

## LGBT situation in Ukraine in 2018 (January – August)

LGBT Human Rights Nash Mir Center

Website: [www.gay.org.ua](http://www.gay.org.ua)

Post address: P.O. Box 173, Kyiv, 02100, Ukraine

Contact: Andriy Maymulakhin, Coordinator

E-mail: [coordinator@gay.org.ua](mailto:coordinator@gay.org.ua)

Tel. / Fax: +380 44 2963424, mob. tel.: +380 50 4438064

***2018 has demonstrated a notable increase in activity and visibility of the Ukrainian LGBT community and some improvement in the attitude of Ukrainian society and the state towards it. At the same time, the Ukrainian authorities have not been ready to fulfil their commitments under the Action Plan on Human Rights on the adoption of important fundamental changes in legislation; however, they have not refused ultimately to implement changes and have actually taken certain decisions to protect the interests of LGBT people.***

***The police provided effective protection of LGBT events throughout the country in the cases where their conducting was agreed upon in advance; however, the practice of investigating hate crimes based on homo/transphobia remained extremely inefficient and unsatisfactory.***

***Ukrainian churches continued to actively support homophobic discrimination initiatives of other organisations and activists, but, except for the UOC (MP), they refrained from hate speech and their own incitements to discrimination. "The protection of the traditional family" became the main slogan of the current anti-LGBT campaigns in Ukraine.***

### 1. Generalized social and political situation

#### Legislation

Since the beginning of 2018 the Ukrainian legislation concerning LGBT rights and interests has not undergone any fundamental changes while the overall situation in this sphere improved. On July 12 the parliament adopted the Law of Ukraine "On the legal status of missing persons." The law defines the legal status of missing persons and provides legal regulation of relations connected with the establishment and registering, searching and social protection of those persons and their relatives. Article 7 of the law prohibits any discrimination of missing persons and their relatives, including on ground of sexual orientation. Thus, this law became the second in the Ukrainian legislation, after the Code of Labour Laws, that provides direct and explicit prohibition of discrimination on ground of sexual orientation. Article 7 of the law includes in the concept of "a relative of a missing person" persons who are living together, connected by the common household, have mutual rights and obligations, thus recognizing as relatives of missing persons their same-sex family partners.

While introduction of direct and explicit prohibition of discrimination on grounds of sexual orientation and gender identity to the laws of Ukraine on each occasion encounters great resistance from the majority of Verkhovna Rada members, the Ukrainian government still gradually introduce corresponding provisions in the secondary legislation and state policies. Thus, the Concept of the Public Health System Development, approved by the Cabinet of Ministers of Ukraine in 2016, stipulates that the right to health and health care is a basic human right regardless of sexual orientation and gender identity. Similarly, the Rules of Police Ethical Conducting, approved by an order of the Minister of Internal Affairs of Ukraine in 2016, demand from the police "to show respect for the dignity of every person, fairly and impartially treat everyone regardless of [...] sexual orientation or other ground."

Meanwhile, the Family Code of Ukraine and secondary legislation still retain provisions openly discriminatory towards LGBT people. The motives of homophobia and transphobia are not considered as aggravating circumstances in the commission of crimes.

For the last two years no significant progress was achieved to implement the LGBTI component of the Action Plan on Human Rights. In particular, the following of its items – with the implementation period already expired – remain unfulfilled:

- Para. 60 Action 8 and identical Para. 62 Action 1 (working out the medical standards to treat intersex persons);
- 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") – the Ministry of Justice plainly refuses to implement it;
- Para. 105 Action 3 (amending the Criminal Code to criminalize offenses on motives of intolerance, particularly on grounds of SOGI, and to decriminalize contagion by HIV and other infectious diseases) – the Ministry of Internal Affairs does not want to implement this provision of the Action Plan in its current form, and is waiting for approval of amendments to the Action Plan that would allow it not to implement the current form;
- 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) – the Ministry of Justice and the Ministry of Social Policy each shift the duty to draft this bill upon the other Ministry;
- Para. 105 Action 7 (lifting the ban on adoption of children, particularly by transgender and HIV-positive people) – the Ministry of Health has developed a corresponding draft order, but it received a negative feedback assessment during a public discussion before a conservative religious audience, and a draft order has not been approved;
- 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).

