

LGBT Human Rights Nash Mir Center

COMMUNITY ONLINE

LGBT SITUATION IN UKRAINE IN 2019



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This publication presents information that reflects the social, legal and political situation of the LGBT (lesbian, gay, bisexual, and transgender) people in Ukraine in 2020. It contains data and analyses of the issues related to LGBT rights and interests in legislation, public and political life, and public opinion, and provides examples of discrimination on grounds of sexual orientation or gender identity and more.

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SUMMARY

The COVID pandemic has become a major factor influencing the daily life of Ukrainian society in 2020, including the LGBT community. Due to the relevant quarantine measures, the vast majority of LGBT events planned for this year were conducted online, via the Internet. However, even in such circumstances, Ukrainian LGBT organizations and activists, in general, have successfully used the available opportunities for information, education, advocacy and other activities.

Although the biggest and notable LGBT event of the year in Ukraine – the Equality March in Kyiv – took place only virtually, online, its organizers managed to draw attention to the LGBT community's problems through spectacular public events, and especially by the virtual decoration of Ukraine's largest sculpture of the Motherland with a rainbow flag. While the pride actions in Odesa and Kharkiv were much more modest than usually, the first Equality March was still successfully held in Zaporizhzhya in the traditional format of a mass march.

Apparently, the quarantine restrictions on mass events and physical communication have caused a sharp decrease in cases of attacks, discrimination and other violations of LGBT rights in Ukraine documented in 2020 by Nash Mir Center: 188 against 369 in the previous 2019. In other respects, the situation in this area has not fundamentally changed: right-wing radical groups have been monitoring and trying to disrupt any LGBT activities, and the effectiveness of police action to prevent and counter their attacks has been generally low. However, it should be noted the quite professional and effective work of the police in Zaporizhzhya, who, in cooperation with the organizers of the Equality March in this city, provided reliable protection of this event from aggressive opponents of the LGBT community.

A few years later than was planned, the Ministry of Interior has eventually manage to draft a bill criminalizing hate crimes, in particular on grounds of sexual orientation and gender identity, as provided for in the Action Plan on Human Rights for the period until 2020. However, it did not submit it to the Cabinet of Ministers, as was also provided for in this document. An attempt to consider parliamentary bills on this topic in the Verkhovna Rada also

failed: three alternative draft amendments to the Criminal Code did not receive support in the relevant parliamentary committee and were withdrawn from consideration.

Ukraine's first Action Plan on Human Rights expired in 2020, but the Ministry of Justice, in cooperation with civil society, has developed a new Action Plan for the period until 2023, which includes the main unimplemented LGBT components of the previous document: drafting bills on criminalization of offences motivated by intolerance, and the introduction of the institution of registered civil partnership available to same-sex couples in Ukraine. This document, however, has not yet been adopted in early 2021.

In general, in 2020, government agencies did not make important decisions on the protection of LGBT rights in Ukraine. Among the state representatives, only the office of the Parliamentary Commissioner for Human Rights paid the considerable attention and support to the protection of LGBT rights, responding promptly and effectively to hate speech against LGBT people by the media, officials, and religious figures.

LGBT issues in 2020 did not play an important role in the public life of Ukraine. It is worth noting, however, that opinion polls show a slow increase in tolerance and acceptance of LGBT people in Ukrainian society.

We recommend for the Ukrainian authorities to immediately enact laws that have the greatest impact on the situation of LGBT people in Ukraine: amendments to the Criminal Code on hate crimes and the introduction of registered civil partnership with marriage-like rights and responsibilities. We also call on the Ukrainian authorities to take into account the interests of LGBTI people and same-sex couples when adopting and implementing laws and state policies, to steadily combat homophobia and transphobia in all spheres of life, and especially the criminal activities of far-right groupings.

1. LEGISLATION AND THE JUSTICIARY

Since the beginning of 2020, no fundamental changes in Ukrainian legislation concerning the interests and rights of LGBT people have occurred. Although this year a number of legislative initiatives emerged which could have a significant impact on the legal status of LGBT people in Ukraine, both positively and negatively, none of them received support in the relevant parliamentary committees and was included in the plenary agenda of the Verkhovna Rada. Among the legislative initiatives to protect LGBT rights we would like to note Bills 3316, 3316-2 and 3316-3 on the criminalization of hate crimes based on sexual orientation and gender identity (abbreviated, SOGI). Homophobic initiatives were contained in Bill 3316-1 on the prohibition of "propaganda of the refusal to have children, the destruction of the institution of the family, extramarital and unnatural sexual relations, and fornication" as well as in Bills 3916 and 3917, which actually proposed to repeat in Ukraine the Russian experience of the legislative ban on "propaganda of homosexuality." More about these and other legislative activities of MPs is described in Section 3 of this report.

Bill 2693 "On the media" may have some chance of being adopted – even after numerous amendments, it maintains a ban on the dissemination of discriminatory statements on SOGI grounds that gives a great concern to Ukrainian churches. Obviously, as in the case of the prohibition of discrimination on SOGI grounds in labour law, the Ukrainian authorities are trying to comply with the requirements of the Association Agreement with the EU, which obliges our country to comply with certain legal provisions of the European Union (in the case of Bill 2693, it is Directive 2007/65/EC as amended by Directive 2010/13/EC). As demonstrated by the adoption of amendments to the Code of Labour Laws in 2015, if the EU makes not recommendations but strong demands towards protection of LGBT people's rights, the government and the President administration are able to convince parliamentarians of the need to take appropriate decisions.

In 2020, the Action Plan for the implementation of the National Human Rights Strategy for the period up to 2020 was completed. During this year, the Ukrainian government did nothing to implement those LGBTI components of the Human Rights Action Plan that had not been implemented in previous years, including such important ones as:

- Para. 105 Action 1 (regarding introduction of sexual orientation and gender identity (hereinafter abbreviated as "SOGI") as protected grounds in the Law of Ukraine "On Principles of Prevention and Combating Discrimination in Ukraine");
- Para. 105 Action 3 (amending the Criminal Code to criminalize offenses on motives of intolerance, particularly on grounds of SOGI);
- Para. 105 Action 6 (development and submission to the Cabinet of Ministers of Ukraine a draft law to legalize registered civil partnerships for both opposite-sex and same-sex couples in Ukraine);
- Para. 105 Action 7 (lifting the ban on adoption of children, particularly by transgender and HIV-positive people);
- Para. 109 Action 3 (development and adoption of common guidelines by the MIA and Prosecutor General of Ukraine to investigate hate crimes by the police taking into account the OSCE methodology).

According to our estimation, among 21 provisions of the Action Plan, which directly relate to the protection of LGBTI rights, within 5 years of its implementation, 9 have been fully implemented, 2 have been partially implemented, and 10 have not been implemented. Yet not all of those provisions are of great practical importance. Of the most important LGBTI components of the Action Plan, only Action 2, Para. 64, and Action 9, Para. 105, have been actually implemented, providing the simplification of the procedure for gender reassignment for transgender people.

At the same time, the Ministry of Justice has involved human rights and LGBT organizations in the development of amendments to the National Strategy for Human Rights, which is to be adopted in the near future. The proposed amendments somewhat specify the commitments on human rights undertaken by the Ukrainian authorities (in particular, "elimination of systemic shortcomings which underlie the violations identified by the European Court of Human Rights"). It is proposed to significantly expand the section "Prevention and Combating Discrimination," in which the

strategic goal will now be "to create and ensure the effective functioning of the system to prevent and combat discrimination on any grounds," the legislation has to take into account the best world and European experience as well as actual challenges in the sphere of human rights and freedoms in Ukraine, and state and local authorities are expected to adhere to and implement the principle of non-discrimination and a culture of respect for diversity, to take measures to overcome stereotypes in society that lead to stigma and discrimination.

Pending the adoption of the updated National Strategy, the government has already developed a new Action Plan for the implementation of the National Human Rights Strategy for the period 2021-2023. The Ministry of Justice involved civil society organizations in the development of this document and took into account a number of comments and suggestions from them. The draft of the new Action Plan retains the most important LGBTI components, which were contained in the previous plan but have not been implemented: the criminalization of hate crimes on grounds of SOGI and the development of a bill on registered partnerships available to same-sex couples.

However, as of January 2021, the President had not approved a new version of the National Human Rights Strategy, and the government had failed to approve an Action Plan to implement it until 2023. The Ministry of Justice only managed to submit the draft of the new Action Plan for public discussion.

In 2020, Ukrainian courts issued several rulings on homophobic legislative initiatives by local governments. In particular, Rivne District Administrative Court granted the claim of public activist Dmytro Derkach, in which he demanded to invalidate the decision of Rivne City Council, adopted in December 2019, to ban LGBT activities in the city.¹

For almost two years Kyiv District Administrative Court were considering a lawsuit filed by public activists against Chernivtsi Oblast Council with request to declare illegal and annul its 2018 decision to appeal to the

¹ Єдиний державний реєстр судових справ, *Справа № 460/307/20*, 05.06.2020, reyestr.court.gov.ua.

