions)	Number
effective means of legal protection (improper performance of rights protection functions)	5
equality and non-discrimination (biased treatment due to sexual orientation or gender identity)	2
freedom and personal integrity (violation of procedural norms, insults, humiliation of human dignity, threats)	1

Almost all cases of violations by law enforcement agencies concerned the violation of the right to effective legal remedies, and first of all, the failure to take into account a homophobic or transphobic motive in committing crimes. Law enforcement officers qualified them mainly as infliction of light bodily harm without indicating the motive of intolerance. Two cases of prosecuting perpetrators taking into account motives of intolerance on SOGI grounds, which were noted in 2023 (under Articles 161 and 67 of the Criminal Code that we mentioned in last year's report), currently remain the only ones in the entire Ukrainian judicial practice.

In at least two cases in 2024, in which Nash Svit Center provides legal assistance to the victims, the police and prosecutors involved in the investigation ignored the precedents of last year's judgments of Ukrainian courts in similar cases, as well as the decision of the ECtHR in the case *Karter v. Ukraine* (April 2024), in which the court pointed to a violation of the European Convention on Human Rights in cases where law enforcement agencies refused to investigate homophobic / transphobic motives of the crime. Applications for proper reclassification of these cases from Article 125 of the Criminal Code (minor bodily injuries) to Article 161 (violation of equality of citizens) were rejected by the Prosecutor's Office of the Solomianskyi District of Kyiv City and the Bucha District Prosecutor's Office in Kyiv oblast without any reasonable arguments.

Meanwhile, several videos made by participants of the conflict as well as videos from the body cameras of police officers evidently demonstrate that the offenders were guided by a homophobic motive. Due to improper qualification of the incident, the initiator of the conflict managed to avoid responsibility because her blows on the victims allegedly were not serious enough to qualify her actions as infliction of minor injuries. The fact that she incited enmity and instigated to discrimination on the ground of sexual orientation remained unnoticed by law enforcement authorities, although such actions constitute a crime under Article 161 of the Criminal Code.

In **employment** two cases of discrimination based on SOGI were documented: 1) insults and pressure from the superior, which led to voluntary dismissal, 2) discriminatory job announcement.

In **provision of goods and services**, 5 cases of discrimination on SOGI grounds were documented, consisting of refusal of service, refusal to rent premises, illegal eviction, biased attitude, insults, humiliation of human dignity, and threats.

E-mail: nashsvit@gay.org.ua

Вебсайт: <https://gay.org.ua/>

Facebook: <https://www.facebook.com/nashsvitcenter>

Instagram: <https://www.instagram.com/nashsvitcenter>

When using the report's materials, a reference to Nash Svit Center is mandatory. This report (in Ukrainian and English) is available on Nash Svit Center's website.



This publication was produced with the financial support of The German Marshall Fund of the United States (GMF). Its contents are the sole responsibility of Nash Svit and do not necessarily reflect the views of GMF.