Action 2 of Para. 109 (development and inclusion of a course on effective and proper investigation of hate crimes in the training of law enforcement officers) is implemented very slowly – even though the relevant guidelines were developed in 2016, they, according to our estimates, are ineffective in general and are not intended to investigate hate crimes on grounds other than "race", national / ethnic origin or religious beliefs. We have no evidence that these guidelines or other materials on the specifics of hate crimes investigation are used in the programmes of law enforcement staff training.

This list is not exhaustive, we mention only the most important, in our view, still unimplemented LGBTI components of the Action Plan. Currently, the process of developing and approving amendments to the Action Plan is going on, for which the Ministry of Justice of Ukraine is responsible. It should be noted that the Ukrainian government, though not hurrying to implement its LGBT components, yet has no plans to remove the most important ones from this document. Thus, replying to the question what are the recommendations of the Ministry of Justice on amendments to the Action 6 Para. 105 (a bill on registered partnership), Vladyslav Vlasjuk, Director General of the Directorate of Human Rights, Access to Justice and Legal Awareness, informed that they offered only to extend its implementation to the end of 2019. Meanwhile, Justice Minister Pavlo Petrenko stated that the Ministry of Justice currently has no plans to develop such a bill.

Because of the resistance of churches and religious organizations, ratification of the Istanbul Convention (on prevention of violence against women and domestic violence) is suspended. The main demand of the major Ukrainian churches is avoiding the use of the concepts of "sexual orientation", "gender" and their derivatives in the Ukrainian legislation in general; and most Ukrainian MPs support it. However, the Ukrainian government officially confirms the desire to achieve ratification of the document by the Verkhovna Rada.

In 2018 the parliament has not considered legislative initiatives aimed at direct restriction of the rights of LGBT persons or establishing discrimination on SOGI grounds. Meanwhile, holding the regular

Equality March in Kyiv became the reason for the introduction of a bill to ban public demonstrations of any kind of sexual orientation by Oleh Barna MP (Petro Poroshenko Bloc). The document caused a storm of criticism and outright mockery over its meaning and wording from both experts and the public, and was rejected at a meeting of the respective parliamentary committee.

Adopted in 2016, the new rules of gender reassignment (Order 1041 of the Ministry of Health) removed such requirements to transgender persons wishing to officially change their gender as having no minor children and being unmarried. Meanwhile, Ukrainian legislation retains the ban on marriage by people of the same sex. In summer 2018, a Ukrainian transgender activist, who is in transition from male to female gender, received a new birth certificate and passport that indicated her new (female) gender without divorcing from her wife – thus, there was created a legal casus of recognition of same-sex marriage between Ukrainian citizens.

### **The state and local authorities**

Representatives of the government in 2018 rarely touched LGBT issues, and largely refrained from both positive and negative comments and statements regarding LGBT people. Even when the general tone of their words was friendly to LGBT people, they refrained from publicly supporting very LGBT people, instead focusing on common equality and human rights in general, like, for instance, Vice-premier-minister for European Integration Ivanna Klymush-Tsintsadze when receiving an award from KyivPride for supporting the LGBT community.

A campaign of appeals to the local and state authorities with demands to ban "homosexual propaganda" under the banner of "protecting the traditional family" since last year continues in Ukraine. This year, the campaign mostly gained the form of electronic petitions on the websites of the President, government and parliament of Ukraine as well as local authorities. After the intervention of Aksana Filipishyna, a representative of the Ukrainian Ombudsman, one of these petitions was removed from the President of Ukraine's website as being in breach of Article 23<sup>1</sup> of the Law of Ukraine "On citizens' appeals", according to which a petition may not contain attacks on human rights and freedoms, and Article 6 of the Law Ukraine "On principles of prevention and combating discrimination in Ukraine", according to which any form of discrimination, including incitement to discrimination, is prohibited.