Ukrainian authorities with a set of standard homophobic demands – a part of the all-Ukrainian campaign "on protection of the traditional family" by religious activists. Due to procedural reasons, the court denied the plaintiffs their claims, but in its ruling stated that the decision of Chernivtsi Oblast Council on protecting the institution of family in Ukraine from 23.05.2018 was made in violation of Article 6 of the Law of Ukraine "On Principles of Preventing and Combating Discrimination in Ukraine" because that decision demonstrates signs of incitement to discrimination.²

However, this decision was appealed by the defendants in the Sixth Appeal Administrative Court which decided to change the motivating part in the decision of the court of first instance. The appellate court found its conclusions that the decision of the Chernivtsi Oblast Council contains signs of incitement to discrimination to be "premature and subject to exclusion from the motivating part of the contested decision, because the ascertainment of these circumstances does not contribute to effective protection of the rights, freedoms and interests of the plaintiff, who, as established by the court of first instance, is not endowed with the right to file such claims."³ Although this decision demonstrates the inconsistency of the Ukrainian judiciary in matters of protection against discrimination, it is not of significant practical importance and concerns purely procedural circumstances of the case.

² Єдиний державний реєстр судових справ, *Справа № 320/5975/18*, 02.07.2020, reyestr.court.gov.ua.

³ Єдиний державний реєстр судових справ, *Справа № 320/5975/18*, 02.11.2020, reyestr.court.gov.ua.

2. THE STATE AND LOCAL AUTHORITIES, LAW ENFORCEMENT AGENCIES

Like his predecessor Petro Poroshenko, President of Ukraine Volodymyr Zelenskyi responded negatively to an electronic petition with homo- and transphobic demands (to refrain from using modern terminology – "gender", "gender identity", "sexual orientation" – in Ukrainian legislation, ratification of the Istanbul Convention, anti-discrimination expertise, etc.). In its response, the president's website stressed that the Constitution of Ukraine prohibits all forms of discrimination, including incitement to discrimination.⁴

The Parliament Commissioner for Human Rights in her annual report "On the state of observance of human and civil rights and freedoms in Ukraine" for 2019 (Section 11.3 "Combating discrimination on grounds of sexual orientation and gender identity"⁵) makes a statement about "increasing loyalty to the LGBTI community in society, as well as the availability of effective assistance from public authorities, including law enforcement." At the same time, the ombudsperson is concerned about "the fact that some representatives of state and local self-government bodies openly support the establishment of bans on activities in support of the LGBTI community" and "the fact that in the country there are radical organizations which openly declare their position of intolerance towards people of the different sexual orientation as well as to any changes of gender identity." Similarly, the Commissioner's report once again draws attention to the inequality of LGBT rights in family and civil law, prolonged shortcomings in the exercise of their other constitutional rights, and provides recommendations to public authorities and local governments to remedy the situation – in particular, to draft a law on civil partnerships and amendments to the Criminal Code on hate crimes on SOGI grounds.

In 2020, the Ukrainian ombudsperson's office consistently and promptly responded to incidents of incitement to discrimination and hate speech

⁴ Електронні петиції, Офіційне інтернет-представництво президента України, № 22/074484-еп, 28.09.2019, petition.president.gov.ua.

⁵ Щорічна доповідь Уповноваженого Верховної Ради України з прав людини про стан дотримання та захисту прав і свобод людини і громадянина в Україні, 2019, с. 213-216, ombudsman.gov.ua.

against LGBT people. In particular, after Patriarch Filaret called same-sex marriages the cause of the coronavirus pandemic, the Commissioner appealed to public figures to make no discriminatory expressions and sent a letter to the patriarch with a request to refrain from statements that could increase hostility towards certain groups of population.⁶ A similar appeal was sent to Metropolitan Luca of Zaporizhzhya (UOC-MP) regarding his homophobic statements and calls for discrimination.⁷

On September 21, the Commissioner's office issued a statement emphasizing that the Commissioner welcomed the Equality Marches in Ukrainian cities, did everything possible to protect the rights of LGBT people, and called on the Ukrainian authorities to "carry on a permanent work for providing equal rights and freedoms for all, including regardless of their sexual orientation and gender identity."⁸

A big scandal erupted over the phrase of President of Ukraine's Commissioner for Children's Rights Mykola Kuleba, who, on his Facebook page, condemning surrogacy, actually compared homosexual couples with rapists: "There are cases when families are fictitious, when 'spouses' can turned out to be homosexual couples or rapists."⁹ The Parliament Commissioner for Human Rights sent a submission to the children's ombudsman demanding a public apology for spreading hate speech against members of the LGBTI community and to comply with anti-discrimination legislation later on.¹⁰ However, Mr. Kuleba limited himself to explanations

⁶ Центр "Наш світ", Секретаріат омбудсмана відреагував на звернення Центру "Наш світ" щодо гомофобних висловлювань патріарха Філарета, 23.04.2020, gay.org.ua.

⁷ Гендер Зед, Надійшла відповідь від представника Уповноваженої з прав людини на звернення щодо хейт-спіча Луки: його просять утриматися від поширення дискримінації, 2020, genderz.org.ua.

⁸ Уповноважений Верховної Ради України з прав людини, Уповноважений вітає проведення маршів рівності в українських містах і висловлює свою підтримку усіх заходів, спрямованих на усунення стереотипів та забезпечення рівності, 21.09.2020, ombudsman.gov.ua.

⁹ Микола Кулеба, 28.05.2020, facebook.com.

¹⁰ Офіс Омбудсмана України, 29.05.2020, facebook.com.

on his Facebook page that he did not mean discrimination, and President Zelenskyi did not react to his representative's action.

The National Council of Ukraine on Television and Radio Broadcasting also paid attention to the incitement of hatred towards LGBT people. Based on the appeals of the Parliament Commissioner for Human Rights and NGO Alliance.Global, it scheduled an extraordinary inspection of TV channel KRT due to "the spread of hate speech, incitement to discrimination on grounds of sexual orientation and gender identity, the use of offensive and derogatory expressions, evaluative judgments and statements that degrade human honour and dignity, during the broadcast of Hotline programme on June 12, 2020." Also, the National Council refused to renew the license of this TV channel and postponed the final decision on this issue until the end of the inspection.¹¹ After that, at its meeting on August 20, the National Council finally denied TV channel KRT to prolong the license¹² – as a result, it completely stopped broadcasting on air and in cable networks, and now is only available in the internet. The TV company challenged the actions of the National Council in the court, and the lawsuit is currently being considered.

KyivPride, the organizer of the Equality March in Kyiv, reported that the Department of Social Policy of the Kyiv City State Administration refused to finance the Equality March due to the obviously biased and homophobic attitude of the public budget commission that considered project applications.¹³

¹¹ Національна рада України з питань телебачення та радіомовлення, Телеканалу «КРТ» призначено позапланову перевірку через ознаки поширення мови ворожнечі і дискримінації, 30.07.2020, nrada.gov.ua.

¹² Національна рада України з питань телебачення та радіомовлення, Телеканалу «КРТ» не продовжено строку дії ліцензії на мовлення, 21.08.2020, nrada.gov.ua.

¹³ КиївПрайд, ГО «КиївПрайд» безпідставно відмовлено у підтримці проекту «Київ – місто гордості» на Громадському Бюджеті (ГБ) від КМДА, 18.08.2020, kyivpride.org.



Figure 1. Illustration to the announcement of the virtual Equality March in Kyiv on the Facebook page of the Center for Public Health of the Ministry of Health of Ukraine.

Just like last year, the Kyiv Equality March was joined by the Centre for Public Health of the Ministry of Health of Ukraine – however, due to the quarantine, both the march and the participation of this state institution in it this year were virtual.¹⁴

In 2020, local councils largely ignored the "traditional family" campaign by religious activists, the main activity of which had a place in 2018. However, the relevant appeals to the central government with general requirements to restrict the rights and ignore the interests of LGBT people were still

approved by Kalush City Council of Ivano-Frankivsk oblast and Skadovsk District Council of Kherson oblast. Similarly, the central authorities received a few appeals from local councils not to adopt particular bills on protection of LGBT rights (first of all, Bill 3316 on criminalization of hate crimes on SOGI grounds – for instance, from Zakarpatska Oblast Council, May 5) and, conversely, to adopt particular bills banning "homosexual propaganda" (for instance, City Councils of Rivne on August 11, Chernivtsi on August 7, Ivano-Frankivsk on August 21). These appeals did not have a noticeable reaction from the state authorities.

Ivano-Frankivsk Mayor Ruslan Martsinkiv, a member of the far right-wing Svoboda party, in an interview on the eve of the local elections confirmed his belief that "a gay cannot be a patriot."¹⁵ This did not prevent him from defeating his rivals for mayor again – however, LGBT issues did not play any significant role in the local elections in the autumn of 2020.