The rest of these petitions, however, remained and received the necessary number of votes for their consideration. The petitions on the President's website were answered by "any legislative initiatives to restrict constitutional rights are unconstitutional" while the President promised to "examine the adoption of national strategies to protect and promote traditional family values and the institution of the family in Ukraine." The petitions on the Verkhovna Rada's website were reviewed by respective parliamentary committees which gave quite different replies, sometimes of homophobic content, but without any legal consequences. The petitions on the Cabinet of Minister's website also received purely formal answers without concrete legal consequences.

Several local councils (particularly Chernivtsi oblast and Kalush city of Ivano-Frankivsk oblast) adopted relevant homophobic appeals to the government after consideration of electronic petitions or upon initiatives of local council members.

According to our data, in 2018 only Metallurgical District Council of Kryvyi Rih city appealed to the court to ban an LGBT event (Equality March), but the court refused this appeal. Kryvyi Rih and Cherkasy City Councils did not support initiatives of its members to appeal to the court with a demand to ban LGBT events in these cities.

Infamous Ivano-Frankivsk Mayor Ruslan Martynuk, a representative of the ultra-right Svoboda party, reiterated his views that a gay cannot be a patriot of Ukraine, but in general representatives of local authorities in 2018 rarely spoke about topics related to LGBT issues.

The newly elected Commissioner of the Verkhovna Rada of Ukraine on Human Rights Lyudmyla Denisova, who once demonstrated support of homophobic initiatives as a chairperson of a parliamentary committee, initially caused surprise by her statement about the lack of complaints to the

Ombudsman on homophobia, but later strongly supported the Equality March in Kyiv and appealed to the city authorities and police to ensure the safety of its participants.

Continuing her campaign to crush stereotypes in health issues, Acting Minister of Health Ulyana Suprun sparked a lively public discussion around a post on her Facebook page accompanied by an educational video: "Today we have to break down myths and stereotypes which have long been refuted by science. For example, that homosexuality is a disease. "

The above-mentioned transgender activist, while receiving her new documents in connection with the official change of gender (male to female), met a generally friendly attitude from representatives of the civil status register and Solomyanskyi military recruiting office in Kyiv. Officers of the latter institution even proposed her for entry into military service and also to agitate other members of the transgender community despite the fact that in Ukraine people diagnosed with transsexualism are now still considered, at best, unfit for military service in peacetime and of limited fitness in wartime.

### **Law enforcement agencies and the judiciary**

The National Police of Ukraine in 2018 continued the policy of cooperation with the LGBT movement to ensure the protection of LGBT events from homophobic violence and the training of its personnel on the principles of tolerance and non-discrimination.

For two consecutive years there have been no noticeable efforts of the local police to withdraw from protection of public LGBT events and no recommendations by local police to ban such events, as regularly happened in previous years. It should be noted that in many cases (for instance, when trying to conduct the Equality Festival in Chernivtsi, round tables on LGBT topics in Uzhhorod and Vinnytsya) the police acted very passive and did not prevent the aggressive blocking of these actions by radical homophobic groups. The police limited themselves only to physical protection and evacuation of their participants. Meanwhile, the police did provide quite effective protection and prevented such blocking of the Equality Marches in Kyiv, Kryvyi Rih, and Odesa.

No positive moves were observed in investigation of hate crimes motivated by homo- or transphobia. As before, the patrol police and investigators constantly ignore the obvious homophobic / transphobic motivation of the criminals, and often themselves demonstrate homophobic and unprofessional behaviour towards LGBT victims of crimes. They were repeatedly observed refusing to introduce homophobic motives in a statement about the crime, despite corresponding instructions by the Ministry of Internal Affairs. Also, the MIA and the National Police for two years already have delayed the development of a bill amending the Criminal Code to criminalize hate crimes, as provided in Paragraph 105 Action 3 of the Action Plan on Human Rights. It should be noted that the newly formed Department for Monitoring Observance of Human Rights of the MIA actively entered into the process of discussing amendments to the Action Plan, agreed with most suggestions of human rights and LGBT organisations on this, and immediately established constructive cooperation with them. However, this structure lacks authority: although it is responsible for the formation of the MIA policy on human rights, even development of the above-mentioned amendments to the Criminal Code was assigned not to officers of this department but to the Central Investigation Department that are not inclined to cooperate with civil society.

Ukrainian courts for two years in a row have not taken decisions to ban LGBT public actions, as often happened before. In July, Dnipropetrovsk District Administrative Court refused Metallurgical District Council of Kryvyi Rih city from banning of Equality March in this city, though for purely procedural reasons. However, the courts continue to ignore the motives of homophobia in the commission of hate crimes: for example, Komunarskyi District Court of Zaporizhzhya in July sentenced two girls, who in 2017 committed an attack on participants of the Equality Festival in Zaporizhzhya, under Article 296 of the Criminal Code of Ukraine "Hooliganism" without mentioning in its decision the motives of intolerance towards LGBT people, even though such a motive was clearly stated in the criminal investigation materials.

The State Migration Service of Ukraine consistently refuses to grant refugee status to asylum seekers who are persecuted because of their belonging to LGBT community and the LGBT movement in their homeland – ostensibly because of their unfounded allegations – and Ukrainian courts as well consistently support these decisions of the SMSU. In July, the District Administrative Court of Kyiv dismissed an appeal of a transgender activist from Russia on such decision of the SCSU, despite the clear and unequivocal evidences of mass persecution and threats to life even for ordinary LGBT people, not to mention activists of the LGBT movement in Russia.

### **Politics**

Traditionally, most attention to LGBT issues in Ukraine is demonstrated by the main political opponents of the LGBT movement: right-wing forces and individual politicians as well as religious conservatives. Support of LGBTs from the liberal-democratic forces is much less visible than homophobic rhetoric and aggressive actions by their opponents.

Equality March 2018 in Kyiv, predictably, became the main event that made both enemies and supporters of the LGBT community speak out. This year's march was attended by only two MPs of Ukraine – Svitlana Zalishchuk and Serhii Leshchenko – and also by Kyiv City Council member Yurii Didovets.

On the eve of the march the extreme right-wing parties Right Sector and the National Corps made appeals to prevent it from happening; the first of them announced the gathering of its supporters before the march on its route. Indeed, opponents of the action began to gather in the evening before, trying to block the march, and in the morning of June 17 about two hundred people blocked Volodymyrska street on the pride march's route. When the police began to squeeze them on both sides, they began to aggressively oppose this and used tear gas against the police. The police overcome their resistance in a pretty tough manner, and freed the way for the march. As a result of the clashes with the police, five policemen and up to ten of the march's opponents were injured. The police detained 57 people, but they were later released. Participants of the march did not suffer during and immediately after the event, although about ten persons in Kyiv city centre were subjected to homophobic attacks during the next days – however, without serious consequences.

As it turned out, the opponents of the march submitted an application for a counter-action, but it had to happen in a place far from the route of the march. The march opponents who tried to block it appeared to be mostly young people from the ultra-right organisation C14, as well as a small number of religious activists who joined them. Most religious activists peacefully protested on both sides of the march route.

Ihor Mosiichuk, an ultra-right politician and MP from the Radical Party of Oleh Lyashko, two days before the Equality March filed a lawsuit against the Kyiv City State Administration – demanding a ban against the conducting of the Equality March – with the District Administrative Court of Kyiv City. At the time of drafting this report (September 4, 2018) there was no information available about the consideration of the case. Obviously, it still has not been considered as of this date. After the march, Ihor Mosiichuk expressed his outrage on the participation of Marie Jovanovich, the USA Ambassador in Ukraine, in this "march of perverts" and demanded to appeal to the US government about her being withdrawn from Ukraine.