¹⁴ Центр громадського здоров'я України, 21.06.2020, facebook.com.

¹⁵ Кравець Р., Руслан Марцінків: Я не змінив своєї думки – гей не може бути патріотом, Українська правда, 03.09.2020, pravda.com.ua.

Rivne Mayor Volodymyr Khomko stated that he considered the City Council's decision to ban LGBT events in the city, made in his absence, as stupid and illegal, did not support them personally, and would not appeal after the court declared the decision invalid.¹⁶ According to Ukrainian law, only a court may prohibit a public event. In 2020, as in the previous year, we did not record any appeals from local councils to the courts to ban LGBT activities.

After the local elections, Oleksandr Tretyak, a Pentecostal preacher, has become the new mayor of Rivne, who had previously made homophobic statements and supported the City Council's decision to ban LGBT events in the city. However, he stated that within his activities as the new mayor he would be guided exclusively by the Constitution of Ukraine and did not plan to ban anything: "Well, 2-3 people will come out there – please, let them walk. There is no point in banning."¹⁷

Due to the quarantine related to the coronavirus epidemic, since March 2020 virtually no public rallies and mass gatherings on LGBT issues have happened – thus this year very few opportunities were available to check the work of the police to ensure security at such activities. Regarding the mass physical events that still took place, it is worth noting both the effective work of the police during the Equality March in Zaporizhzhya and the ineffective protection of a demonstration at the Odesa Pride 2020 from homophobic aggression – this is described in more details in Section 5 of this report.

The situation with the investigation of hate crimes on grounds of homo- or transphobia remains largely unsatisfactory. Although the Ministry of Foreign Affairs has developed methodological materials for investigating hate crimes, the motives of homo/transphobia in committing crimes are usually ignored, such crimes are classified as ordinary hooliganism, and investigations under Article 161 of the Criminal Code on violation of equality citizens' equality are not opened at all or soon terminated.

¹⁶ Марчук І., *"Ну вже вляпались": мер Рівного не бачить сенсу в апеляції щодо ЛГБТ-рішення*, Суспільне, 11.06.2020, suspilne.media.

¹⁷ Бухало О., Червоненко В., *Євангеліст при владі. Як у Рівному вперше в Україні керуватиме мер-богослов*, BBC News Україна, 14.12.2020, [bbc.com](https://www.bbc.com).

The Ministry of Justice's report on the implementation of the Human Rights Action Plan mentions the drafting of a bill by the National Police of Ukraine on amendments to the Criminal Code that would correct the existing shortcomings in the field of hate crimes and allow their effective investigation, but the Ministry of Internal Affairs still has not submitted it to the government as is provided for in the Action Plan.¹⁸ Nash Mir Center has received the text of this bill. In our opinion, it is a very progressive and comprehensive document, which, if adopted by the parliament in its current form, would ensure an effective investigation of hate crimes and incitement to hatred on all grounds relevant to Ukraine, including SOGI. However, even the prospects for its submission to the Verkhovna Rada remain uncertain.

Perhaps for the first time, propaganda in Ukraine of the so-called "traditional values", which inevitably include homo/transphobia, grew attention of the Security Service of Ukraine. In an interview with LB.ua, Yuliya Laputina, Deputy Head of the SSU's Department for Counterintelligence Protection of the State's Interests in Information Security, noted that movements for "traditional values" are an instrument of influence of the Russian state, in that it is actively assisted by the Russian Orthodox Church.¹⁹

¹⁸ Міністерство юстиції України, *Звіт за 2020 рік щодо виконання Плану дій з реалізації Національної стратегії у сфері прав людини на період до 2020 року*, 2020, minjust.gov.ua.

¹⁹ Буцко Д., *Генерал-майор СБУ Юлія Лапутіна: "Росія створює та підживлює рухи за традиційні цінності"*, LB.ua, 08.04.2020, lb.ua.

3. POLITICS, MASS MEDIA AND SOCIETY

Officials of Ukrainian political parties in 2020 did not touch on LGBT issues, but a number of MPs from various political forces made statements and initiated bills on this topic. It is noteworthy that representatives of the largest parliamentary faction from the ruling party Servant of the People (abbreviated, SP) demonstrated diametrically opposed positions on the protection of LGBT rights. In particular, Olha Vasylevska-Smahlyuk, became the initiator of Bill 3316; ten of her colleagues (Lada Bulakh, Taras Tarasenko, Vadym Strunevych, Bohdan Yaremenko, Hanna Bondar, Serhii Shvets, Tetyana Tsyba, Dmytro Hurin, Oleksii Zhmerenetskyi and Geo Leros) – Bill 3316-2, and Oleksandr Bakumov – Bill 3316-3, all of those are designed to criminalize hate crimes on grounds of SOGI. At the same time, Heorhii Mazurashu and Olena Lys, MPs from Servant of the People representing Chernivtsi oblast, initiated Bills 3916 and 3917 banning "the promotion of homosexuality and transgenderism." The leadership of the faction and the party did not comment on LGBT friendly initiatives of their deputies, but regarding the openly homophobic bill 3917, the Servant of the People party Chairman and first Deputy Chairman of its faction in the Verkhovna Rada Oleksandr Korniyenko said that the proposed ideas should be tested for discrimination and its consideration should be postponed to address the issues that really concern society. The initiators of all the above-mentioned bills, according to them, did not coordinate their proposals within the party and Servant of the People's faction, but acted at their own discretion.²⁰

A lot of public attention was attracted by the creation in January 2020 of the largest in the history of the Ukrainian parliament inter-factional association "Values. Dignity. Family" that was announced by MPs Svyatoslav Yurash from the Servant of the People and Oleh Voloshyn from Opposition Platform – For Life (abbreviated, OPFL). According to the Information Department of the Verkhovna Rada, it included almost 300 incumbent parliamentarians. In addition to the above-mentioned deputies from SP and OPFL, Serhii Taruta (Batkivshchyna faction), Mykhailo Bondar (European

²⁰ НВ, «Відкладати якнайдалі». Замість законопроєкту про штрафи за пропаганду ЛГБТ треба займатися тим, що хвилює людей — Корнієнко, 25.07.2020, nv.ua.

Solidarity faction), Iryna Konstankevych ("For the future" group), Oleksandr Kovalyov (Dovira group), Oksana Savchuk (non-factional) became its co-chairs. The purpose of this association was declared as "protection of the eternal values of Ukrainian society and counteraction to attempts to destroy fundamental natural law in the name of political fashion; preparation and adoption of laws that will promote the strengthening of family values, the principles of a decent society, as well as education of children and youth based on family values; and also popularization and communication of a wide range of world conservative thought to the Ukrainian intellectual community."

However, six months of existence of this inter-factional association demonstrated its ephemeral character. There was no noticeable activity on its part, except for the statements of its co-chairs Voloshyn and, chiefly, Yurash. Although these statements unequivocally describe the ideology of the association as ultraconservative and homophobic, among the eleven initiators of pro-LGBT Bill 3316-2 are five of its formal members. It seems that "Values. Dignity. Family" was conceived and symbolically exists only as a tool of self-publicity for the ambitious young member of parliament from the Servant of the People, Svyatoslav Yurash. Odious bills on the "ban on the promotion of homosexuality" 3316-1, 3916 and 3917 were proposed to the parliament by deputies who have no influence or authority in their factions. More educated and sensible politicians in the Verkhovna Rada understand the current situation well and do not make obviously impassable proposals. The real support of religious-conservative forces in the current convocation of the Verkhovna Rada are other deputies – first of all, Viktor Myalyk (parliamentary group "For the Future") – who act by other methods: they do not put forward loud but unrealistic initiatives, but engage in consistent non-public lobbying in the interests of Ukrainian churches.

In general, pro-Russian politicians, and above all members of the Opposition Platform – For Life, demonstrate consistent homophobic rhetoric and support for all relevant initiatives. In response to the above-mentioned Bill 3316, Oleh Voloshyn MP (OPFL), registered alternative Bill 3316-1, which generally repeated the wording of Bill 3316 but replaced the words "sexual orientation and gender identity" with "the institution of the

family or family values," and prohibits "propaganda of the refusal to have children, the destruction of the institution of the family, extramarital and unnatural sexual relations, and fornication" instead of inciting hatred on SOGI grounds. In addition to the above-mentioned Oleh Voloshyn, the respective topics were commented on by Vadym Rabinovych, co-chairman of the OPFL party and faction, and the odious MP Illya Kiva, widely known for his sexual scandals. They, as well as Oleksandr Dubynskyi MP (Servant of the People) and right-wing radical nationalist and former MP Ihor Mosiychuk, joined the outrage of Russian politicians and public figures over the KyivPride action on June 22, when the Motherland monument in Kyiv was virtually decorated with a rainbow flag. Other prominent Ukrainian politicians did not comment on the event.

A funny situation arose around a post on the Facebook page of a well-known right-wing nationalist politician, veteran of the war against Russia Dmytro Yarosh: on January 30, he published a homophobic post in which he stated that he had never seen gays at the front. In response, another veteran, Dmytro Riznychenko, posted a photo of a group of soldiers including Yarosh in the foreground, and directly behind him – Viktor Pylypenko, then a grenade launcher at the Donbass Volunteer Battalion, who in 2018 made coming out as a gay man and became an LGBT activist.²¹ After that, Dmytro Yarosh deleted this record.

The pro-European opposition (both the liberal Voice and the conservative European Solidarity) refrained from public statements on LGBT issues, and representatives of the ruling Servant of the People party showed a wide range of attitudes. In particular, the head of the Committee on Social Policy Halyna Tretyakova, an MP from this party, stated her support for the legalization of same-sex marriages in Ukraine.²²

²¹ Дмитро Різниченко, 30.01.2020, facebook.com.

²² Коломієць В., Голова комітету соцполітики підтримує легалізацію в Україні секс-індустрії та реєстрацію одностатевих шлюбів, Громадське телебачення, 19.07.2020, hromadske.ua.



Figure 2. Right-wing politician Dmytro Yarosh (the third from left in the front row) claimed that he had not seen LGBT people in the war. To his left in the second row (with his eyes closed) stands a gay volunteer, Viktor Pylypenko.

Well-known Ukrainian politician and homophobic ultra-conservative religious activist Oleksandr Turchynov has joined the European Solidarity party, having headed its pre-election campaign. This may strengthen the ultra-conservative wing within this political force, but previous experience shows that the party as a whole has no official LGBT policy, and its leadership neither hinders nor supports pro-LGBT initiatives of its members and MPs from its faction in the Verkhovna Rada. Turchynov and the All-

Ukrainian Sobor, a Protestant association he heads, have been actively campaigning this year against "gender ideology" and legislative initiatives aimed at protecting LGBT rights.

As earlier, right-wing radical parties and organizations remain the uncompromising enemies of LGBT people in Ukraine. Inasmuch as they almost completely lost their representation in the Verkhovna Rada after last year's parliamentary elections, their influence on the country's political process became even less noticeable, although they did not reduce their aggressive homophobic public activity. In fact, radical nationalist political parties (Svoboda, the National Corps) now pay almost no attention to this field which has become the prerogative of right-wing local NGOs, primarily such as the Tradition and Order (Kyiv, Kharkiv, Kryvyi Rih), Freikorps (Kharkiv), Edelweiss (Vinnytsya), etc. Representatives of these organizations were noted in 2020 for threatening and attacking events dedicated to the protection of the rights of LGBTs and women.

Despite the cancellation of this year's Equality March in Kyiv and much more modest than usual public LGBT demonstrations in Kharkiv and Odesa (due to quarantine measures), LGBT issues were still widely represented in the media and public discussions. As in several previous years, most printed and electronic media provided news and discussed LGBT issues in a neutral or positive tone, using mostly correct terminology. Accordingly, the experts of the Institute of Mass Information monitored the news on LGBT coverage in the Ukrainian online media for the period from 25 to 31 May 2020 inclusive. Thus they found that the journalists of the 19 surveyed media mostly adhered to professional standards when covering LGBT issues: 88.5% of news on this topic were written with a neutral emotional colouring, only facts and events being presented. However, 11.5% of news items had a negative colouring, and, in addition, 3.8% demonstrated hate speech towards LGBT people. According to the experts, since last year the situation has somewhat deteriorated: if last year no news with a negative colouring about LGBTs were noted, this year such online media as Znay.ua, Strana.ua,

Channel 24, UNIAN, Bukvy, and Hordon used incorrect statements about LGBT people or presented news with a negative colouring.²³

The above-mentioned Hotline program on the topic "LGBT Parade: Propaganda or Protection of Minority Rights?", which was broadcast live on KRT TV channel on July 12 and was shown twice the next day, became a glaring deviation from the general trend. According to the National Council of Ukraine on Television and Radio Broadcasting, "Programme hosts Yevhen Barkov and Kateryna Ivanova did not try to prevent the program's participants from expressing hostility towards LGBT people, did not support polemics of equal points of view, and used vocabulary considered as intolerant of LGBT people."²⁴ As already mentioned, the National Council appointed an unscheduled inspection of the TV channel and refused to renew its license, as a result of which its satellite and cable broadcasting has been suspended.

KRT channel belongs to pro-Russian ultra-conservative religious politician Hennadii Vasyliyev, but it should be noted that such a gross violation of the principles of impartial journalism on LGBT issues is really rare for Ukraine and uncharacteristic even for pro-Russian media. For example, another socio-politically similar channel, NewsOne, showed on June 27 and then repeated several times the popular talk show "Health Policy" on the topic "Fists & Dialogue: What are the rights of gays, lesbians and transsexual people in Ukraine?" which demonstrated a quite correct, impartial and professional attitude to the coverage of LGBT issues.²⁵

The most notable event of the Pride Month in Kyiv, which took place this year (mostly on the Internet) from May 17 to June 22, was the virtual decoration with a rainbow flag of the sculpture of the Motherland that is the most prominent in the capital of Ukraine²⁶ (the photo of this KyivPride's

²³ Шиколай М., Машкова Я., *Онлайн-медіа про ЛГБТ: зашквари посадців, міжнародка і мова ворожнечі*, Інститут масової інформації, 15.06.2020, imi.org.ua.

²⁴ Please see note 11.

²⁵ NEWSONE, *Кулаки&диалог: какие права у геев, лесбиянок и транссексуалов в Украине?* – "Политика Здоровья", 27.06.2020, youtube.com.

²⁶ KyivPride, 21.06.2020, facebook.com.

action is placed on the cover of this report). This event provoked considerable discussions in social networks and mass media, causing mostly indignation in the pro-Russian, ultranationalist and religious-conservative segments of the audience while causing neutral or approving attitude of the liberal and pro-Ukrainian part. It cannot be said that in these discussions any opinion unequivocally dominated.

On December 10, the results of the third wave of the nationwide survey "What Ukrainians Know and Think About Human Rights: Assessing Change (2016-2020)" were released. This poll in 2020 was conducted by the Ilko Kucheriv Democratic Initiatives Foundation in cooperation with ZMINA Human Rights Centre with the support of the United Nations Development Program in Ukraine. Compared to 2016, the number of citizens who consider tolerance to be a fundamental value has increased by 6% – up to 31% – meanwhile the share of those who support restrictions of human rights for certain groups of the population has decreased. In particular, the restriction of LGBT rights in 2020 was supported by 41.8% that is 4.4% less than in 2016. Ukrainians more often began to consider discrimination on ground of sexual orientation as a common phenomenon in our country (26.3% in 2020 against 21.6% in 2016).²⁷

Conclusions about a certain increase in tolerance and a decrease in homophobic attitudes in Ukrainian society were also confirmed by the data of the World Values Survey 2020. Compared to the previous survey conducted in 2011, over the past 9 years the share of those who do not want to live with homosexuals decreased from 62% to 44.8%.²⁸

Former Acting Minister of Health, popular politician and blogger Ulana Suprun, who grew up in the United States in a Ukrainian immigrant family, resumed her educational mission on LGBT issues by posting on her Facebook account about the realities of life and public acceptance of LGBT people in the United States, including Ukrainian diaspora. This publication attracted a lot of attention (8.7 thousand comments) and received a hugely

²⁷ Центр прав людини ZMINA, *Українці стали толерантнішими й активніше захищають свої права: результати опитування*, 10.12.2020, zmina.ua.

²⁸ Український центр європейської політики, *Світове дослідження цінностей 2020 в Україні*, 2020, с. 14, sapiens.com.ua.

overwhelming approval from the readers of Ulana Suprun's page (about 15 thousand positive evaluations against 800 dislikes).²⁹

This year for the first time large Ukrainian businesses joined the virtual Kyiv Equality March on the Internet – Uklon taxi service (a Ukrainian analogue of Uber), the largest in Ukraine Privatbank, and Asters, the country's largest law firm, decorating their logos on social networks with rainbow colours.



Figure 3. On the occasion of the virtual Equality March 2020 in Kyiv, few large Ukrainian businesses temporarily painted their logos on social networks in the rainbow colours. From left to right: Uklon taxi service, Privatbank, Asters law firm.

As part of the 49th Molodist Film Festival, held in Kyiv from August 22 to 30, a specialized LGBTQ film program Sunny Bunny was traditionally shown – in particular, four short documentaries about the stories of four soldier and unarmed volunteer who at different times defended the sovereignty of Ukraine from the Russian aggression, united within the project titled "The Second Front. Stories of LGBT Military". The heroes of these films represent the abbreviation LGBT: a lesbian, a gay, a bisexual woman and a transgender man.³⁰

²⁹ Релігійна правда, *Супрун розповіла про геїв у церкві США й закликала підтримати ЛГБТ*, 28.06.2020, religionpravda.com.ua.