In 2018 also several scandals on LGBT issues happened involving Ukrainian politicians. Thus, an independent member of parliament, former Health Minister Oleh Musii appealed to Prime Minister of Ukraine Volodymyr Hroisman with a request to explain whether "popularization of homosexuality in childhood age and corruption of minors" are the practice of the government, inferring to the book about sex education for children titled "A frank talk about "IT" that contains a reference to homosexual relations. The Prime Minister and Minister of Education Liliya Hrynevych disowned this book, and the latter said that the book had not any relation to the Ministry of Education and had not its recommendations. A big public debate was aroused after the publication of an article by Hanna Turchynova, a professor of the National Pedagogical Drahomanov University and the wife of Oleksandr Turchynov, the Secretary of the National Security and Defence Council of Ukraine. This article was

against "homodictatorship" and the introduction of "gender ideology" (meaning the anti-discrimination expertise of new school textbooks) that was actively supported by religious and conservative circles and strongly condemned by the liberal public. This condemnation and demands by some civil society activists and human rights organisations for release of Turchynova from the University were perceived by many people and organisations of conservative views as harassment; they caused a backlash of support for Hanna Turchynova's homophobic and patriarchal statements, in particular by Oleksandr Turchynov and Ihor Zhdanov, the Minister of Youth and Sports of Ukraine.

Far-right parties and public organisations in 2018 continued and intensified their aggressive attacks on any events which they considered as related to LGBT rights and "gender ideology" – especially noticeable in these actions being groupings such as C14, Right Sector, the National Corps, Tradition and Order, Katechon, Carpathian Sich and others.

They began to associate with religious activists in attempts to block the conducting of LGBT action. However the religious activists themselves resorted to peaceful forms of protest, such as marches on "protection of the traditional family" or a rally outside Verkhovna Rada against the Equality March on June 22 that brought together about 300 participants. The slogans of the protesters were supported by Yurii Tymoshenko MP from the People's Front party.

### **Churches and religious organisations**

In 2018 leading Ukrainian churches, except for the UOC (MP), did not put forward their own homophobic proposals but chose rather to support relevant initiatives contained in various petitions and appeals to the authorities by conservative religious organisations and individual activists. Thus, in June 2018, the Conference of Bishops of the Roman Catholic Church in Ukraine adopted an appeal "to the Ukrainian authorities at all levels, and to the faithful over 'the Equality March' in Kyiv," in which they did not put forward their own wishes or demands to Ukrainian authorities but instead condemned the "gender ideology" and urged "to listen to our citizens and to defend the family." Relevant petitions and appeals, which were mentioned in the statement of the bishops' conference, included direct calls for discrimination and restrictions of human rights that is expressly prohibited by the laws of Ukraine. However, since the bishops did not make these calls on behalf of themselves, they formally did not violate these laws, that is the standard tactics of Ukrainian churches since the adoption of the law "On Principles of Prevention and Counteraction of Discrimination in Ukraine" which prohibited incitement to discrimination.

In general, in 2018 the main topics of Ukrainian churches' applications related to LGBT issues were in support of actions to "protect the traditional family," protests against (mostly supposed) government measures to protect the interests of LGBT people, and outrage at the ignoring of numerous homophobic complaints from the public by the government and the beating by the police of protesters who tried to impede the conducting of the Equality March in Kyiv.

As in 2017, only the Ukrainian Orthodox Church (Moscow Patriarchate) called upon authorities not to admit holding of the Equality March in Kyiv, in the person of its head, Metropolitan Onuphrius – because "it could cause irreparable damage to the clean hearts and souls of our children and, moreover – incur God's wrath upon Ukrainian land, on which the innocent blood of Ukrainians has already been shed for several years." Contrastingly, the head of the UOC-KP Patriarch Filaret in an interview to "Ukrainska Pravda" said that Ukraine did not risk losing its spirituality through the Equality Marches since "[...] we have already gay parades, even twice. How many participants were there? A hundred or two? And even so, many of them were foreigners. And 10 thousand came to the recent march for the family." He also assured that he is ready to conduct a memorial service for a deceased gay Christian because that person was, though a sinner, however a Christian. According to the patriarch, only God himself can decide if he would forgive this sin. In January 2018, Patriarch Filaret gave a lengthy interview to a Deutsche Welle correspondent in which, inter alia, he unexpectedly declared that "Sexual marriages of a man with a man may be permissible, but not believed to be right" and that sinners should be tolerated but it is unacceptable to say that this (their sin) is right and to support it. These statements of Patriarch Filaret strikingly differ from both the one still declared as the official attitude of the UOC-KP to LGBT people