Note: The original post on Ulana Suprun's Facebook is now unavailable, as she closed her account in early 2021.

³⁰ МКФ "Молодість", *Другий фронт. Історії ЛГБТ-військових*, 2020, molodist.com.

4. CHURCHES AND RELIGIOUS ORGANIZATIONS

LGBT issues are gradually occupying more and more of a place in the agenda of Ukrainian churches and religious activists. With the exception of issues directly related to the functioning of church institutions and religious ceremonies, Ukrainian churches rarely pay attention to societal issues other than "homosexual propaganda" and "spreading gender ideology" that is exemplified by numerous appeals to the authorities and recent meetings of leaders of religious associations represented in the All-Ukrainian Council of Churches and Religious Organizations (UCCRO) with Prime Minister Denys Shmyhal (June 2) and Verkhovna Rada Chairman Dmytro Razumkov (July 28).

Thus, the struggle against "propaganda of homosexuality" and "spread of gender ideology" has become almost the main task set by Ukrainian churches in their public activities. They support all, without exceptions, legislative and political initiatives aimed at restricting the rights of LGBT people, and, using their importance in the eyes of Ukrainian politicians, actively and, as a rule, successfully oppose any measures aimed at their protection. Protesting against legislative proposals to protect LGBT rights, Ukrainian churches and religious activists have actively resorted to manipulations and outright lies, often criticizing the bills for fictitious provisions which the documents do not actually contain, including restrictions on freedoms of speech and religion. It is noteworthy that although Ukrainian government officials and legislators tend to take into account the negative views of churches when adopting pro-LGBT initiatives, they do not support church-approved homo/transphobic initiatives.

The reduction in the number of mass public LGBT events in Ukraine has apparently contributed to the diminution of hate speech towards LGBTs by Ukrainian religious circles. Of the prominent religious figures, only Patriarch Filaret, who is currently the leader of a tiny marginal church, and Metropolitan Luka of Zaporizhzhya (the Russian Orthodox Church) were noticed making homophobic statements. Patriarch Filaret's statement about same-sex marriage as the cause of the coronavirus³¹ did not find

³¹ 4 канал, *Такий Томос нам не потрібен, мене ошукали, – патріарх Філарет*, 19.03.2020, 4channel.com.ua.

support in either the religious community nor the general public, and provoked a reaction from Ombudsperson Lyudmyla Denisova, who urged public figures to be careful about words that could increase societal hostility to certain groups. On August 17, Metropolitan Luka, who recently has become perhaps the most socially active hierarch of the ROC in Ukraine, wrote on his Telegram page that "The constitutional right to peaceful assembly cannot be extended to demonstrations of wickedness and vice" and called on the city authorities "not to participate in and not to promote the spread and popularization of sin in our city," meaning the Equality March scheduled in Zaporizhzhya for September.³² It is noteworthy that the metropolitan did not directly ask the local authorities to ban this event – in recent years, the leadership of the Ukrainian churches virtually stopped making apparently illegal appeals.

In 2020, for the first time in recent years, official representatives of churches and religious organizations of Odesa did not appeal to the city authorities with a call to ban events within the framework of the Odesa Pride festival in the city. This year, opponents of LGBT community in Odessa (far-right and religious activists) limited themselves to a small demonstration on August 30 "for traditional family values," led by Serhii Bratchuk, an Odesa-based activist of the Orthodox Church of Ukraine and the far right-wing National Corps party.³³

Ukrainian Roman Catholic bishops entered into controversy in absentia with their German counterparts, who called homosexuality a normal form of sexual inclination and called on their church to reconsider its traditional conservative views on sexual and gender issues: in January, the Family Commission of the Roman Catholic Church in Ukraine wrote a letter to a similar commission of the German episcopate criticizing their wrong path. However, commenting on this letter, representatives of the RCC leadership in Ukraine noted that they do not have high hopes of convincing their German fellow believers, to whom they are very grateful for the great

³² Лекарь.зр, 17.08.2020, t.me.

³³ Національний корпус, *В Одесі відбулася акція на захист традиційних цінностей*, 30.08.2020, nationalcorps.org.

financial and material assistance they have received and continue to receive from them.³⁴



Figure 4. Demonstration of religious far-right activists for "traditional family values", Odesa, 30.08.2020.

The support of civil partnerships for same-sex couples by Pope Francis turned out to be extremely inconvenient for the Ukrainian churches in general, and especially for the Roman and Greek Catholic hierarchs. The head of the Commission on Mass Media at the Conference of Roman Catholic Bishops of Ukraine, Bishop Vitalii Kryvytskyi, was even forced to make an official statement on behalf of the Roman Catholic Church in Ukraine that "the Catholic Church's teaching on homosexual relations and

³⁴ Католицький Медіа-Центр Конференції римсько-католицьких єпископів в Україні, *Інтерв'ю єпископа Радослава Змітровича ОМІ про лист напоумлення єпископату Німеччини*, 06.02.2020, kmc.media.

their legal recognition remains unchanged," and the words of Pope Francis reflect only "his personal opinion."³⁵

Oleksandra Horchynska, a reporter of NV magazine, interviewed representatives of six different religious communities: a Pentecostal pastor,³⁶ a Sunni Islamic mufti,³⁷ a priest of the Orthodox Church of Ukraine,³⁸ a Roman Catholic priest,³⁹ a clergyman of the International Krishna Consciousness Society,⁴⁰ and a rabbi of the reformist branch of Judaism.⁴¹ As expected, most clergymen expressed conservative and homophobic views which are traditional to their confessions. Only a representative of reformist Judaism, known for its modern liberal beliefs, expressed support and understanding for LGBT people, but this denomination is rare in Ukraine, with only about 50 communities across the country.

³⁵ Католицький Медіа-Центр Конференції римсько-католицьких єпископів в Україні, *Офіційна заява стосовно слів папи на тему одностатевих цивільних союзів у документальному фільмі "Франциск"*, 22.10.2020, kmc.media.

³⁶ Горчинська О., *Спецпроект. Протестантський пастор — про ЛГБТ, гендерну рівність і сексуальну освіту*, НВ, 22.11.2020, nv.ua.

³⁷ Горчинська О., *«Іслам вчить, що Господь не помиляється». Муфтії мусульман України — про гомосексуальність як явище, інтерсекс-людей та права жінок*, НВ, 14.11.2020, nv.ua.

³⁸ Горчинська О., *«Тільки любов може врятувати людину». Отець Сергій Дмитрієв — про гендерну рівність, секс-просвітництво та ЛГБТ*, НВ, 07.11.2020, nv.ua.

³⁹ Горчинська О., *Католицький священник розмірковує про ЛГБТ, гендерну рівність та секс-просвіту — спецпроект*, НВ, 11.11.2020, nv.ua.

⁴⁰ Горчинська О., *«Будь-що має наслідки». Священнослужитель з крішнаїтської спільноти — про секс до шлюбу, ролі чоловіка і жінки та ЛГБТ*, НВ, 06.12.2020, nv.ua.

⁴¹ Горчинська О., *«Стати рабином може як чоловік, так і жінка». Рабин Олександр Духовний — про гендерну рівність та ЛГБТ з точки зору прогресивного іудаїзму*, НВ, 18.11.2020, nv.ua.

5. LGBT COMMUNITY

The main factor that determined the activities of the Ukrainian LGBT community in 2020 was the coronavirus pandemic. It forced the vast majority of planned events and meetings to be converted to online communication via the Internet.

Due to the coronavirus epidemic and the corresponding quarantine restrictions, the physical Equality March in Kyiv, the largest and most visible LGBT event in Ukraine throughout the year, was cancelled. It was replaced with the online Equality March that lasted all Sunday, June 21. However, the organizers of KyivPride 2020 still managed to attract the attention of the media and the public with a vivid videoclip shot with the help of Dronarium and Saatchi & Saatchi Ukraine companies. In the clip, a drone with a rainbow flag circled over the centre of Kyiv and then hovered near Ukraine's largest statue of the Motherland on the Dnieper hills, giving viewers the impression that the rainbow flag was attached to a sword in the statue's hand. The slogan of this action was the words "Mom will understand and support!"⁴²

KyivPride also compensated for the lack or severe limitations of physical communication between LGBT people and their allies by holding two Pride months in 2020: June 6 – June 27⁴³ and September 26 – October 11.⁴⁴ The autumn Pride month was supposed to end with a demonstration of a huge rainbow flag on the facade of the capital's Gulliver mall from October 5 to 11, but due to picketing and threats from far-right groups, the mall administration stopped demonstrating the flag from October 9.⁴⁵

The organizers of KharkivPride decided to replace the Equality March in Kharkiv with a vehicular auto-rally through the central streets of the city, which took place on September 13 without obstacles from far-right groups, who at the same time held their events in other parts of the city. In general,

⁴² Please see note 26.

⁴³ KyivPride, 29.05.2020, facebook.com.

⁴⁴ KyivPride, 03.09.2020, facebook.com.

⁴⁵ Шеремет А., *У Києві на екрані Gulliver більше не буде ЛГБТ-прапору. ТРЦ каже про закінчення контракту, активісти — про тиск «праворадикалів» на центр*, Бабель, 09.10.2020, babel.ua.

aggressive LGBT opponents in Kharkiv (mostly the far right-wing grouping Freikorps) in 2020 demonstrated high activity and repeatedly carried out attacks on LGBT events and the premises where they took place.⁴⁶



Figure 5. On October 5-8, 2020, the facade of Gulliver shopping mall in Kyiv was decorated with rainbow colours and the slogan "It's good to be different together!"

Instead of the Equality March, the organizers of Odesa Pride 2020 decided to hold a public demonstration in support of LGBT rights in the format of a "live chain", but very soon after the action began it was attacked by a group of young people under the flags of far right-wing "Tradition and Order" organization. The police, in the number quite sufficient to provide protection of the LGBT action, acted extremely passively, allowing the column of attackers to get close to the demonstration's participants, and intervened only after the first ones started throwing eggs at the second ones and spraying them with pepper spray.⁴⁷ Several LGBT activists and two police officers were injured in the attack. The police detained 16 attackers, charging them under Articles 173 (Petty hooliganism) and 185 (Malicious

⁴⁶ Єгорова А., На «Прайдхаб» у Харкові напали тричі за тиждень, 08.09.2020, Детектор медіа, detector.media.

⁴⁷ Одесса Прайд 2020, 31.08.2020, facebook.com.

disobedience to a lawful order or requirement of a police officer) of the Code of Administrative Offenses of Ukraine.⁴⁸



Figure 6. On September 20, 2020, the first Equality March took place in Zaporizhzhya.

The organizers of the Zaporizhzhya Pride Festival decided not to cancel the first physical Equality March in the city but to hold it according to all quarantine restrictions. The peaceful march, which was attended by about 500 people, took place in Zaporizhzhya on September 20 under the protection of 430 police officers and 240 National Guardsmen. Far-right groupings and individual homophobic activists tried to disrupt the rally, but the police provided its effective protection, including the arrest of a man

⁴⁸ Головне управління Національної поліції в Одеській області, *До Приморського відділу поліції з Думської площі правоохоронці доставили шістнадцятьох порушників громадського порядку*, 31.08.2020, od.npu.gov.ua.

who threatened marchers with a traumatic revolver, as well as two assailants who threw eggs at them.⁴⁹

In general, physical meetings on LGBT issues in 2020 continued to be constantly attacked by far-right and traditionalist groups that purposefully sought out their victims. This happened in many cities of Ukraine, for instance, on August 16 in Khmelnytskyi.⁵⁰ In the same way, random young people in public places, who were considered by the aggressors to be members of the LGBT community, were attacked by presumably far-right youngsters – this happened in Kyiv, Odesa, etc.

Despite the quarantine measures, Ukrainian LGBT organizations in 2020 continued to hold various actions, mostly in the format of online meetings and interactive webpages. XIII National LGBTI Conference of Ukraine was also held online on November 5-7. If possible and in compliance with all safety measures, physical activities (seminars, trainings, etc.) took place as well.

An informal association of LGBT soldiers and military volunteers this year significantly increased their public activity – they took part in pickets, numerous television appearances, press interviews, videos, and documentaries shown at the Molodist film festival.

Several open LGBT candidates ran for local councils for the first time in the local elections on October 25, 2020,⁵¹ – however, none of them managed to defeat rivals.

In addition to large cities, LGBT activism has become more visible in some smaller Ukrainian towns. For example, the NGO Donbas Queer appeared in Bakhmut, Donetsk oblast, at the initiative of a local young activist, and held six actions in support of LGBT people for half a year.⁵²

⁴⁹ Гвозди, *Первый ЛГБТ-прайд в Запорожье: как это было*, 20.09.2020, gvozdi.zp.ua.

⁵⁰ TV7+, *У Хмельницькому відбулась сутичка між ЛГБТ спільнотою та її противниками*, 2020, tv7plus.com.

⁵¹ Сокуренько Є., *На місцевих виборах вперше балотуються відкриті ЛГБТ-люди: чому це важливо*, Центр прав людини ZMINA, 23.10.2020, zmina.info.

⁵² *Суспільне Донбас*, 27.07.2020, [facebook.com](https://www.facebook.com/suspilne.donbas).

6. VIOLENCE, DISCRIMINATION AND OTHER VIOLATIONS OF LGBT PEOPLE'S RIGHTS ⁵³

Nash Mir's monitoring network in 2020 documented 188 cases of actions motivated by homophobia / transphobia, discrimination and other violations of LGBT rights in Ukraine. 177 cases included events that happened in 2020, the rest – 11 cases – occurred in 2019.

Table 1. The distribution of cases documented in 2020 by regions of Ukraine.

Region	Number of cases
Kyiv and oblast	67
Odesa and oblast	26
Zhytomyr and oblast	20
Kharkiv	12
Dnipro and Dnipropetrovsk oblast	9
Kherson and oblast	9
Zaporizhzhya and oblast	8
Lviv and oblast	7
Mykolayiv and oblast	6
Sumy and oblast	5
Donetsk oblast (under Ukraine's control)	4
Khmelnytskyi and oblast	4
Vinnytsya	3
Ivano-Frankivsk	2
Rivne	2
Kropyvnytskyi	1
Ternopil	1
Cherkasy	1

⁵³ In this section, the number of documented violations of LGBT people's rights may apparently exceed the number of cases, because in some cases more than one sphere of rights was involved.

AR Crimea (occupied by Russia)	1
Total	188

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

Interaction with private persons

Actions motivated by homophobia / transphobia and hate speech on the part of persons not vested with official authority, were observed in 140 cases. 67 of them (6 in 2019 and 61 in 2020) may be described as *hate crimes*, and 69 (3 in 2019 and 66 in 2020) – as *hate incidents*. In 9 cases manifestations of *hate speech* were recorded.⁵⁴

For the third year in a row we see a trend of certain reduction in the number of hate crimes compared to incidents. Meanwhile, the share of cases of physical abuse among all cases in 2020 (69 out of 140) became higher than in 2019 (100 out of 275).

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

Table 2. The number of different types of LGBT rights violations in 2020.

Types of violations	Number of cases
insults, humiliation of human dignity, threats	106
physical violence of varying severity	69
attacks on LGBT centres, actions or activists	24
illegal collection, disclosure (or the threat of disclosure) of confidential information	18
homophobia / transphobia in family	14
extortion and blackmail	13
damage to property	12

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

homophobic inscriptions / appeals	9
robbery	6
threats with weapons and their application	6
intrusion into personal life	2
sexual violence	2
disobedience to lawful demands of police	2
obstruction to peaceful actions	2
attempt to deprive of parental rights	1
torture or inhuman treatment	1
brigandage	1
murder	1

Due to quarantine measures related to COVID-19, the number of public LGBT actions and, as a result, attacks on them significantly decreased in 2020: 2 cases against 13 recorded in the previous year.

At the same time, the number of attacks on LGBT centres and activities by far-right and conservative groupings has sharply increased: 24 cases in 2020 against 11 in 2019. Almost all of them were carried out by the ultra-conservative grouping the Tradition and Order (alone or together with other far-right groups), mainly against LGBT centres in Odesa and Kharkiv.

Thus, in the period from August 31 to September 7, three similar attacks on the Kharkiv LGBT PrideHub centre were made (cases 1926, 1927, 1928). All of them took place at night and were carried out by several young people, among whom PrideHub employees recognized members of Tradition and Order's local branch. The attackers threw eggs at the entrance to the premises, poured urine, made insulting and threatening inscriptions on the walls, and in the latest case smashed the windows. Each time they pasted leaflets of their group on the walls. The Kharkiv police had not seen any signs of a criminal offense in the actions of the attackers and refused to investigate these attacks.



Figure 7. In 2020, supporters of the radical right-wing grouping Tradition and Order repeatedly attacked PrideHub in Kharkiv, leaving homophobic inscriptions and stickers on its walls.

In 2020 we documented 20 property crimes in which victims were targeted for their sexual orientation / gender identity for extortion, blackmail or robbery, as well as one homophobic homicide during a drinking session.