and the well-known homophobic views of the patriarch himself. Earlier the Ukrainian Orthodox Church – Kyiv Patriarchate did not recognize the existence of such a notion as "same-sex marriage" and strongly objected to the recognition of not only same-sex marriages but any form of registered partnership for same-sex couples. Apparently, the leadership of the UOC-KP already understands the importance of protecting the rights of LGBT people within the official course of the Ukrainian authorities towards the European integration, and wants to appear in such circumstances as a responsible and modern social force that works to the benefit of the Ukrainian state.

For the first time, in 2018 heads of the leading confessions in Odesa did not take a joint appeal to the local authorities calling for them not to allow the holding of the Equality March; neither were there any corresponding requests from individual churches either.

### **General public**

The Kyiv Equality March 2018 attracted particularly large attention from the media, which mostly refrained from making their own comments but instead gave an opportunity for speaking out to both the supporters and opponents of the event. It is difficult to identify the dominant tone of the views expressed, but there was a large number of those who supported this march and the protection of the LGBT rights in general. Notable was the fact that many ordinary people expressed themselves in the press and internet who obviously did not belong to the LGBT community but demonstrated a good knowledge of the realities of LGBT people's lives and who adduced correct arguments in support of the equality for LGBTs. Also notable was that the vast majority of journalists and many ordinary people used fairly correct terminology when discussing LGBT issues. In our opinion, this illustrates that the long-term educational work of the LGBT movement among journalists and the general public is beginning to produce positive results.

On the eve of the first Equality March in Kryvyi Rih, a local news web-portal asked passers-by on the city's streets about their attitude towards the LGBT community. The overall conclusion of the journalists about the results of this survey was that most of the surveyed Kryvyi Rih residents had a neutral attitude towards people of homosexual orientation and believed that they, like everyone else, have the right to their own choice, but that citizens regarded "gay parades" rather negatively. Also, it was found that most of the respondents were not aware that homosexual people are restricted in their legal rights.

Furthermore, on the eve of the Equality March in the city, journalists of Odesa's TV channel "DumskayaTV" tested the reaction of citizens to a couple of young gay lovers (portrayed by actors) asking passers-by how to get to popular Arcadia entertainment centre. It turned out that the residents of Odesa mostly behaved quite tolerantly: they willingly communicated with the "lovers", showed the way, and advised on the best entertainment venues, although there were also those who tried to beat the participants of the experiment.

A similar experiment was conducted by a girl LGBT activist in Chernivtsi: she was standing on a busy street with a placard stating "I am a lesbian. Embrace me." The girl was very worried because recently right-wing nationalists aggressively disrupted the Equality Festival in the city, but it turned out that none of the passers-by demonstrated aggression, and many very different people came up to her and embraced her with affection.

However, before and after the Equality March in Kyiv a surge of attacks by hooligans on young people, whose appearance caused the attackers to associate them with the LGBT community, was registered. Similar incidents also occurred repeatedly in other cities.

### **LGBT community**

According to the police, about 3,500 people participated in Kyiv Equality March, according to its organisers – about 5,000, that is about one and a half times – twice more than in the previous year. Safety for the event was provided by about 5,000 policemen. The Equality March in Odesa totalled about the same number of participants as in the previous year (circa 100); the very first march held in Kryvyi Rih – about 30. After the scandal surrounding posters of questionable content, which were

observed in 2017 at the Kyiv Equality March, lengthy discussions took place within the LGBT community on the nature and common values of the LGBT movement, and the responsibility of its individual representatives for the overall image of LGBT people in the eyes of wider society. Consequently, such posters were not noticeable in all Ukrainian public LGBT events in 2018. In line with the results of the public discussion, the theme of Equality March 2018 in Kyiv became "the visibility of the LGBT community". The Equality March 2018 in Odesa went under the motto of "Our families are our values."