Case 1946

In September 2020, a training on tolerance and non-discrimination was disrupted in Sumy because it touched on LGBT issues. Among the attackers – local supporters of the Tradition and Order and Svoboda party – Maksym Halytskyi was noticed, the Deputy Mayor of Sumy who in 2019 publicly approved of Hitler's policy of imprisoning gays in concentration camps. Then the police initiated against him a criminal investigation under Article 161 of the Criminal Code, but a year later (June 2020) the case was closed

– the investigation did not find a *corpus delicti* in Maksym Halytskyi's actions.

In mid-December 2020, a series of attacks by drunken teenagers and young men, presumably neo-Nazi, on young men perceived by the attackers as gay because of their appearance (only some of them actually belonged to the LGBT community) took place in Podil district of Kyiv. The monitoring network of Nash Mir Center documented 2 such cases (1994 and 1995). We are aware of at least two other cases, very similar to the above-mentioned, in which we have not yet received enough data to document them as hate crimes on SOGI grounds.

Case 1994

On the evening of December 17, Oleksandr met with his female friends near the Silpo supermarket on Kontraktova Square. As they stood at the entrance, three drunken teenagers came out of the store. One of them asked Oleksandr: "Doesn't it seem to me that you have painted lips? Really, painted." He did not answer.

The drunken teenagers gone, but then one of them turned around and said, "You don't like something? Now you'll get [a beating]." The victim and his friends hid in a store, but the attackers followed them and hit him in the solar plexus. Oleksandr ran to the guards and asked them to take the people out, and called the police.

During these actions, the attackers pushed him, beat him on the lips and filmed him. They also threatened to smash a rainbow-colored watch on his hand. Silpo security guards did not intervene. Meanwhile, other young men in sportswear and balaclavas began to join the attackers.

He waited for an hour for the police to arrive. Eventually, two patrol police officers came on call. The victim was taken out of the store and asked to indicate whether he recognized any of the attackers – he indicated. When the police left to talk to some of those young men, others continued to insult, beat and push Oleksandr in the presence of the police. At one point, they sprayed tear gas to his eyes. Patrol officers also underwent to verbal and physical aggression by the offenders.

Later, several more police officers arrived at the scene. Oleksandr was put in a patrol car and taken to the Podil police station, where he and his mother filed a statement on the offense. After they left the police station, they came to the emergency room, where Oleksandr was diagnosed with brain concussion, hematomas and abrasions.

After Oleksandr wrote about the incident in social networks, he began receiving threats on the Internet.



Figure 8. 16-year-old Oleksandr after a defiant homophobic attack at the capital's Podil in December 2020.

Relations with the law enforcement authorities

In 27 cases violations by law enforcement agencies were reported

In 2020, 73 cases included interaction of the victims with law enforcement agencies (calling the police, filing a statement on an offense, investigative actions, protection of peaceful assemblies, etc.). In 32 of them violations by the police or the prosecutor's office were reported (please see Table 3):

Table 3. Violations of LGBT rights in 2020 by law enforcement agencies.

Rights violations (by what actions)	Number of cases
the right to an effective remedy (failure to protect the rights, denial to protect the rights)	25
freedom from discrimination (insults, humiliation of human dignity, threats, biased attitude)	9
the right to respect for private life (invasion of private life)	4
the right to liberty and security (violation of procedural rules, physical violence, abuse of power and official authority)	3

An obvious case of inaction and unprofessionalism of the police during the protection of peaceful assemblies in 2020 occurred during the action "Let's walk together. Everything will be Pride" in Odesa on August 30 (case 1944). In that case not only participants of action (about 20 people), but also 5 police officers suffered from the actions of the attackers. The lawyer of the injured action's participants claims that the actions of the police were not coordinated and mostly reduced to passive observation and putting a physical barrier between a small part of the participants and the attackers.

Case 1872

In late April 2020, a young transgender person was raped and brutally beaten by a group of local youth in Zhytomyr. The perpetrators also tortured the victim and extorted money from her. Neither the pre-trial investigation body (Zhytomyrskyi District Police Station of Zhytomyr Police Department) nor the procedural management of the investigation (Zhytomyr City Prosecutor's Office) wished to consider the transphobic motive of this crime. Currently, only Article 161 of the Criminal Code of Ukraine "Violation of equality of citizens depending on their race, nationality, religious beliefs, disability and other grounds" allows taking into account the homophobic / transphobic motive in committing a crime. In this case, the data under Article 161 of the Criminal Code was entered

into the Unified Register of Pre-trial Investigations only by the decision of the investigative judge, and even then with delay. A representative of the transgender victim had to go the same way to force the investigation to investigate the fact of rape. Even after four months of investigation, the police did not bring up official suspicion and did not choose pre-trial precautionary measure towards any of the persons involved in the crime (who were identified by the investigation almost immediately).



Figure 9. Clashes between right-wing radicals and the police during an attack on a peaceful LGBT rally in Odesa, August 30, 2020.

Case 1883

A young transgender person was attacked by three young men in Kharkiv in late April 2020: the offenders mistook her for an ordinary girl, and when it became clear that this was not the case, they beat and broke her nose. The victim called the police at the crime scene, but they could not find anyone. On the same day, the victim filed an application with Kyivskiy Police Department in Kharkiv. She applied to Nash Mir Center almost a month later, when it became clear that her application had never been

registered. The police "found" her application only on May 26, when information about the crime and police inaction became known through the media. Only then a criminal case was opened, but only under article "Minor bodily injury", and the motives of intolerance, as usual, were ignored by the law enforcement staff.



Figure 10. The victim of a transphobic attack in Zhytomyr in April 2020 (case 1872).

Legal Proceedings

In 2020, Ukrainian courts carried on consideration of two cases of homophobic crimes in which the legal support of victims were provided by Nash Mir Center.

Case 909

In June 2020, the court of cassation approved the final decision in the criminal proceeding for a homophobic attack in March 2017 on two gays in the capital's Hidropark. In our reports for previous years, we already wrote

about the progress of this case.⁵⁵ Unfortunately, the Supreme Court has also refused to take into account the homophobic motive of the crime and left its legal qualification (robbery) unchanged.

The same month, a complaint was lodged with the ECtHR, where victims complained about the imperfections of the Ukrainian criminal law regarding taking into consideration homophobic / transphobic motives in crimes resulting in that the Ukrainian law enforcement and courts do not provide a relevant assessment of perpetrators' actions.

Case 1306

In 2020, the fruitless hearings of the Pechersk Court of Kyiv continued within the criminal proceeding on the case when a gay was stabbed with a knife on Khreshchatyk street in September 2018 (we wrote about this case in our report for 2019⁵⁶). During two years of the court trial, eight hearings took place, but due to organizational issues the court has not even started considering the case on the merits. In our opinion, this indicates a violation of the right to a fair trial regarding observance of reasonable time limits for all participants in the process – both the victim and those who have been on the dock for a long time.

Employment

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

Table 4. Violations of LGBT rights in 2020 in the field of employment.

Rights violations (by what actions)	Number of cases
discrimination (inaction of the administration, compulsion to resign, unlawful dismissal, unlawful refusal to hire, insults, humiliations of human dignity, threats, demotion / denial of promotion, biased	11

⁵⁵ Nash Mir LGBT Human Rights Center, *Old problems, new prospects. LGBT situation in Ukraine in 2019, 2020*, p. 39, gay.org.ua.

⁵⁶ Ibid., p. 40.

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

respect for private life (invasion of private life, illegal
collection, disclosure, or threat of disclosure of
confidential information) 3

In two cases, transgender people became victims of discrimination because of their gender identity.

Case 1852

In January 2020, a 22-year-old transgender man was denied employment as a bartender in a Kherson restaurant. He met all the requirements, but when the administration of the facility saw his documents with the woman's name, they began to make fun of him and said: "No, we don't need *that*, we don't work with *it*."

Case 1869

In April 2020, Mariana, a doctor at a private medical centre in Lviv, wrote on her Facebook page a post supporting for a bill to increase liability for hate crimes, including on SOGI grounds. This record immediately provoked a heated debate; her interlocutors began to leave their comments, including negative ones. In 15 minutes Mariana received a call from the owner of the medical centre where she works who demanded that she immediately delete the post and apologize on Facebook to everyone who read it, otherwise he would fire her and make sure that no medical institution in Lviv took Mariana to work.

Under the influence of emotions, Mariana deleted the record, but later, after a consultation with a human rights organization, she met with her boss and told him that she knew her rights, and that if anyone tried to violate them, she would go to court. The boss receded, referring to "quarantine", "nerves", "society is not ready...", but asked her not to express her views publicly in the future. Mariana suggests that he was so "friendly" because he thought she was recording their conversation on a dictaphone. The doctor replied that she remained in her opinion.

Education

Violations in this sphere were recorded in 9 cases (please see Table 5):

Table 5. Violations of LGBT rights in 2020 in education.

Rights violations (by what actions)	Number of cases
discrimination (bullying, biased attitude, expulsion from the educational institution, underestimation)	22
respect for private life (invasion of private life, illegal collection, disclosure, or threat of disclosure of confidential information)	4

In 5 of these cases discriminatory actions by fellow students may be regarded as hate incidents, and in 2 cases physical violence took place.