One of the posters that attracted attention at this year's march in Kyiv read "Thank the Ukrainian army for the ability to hold this march." The participation of LGBT people in defending Ukraine from the Russian aggression, that underscores the status of the LGBT community as an integral part of Ukrainian society, was also highlighted in the artistic project of Ukrainian photographer Anton Shebetko "We were here" consisting of the same named photo exhibition in Gallery IZONE (Kyiv) and publication of interviews with the heroes of the photos in the internet edition Bird in Flight. In the gallery and online they told about their life experiences as LGBT people and participants of the Anti-terrorist operation. These and other materials about LGBT veterans of the ATO appeared in the numerous media and attracted wide public attention.

The main complaint to Kyiv Equality March 2018 from strangers and some of the LGBT community concerned the presence of platforms exhibiting drag queens that, as they felt, discredited this march as a human rights event. However, the organisers of the march came to a consensus that any persons and organisations which share common values of equality and tolerance and do not violate the law might participate in it. It should be noted that this event demonstrates a clear trend of becoming gradually more similar to LGBT pride parades typical for Western society, by their nature more colourful and entertaining.

The participation in the Kyiv Equality March has noticeably enlivened the social life of the Ukrainian drag queens community. On the wave of enthusiasm, Drag Queen Festival "Golden Watermelon" was announced in Kherson, in October 2018. The Odesa Equality March, which took place on August 18, also showed increasing LGBT activism in the South of the country and a reduction of aggressive homophobic sentiment among the region's population. It caused significantly more neutral and even even positive reactions in the local press and showed a sharp decline in the number of its aggressive opponents: if in 2017 their number was about the same as the marchers' (100), in 2018 it was several times less.

However, like the previous year, the biggest problem of the Ukrainian LGBT movement in 2018 remained the high level of aggression by right-wing nationalist groupings who consistently tried to disrupt all LGBT events that become known to them. Although by now all Ukrainian LGBT organisations are aware of the threat of physical violence by far-right radicals, always inform the local police about their own planned actions, and ask for police protection, during 2018 in many cases the police acted very passively, and attacks by right-wing radicals were successful in preventing the holding of LGBT events, even those with the participation of police officers.

## 2. Violence, discrimination and other violations of LGBT people's rights<sup>1</sup>

From January to August 2018 the monitoring network of Nash Mir Center documented 198 cases of actions motivated by homophobia and transphobia, discrimination, and other violations of LGBT rights.

The distribution of the documented cases by region was as follows (please see Table 1):

*Table 1*

Kyiv and oblast	77
Odesa and oblast	24
Dnipro and oblast	13

<sup>1</sup> Here the number of documented violations of LGBT people's rights may exceed the number of cases because in some cases more than one type of rights were infringed.



Cherkasy	10
Kharkiv	9
Zhytomyr	8
Vinnitsya and oblast	5
Donetsk oblast (under Ukrainian control)	5
Zaporizhzhya and oblast	5
Uzhhorod and Zakarpatska oblast	5
Kherson	5
Lviv	4
Poltava and oblast	4
Chernivtsi	4
Chernihiv	4
Ivano-Frankivsk and oblast	3
Sumy and oblast	3
AR Crimea (under Russian occupation)	2
Donetsk oblast (under Russian occupation)	2
Rivne	2
Kirovohradska oblast	1
Lutsk	1
Mykolayiv	1
Ternopil	1
<b>TOTAL</b>	<b>198</b>

### Acts of hate towards LGBTs

As in the previous years, the largest number of cases (169) relates to acts motivated by homophobia or transphobia. 67 of them may be described as hate crimes, 77 – as hate incidents, 27 - manifestations of hate speech. The cases listed below enumerate the following offences (please see Table 2):