Case 1841

In February 2020, one of the students of Zhytomyr Polytechnic University following experienced an incident which she described as follows:

- My classmates and I gathered in the auditorium to discuss a joint presentation. I went out for a couple of minutes, and when I came back, I saw that one of my classmates took my backpack and in my presence tore a rainbow badge off it, threw it at me and started insulting me before everybody saying that I was a "dirty LGBT girl" and anybody like me may not study here. Then my classmates started to throw my backpack at each other while I tried to defend myself with words, catch the backpack and get out. Another guy threw my backpack at me and pushed me, I fell. I packed up and left. I did not know what to do in this situation.

- The next day I came for a lecture, and as soon as I entered the audience, everyone started laughing and making fun – they say, you would not study here for a long time, there's no place for LGBT here. Now everyone knows about my orientation. I want to transfer, but I'm afraid to tell my parents about it as yet, let alone to go to the curator, who is also homophobic. I don't know what to do...

Access to goods and services

In this sphere we have documented 10 cases of discriminatory treatment on SOGI grounds. 7 cases apply to denial of service; in 6 – biased treatment, in 2 – insults, humiliation, and threats, in 1 case – denial to rent, and in 1 cases illegal eviction from housing were observed.

Three cases contain signs of hate incidents (insults, humiliation, threats; illegal collection, disclosure or threat of disclosure of confidential information; physical violence of varying severity).

Case 1920

On August 24, 2020, a lesbian couple, who together with their 6-year-old son visited restaurant "Fine City" in Ternopil, were denied service because one of the girls had a small rainbow flag on her backpack. Administrator Victoria approached them and mockingly said that it was "a family institution, especially as there are many children here, so there's no place here for perverts." The victims did not want to spoil their festive mood and to quarrel in front of the child, so they left.

Healthcare

In this area we have documented 3 cases of discrimination (biased treatment, denial of medical care or incomplete medical services), of which 1 case of illegal denial to change documents for a transgender person.

Outdated "anti-AIDS" posters were placed in the polyclinics № 2 and № 3 of Rivne city, which not only contained outdated medical information, but were also openly homophobic (cases of 1890 and 1918).

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

In 2020 also 11 cases of discrimination and hate speech were documented that are not included in the above-mentioned categories.

Rights violations (by what actions)	Number of cases
discrimination (adoption of illegal decisions / acts, biased treatment)	6
hate speech	3

respect for private life (invasion of private life, illegal collection, disclosure, or threat of disclosure of confidential information)	3
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Case 1771

In August 2019, a 17-year-old homosexual man experienced discriminating and offensive treatment by a psychiatrist because of his appearance at the Shevchenkivskyi Military Registration and Enlistment Office in Kyiv during a draft board. Paying attention to his feminine appearance and manners, the doctor, smiling, asked, "Now this is such a problem: boys love boys, and who are you? Are you one of *these?*..", and wrote out a referral to him for a psychiatric examination on suspected diagnosis of "gender identity disorder."

Violations of LGBT rights in the occupied territories

In 2020, we documented only one case of a crime motivated by homophobia in the temporarily uncontrolled territories (in March, Simferopol, AR Crimea) and the refusal of the occupation authorities to investigate this offense that forced the victim to seek asylum abroad.

7. CONCLUSIONS AND RECOMMENDATIONS

Against the background of the turbulent socio-political life of Ukraine during all the years of its independence, LGBT issues have not played and is not playing now an important role – there are always more important problems that attract public attention and require immediate solution. In 2020, such problems were the spread of the Covid epidemic and the permanent political confrontation within the ruling party and the state authorities. However, Ukrainian society is affected by global trends towards increasing tolerance to LGBT people and their integration into public life, and the declared state course for Ukraine's integration into the European Union requires the authorities to take certain steps to address problems of the LGBT community.

Ukrainian politicians have generally come to terms with the realities of modern Europe and the free world, including a ban on discrimination on SOGI grounds, but under the influence of conservative Ukrainian churches, they refuse to take active steps to improve the situation of their LGBT compatriots. In turn, the Ukrainian churches as well as right-wing radical ideological groups have made the fight against the LGBT community one of their main tasks. Nevertheless, in recent years Ukrainian churches have markedly reduced their homophobic rhetoric, apparently by understanding that it does not add to their popularity, and by the influence of the processes taking place within the churches of the free world. Meanwhile, Ukrainian right-wing radical groupings constantly and consistently resort not only to homophobic rhetoric, but also to direct aggression against LGBT organizations, activists and ordinary people.

Law enforcement agencies, and in particular the National Police, respond to violations of rights and violence against LGBT people, in general, reluctantly and ineffectively, although they acknowledge this obligation. In some cases, however, the police and the LGBT movement manage to establish constructive cooperation.

Despite the problems and limitations associated with the Covid epidemic, in 2020 the Ukrainian LGBT movement and its allies, in general, managed to maintain their activity and visibility – mostly through online activities.

Cases of hate speech against LGBT people in the Ukrainian media are becoming less frequent and condemned not only by LGBT activists and their allies in civil society, but also by government agencies, including the Secretariat of the Parliamentary Commissioner for Human Rights and the National Television and Radio Broadcasting Council.

The state authorities, in general, try to stay away from solving the problems of LGBT people in Ukraine and not to mention them at all. They do not support initiatives to protect LGBT rights, though they do not hinder their implementation either. At the same time, homophobic initiatives also do not have support of the central government. The Ukrainian government does not refuse to implement the LGBTI components of the Action Plan on Human Rights, but it constantly postpones this to the future. Practice shows that the Ukrainian authorities largely ignore recommendations to improve the protection of LGBT rights from their Western partners, but find ways to implement their direct obligations in this area, provided by international agreements – in particular, the Association Agreement between Ukraine and the EU.

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

1. **The Verkhovna Rada of Ukraine** is recommended to eliminate all provisions in the Ukrainian legislation that lead to discrimination on grounds of sexual orientation or gender identity – in particular, in Article 74 "The right to property of a woman and a man who live as one family but are not married to each other or are not in another marriage" and Article 91 "The right to maintenance of a woman and a man who are not married to each other." Same-sex couples in Ukraine should be able to register their partnership providing them with all significant marital rights and responsibilities.

When adopting new laws, anti-discrimination articles in them have to directly and openly prohibit discrimination on grounds of sexual orientation and gender identity. Laws and regulations aimed at protecting families and children should protect all families without

discrimination – in particular, same-sex family couples and children raised by them. The grounds of sexual orientation and gender identity should be explicitly included in the list of protected characteristics in the Law of Ukraine "On Principles of Prevention and Combating Discrimination in Ukraine" (Paragraph 2 of Part 1 of Article 1).

2. **The President, the Cabinet of Ministers of Ukraine, and the Commissioner of the Verkhovna Rada of Ukraine on Human Rights** are advised to adopt national policies to combat inequality, discrimination, increase tolerance and mutual respect in society, and always explicitly to mention sexual orientation and gender identity in the policies as protected characteristics, and LGBTIs – as a vulnerable group.
3. **The Ministry of Justice of Ukraine** is recommended to develop and submit to the Cabinet of Ministers of Ukraine a draft law to legalize registered civil partnerships for both opposite-sex and same-sex couples in Ukraine. By leaving without solutions the problems of overcoming social homophobia and establishing the legal status of same-sex partnerships, the Ukrainian government only postpones them into the future and complicates its tasks towards European integration.

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

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

To monitor implementation and maintenance of a new order of medical care to persons in need of gender reassignment; to continue the development and adoption of amendments to this order in collaboration with activists of the transgender community

5. **The Ministry of Education and Science** is recommended to include topics of sexual orientation and gender identity in the school curricula and programmes of universities and professional training of the teaching staff; to attract LGBT and other civil society organisations to design and implement such programmes. The state standards of social work with adolescents and young people belonging in particular to LGBTs, should

be developed and implemented Development of these standards should involve representatives of NGOs that represent and protect the interests of these vulnerable groups.

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

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

To submit the bill on the criminalization of hate crimes to the Cabinet of Ministers and recommend to the Cabinet of Ministers to introduce the bill to the Verkhovna Rada.

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

To take into account and to be governed in their future activities by the principle enshrined in Article 35 of the Constitution of Ukraine, which states that "church and religious organisations in Ukraine are separated from the state, and schools – from the church" and that "no religion shall be recognized by the State as mandatory""

To take note and explain to the public that the concept of family under the Family Code of Ukraine is not limited to officially registered marriage, and the protection of the interests of family extends to all forms of family relations.

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

Do not consider appeals and petitions that violate Ukrainian laws – in particular, a ban on incitements to discrimination and restriction of the constitutional rights and freedoms.

8. METHODOLOGY AND THE AUTHORS OF THE REPORT

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

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

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