Table 2

Types of violations	Number
insults, humiliations of human dignity	108
physical violence of varying severity	56
homophobic inscriptions / calls, offensive language	27
illegal collection and disclosure of confidential information	19
extortion, blackmail	16
homophobia / transphobia in the family	16
attacks on LGBT centres / events or activists	9
damage to property	6
brigandage	6
robbery	5
threats by weapons and their use	5
blocking of peaceful assembly	4
kidnapping	2
torture and inhuman treatment	1
disobedience to lawful demands of the police	1
murder	1

A large proportion of these cases was accompanied by physical violence of varying severity as well as by threats and humiliation of human dignity. Also notable were actions of homophobic groups – from the

far right nationalists, who mainly attack LGBT events, to criminal gangs engaged in robbery and extortion of money from homosexuals, using the fact that the latter do not always appeal to the police, and the police do not want to bring criminals to justice.

Comparing with 2017, this year the Equality March in Kyiv entailed significantly more reports of attacks on its members and participants, which occurred after the end of the event, beyond the area controlled by the police – thus, the attackers deliberately traced their victims.

### The relations with law enforcement agencies

For the first eight months of 2018 we documented 17 cases of violations towards LGBT people by the police (please see Table 3).

Table 3

Violated rights (by what actions)	Number
the right to an effective remedy (failure to protect the rights, inadequate performance of functions to protect the rights, assistance to criminals)	14
the freedom from discrimination (insults and humiliation of human dignity in relation to sexual orientation or gender identity)	3
the right to liberty and security (violation of procedural rules, physical violence, extortion, abuse of power and official authority)	1
the right to respect for private life (illegal gathering of confidential information and its release)	1

As in 2017, one of the common types of violations by the law enforcement agencies towards LGBTs is the denial to protect rights, and improper performance of professional duties. Such cases are, in our opinion, caused primarily by the reluctance of the police to fulfil their direct duties, in particular to introduce information about the offense to the Unified State Register of Pre-trial Investigations, as well as homophobic attitudes among some police officers. The lack of explicit references to SOGI as protected characteristics in the criminal law of Ukraine is also a major obstacle for the proper qualification of homophobic and transphobic offenses.

In **employment** were registered 12 cases of violations on SOGI grounds (please see Table 4).

Table 4

Types of violations	Number
insults, humiliation of human dignity	5
coercion to leave the job "at will"	5
unlawful refusal to hire	3
demotion or denial of promotion	3
biased treatment	3
illegal collection and disclosure of confidential information	2
unlawful dismissal	1
invasion into private life	1
harassment	1

In **education** were registered 12 cases of discrimination which consisted of insults, humiliation of human dignity (7), harassment from peers (7), biased treatment (2), illegal gathering and disclosure of confidential information (2), physical violence (1), underestimation (1), homophobic inscriptions / calls (1).

In the **medical field** were recorded 4 violations on SOGI grounds: biased attitude (3), denial of medical care / services or their incomplete provision (1), insults, humiliation of human dignity (1).

In **provision of goods and services** discriminatory treatment of LGBT persons was observed in 7 cases and consisted of the following: physical violence (1), biased treatment (2), denial of service (1), refusal to rent (3), insults, humiliation of human dignity (2), homophobic inscriptions / calls (1).

**Relations with the occupation authorities** – 3 cases: biased treatment (2), abuse of power (1), denial of service (1), insults, humiliation of human dignity (1). Thus, in Yevpatoriya in occupied Crimea, in May 2018 owners of a gay-friendly hotel had to close it after long continuous and unwarranted inspections and accusations of "extremism" by the Russian law enforcement and fiscal authorities, obstacles to business from the local authorities, and an organised campaign of telephone threats by alleged city residents.

**Other (Armed Forces of Ukraine, family law, state bodies, etc.)** – 26 cases:

Types of violations	Number
homophobic inscriptions / calls	17
biased treatment	5
offensive language	2
insults, humiliation of human dignity	1
denial of asylum	1

Most cases related to discrimination in the form of official requests from the local governments and petitions as well as inactivity of the central executive authorities to respond adequately and prevent further occurrence of such appeals. Two cases included discriminatory treatment towards homosexuals in the Armed Forces: the brutal harassment by colleagues, in one case, and insulting treatment by the staff of a military draft board, in the second.

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