

Re: LGBT situation in Ukraine in 2020

LGBT Human Rights Nash Mir Center

Website: www.gay.org.ua

E-mail: coordinator@gay.org.ua

Tel. / Fax: +380 44 2963424

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

Due to the coronavirus epidemic and related quarantine restrictions, activity of LGBT organizations have largely moved to the Internet. Restrictions on mass events and personal meetings have reduced documented cases of LGBT rights violations, but far-right and traditionalist groups did not reduce, but rather increased, their aggression against those physical LGBT events which still occur in Ukrainian cities.

The police have in no way improved the effectiveness of investigations of hate crimes and incidents on grounds of sexual orientation and gender identity, and demonstrated extremely unprofessional security work in protecting a public LGBT rally within the framework of the OdesaPride events.

MPs from the ruling Servant of the People party put forward a number of both pro-LGBT and homo/transphobic legislative initiatives, but not one has received parliamentary support so far. While openly discriminatory bills obviously have no prospect of being adopted in the context of maintaining the state's course towards European integration, certain proposals to protect LGBT rights still have some chances of support.

Ukrainian churches have made the fight against "gender ideology" and "homosexual propaganda" one of their main activities, and although they have failed to secure support for their homo/transphobic proposals from the Ukrainian authorities, they continue to successfully block all legislative initiatives designed towards the protection of LGBT rights.

1. Generalized social and political situation

Legislation

Since the beginning of 2020, no fundamental changes in Ukrainian legislation concerning the interests and rights of LGBT people have occurred. Meanwhile, this year a number of legislative initiatives emerged which, if adopted, could have a significant impact on the legal status of LGBT people in Ukraine, both positively and negatively.

First, we would like to note introduction of Bills 3316, 3316-2 and 3316-3 for consideration by the Verkhovna Rada. They all propose amendments to the Criminal Code on the criminalization of hate crimes, particularly on grounds of sexual orientation and gender identity (abbreviated – SOGI). The initiators of these documents are members of parliament from the ruling party Servant of the People. If any of these bills be adopted, the commission of a crime under motives of intolerance on SOGI grounds will be considered an aggravating circumstance – as is currently provided in the Criminal Code for grounds of race, nationality and religious beliefs. Due to the active efforts of the religious lobby, the relevant parliamentary Committee on Law Enforcement Activity recommended rejecting these bills. Although the final decision on this is reserved for the parliament, the negative decision of the relevant committee leaves few chances of their adoption.

Similarly, this committee recommended rejecting homophobic Bill 3316-1 by Oleh Voloshin, an MP from the faction "Opposition Platform – For Life" (abbreviated – OPFL), which generally repeats the wording of Bill 3316 but replaces 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. The relevant committees of the Verkhovna Rada have not yet considered Bills 3916 and 3917 authored by MPs from the Servant of the People Heorhii Mazurashu and Olena Lys, which in fact propose to repeat in Ukraine the Russian experience of the legislative ban on "homosexual propaganda" as well as "transgenderism" contrived by the authors of these documents. The Parliament Commissioner for Human Rights even made a special statement on the unconstitutional and discriminatory nature of Bill 3917 and asked the leadership of the relevant parliamentary Committee on Law Enforcement Activity to take into account her position during the consideration of this bill.

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. When the EU makes not recommendations but strong demands towards protection of LGBT people's rights, the government and the Office of the President are able to convince parliamentarians of the need to take appropriate decisions.

Ratification of the Istanbul Convention is among other expected, though not very likely, decisions in the SOGI field. The government is still not abandoning this idea, despite the fact that the Ukrainian churches have declared this document perhaps the greatest threat to freedoms of speech and religion in Ukraine and use all their capabilities to withdraw Ukraine from this agreement. In July, Deputy Prime Minister for European and Euro-Atlantic Integration Olha Stefanishyna said that the government was ready to submit a bill to ratify the Istanbul Convention, and in June President Zelenskyi promised to do so on his behalf when he received a respective proposal from the Ministry of Foreign Affairs.

In 2020, 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).

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.

The next step after the adoption of the updated National Strategy will be the development of a new Action Plan for the implementation of the National Strategy for Human Rights until 2023. The Ministry of Justice has already invited all stakeholders to join the development and discussion of this document.

The state and local authorities

Like his predecessor, President Zelenskyi responded negatively to an e-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.

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") 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.

This year, the Ukrainian ombudsperson's office consistently and promptly responded to incidents of incitement to discrimination and hate speech 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.

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 turn out to be homosexual couples or rapists." 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. However, Mr. Kuleba limited himself to explanations 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 program 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.

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.

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.

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. 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.

Law enforcement agencies and the judicial system

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.

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.

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. This bill lost its relevance after the registration of other relevant bills in the Verkhovna Rada (3316, 3316-2 and 3316-3), but the last two mentioned documents use certain proposals contained in the draft law of the NPU.

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, Yulia Laputina, Deputy Head of the SBU's Department for Counterintelligence Protection of the State's Interests in Information Security Sphere, 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.

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. 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 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 mentioned in the previous section. 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.

Politics

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 demonstrated diametrically opposed positions on the protection of LGBT rights. In particular, Olha Vasylevska-Smaglyuk, became the initiator of Bill 3316; ten of her colleagues (Lada Bulakh, Taras Tarasenko, Vadym Struneych, 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, Heorhiy 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.

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 Sviatoslav Yurash from Servant of the People" and Oleh Voloshyn from OPFL (the initiator of homophobic Bill 3316-1, see more in Section 1 of this report). 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 Solidarity faction), Iryna Konstankevych ("For the future" group), Oleksandr Kovalyov (Dovira group), Oksana Savchuk (non-fictional) 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 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 addition to the above-mentioned Oleh Voloshyn, the respective topics were commented on by Vadim Rabinovich, 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 Dubynsky 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.

The pro-European opposition (both the liberal Holos ("Voice") and the conservative European Solidarity) refrains from public statements on LGBT issues, and representatives of the ruling Servant of the People party show 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.

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 (Vinnytsia), 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.

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 coronavirus did not find support in either the religious community nor the general public, and provoked a reaction from Ombudsperson Lyudmyla Denysova, 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. 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.

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

Broad society and media

Despite the absence of Equality Marches this year (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.

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, "Program 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." 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 Vasiliev, 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 similar socio-political 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.

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 Ukraine. 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.

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

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) and the largest in Ukraine Privatbank, decorating their

logos on social networks with rainbow colours. 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".

LGBT community

Due to the coronavirus epidemic, the physical Equality March in Kyiv was cancelled, and the vast majority of other events during the Pride Month (May 17 – June 22) took place within the format of communication via the Internet. The organizers of KyivPride, as well as a similar festival in Zaporizhzhya, however, did not completely abandon the idea of holding Equality Marches in these cities in the usual format of a physical march in autumn, but due to the deteriorating epidemiological situation they are unlikely to succeed. The organizers of KharkivPride have already decided to hold the Equality March in Kharkiv as a vehicular auto-rally through the central streets of the city. Instead of the Equality March, the organizers of OdesaPride 2020 decided to hold a public demonstration in support of LGBT rights in the format of a "living chain," but very soon after the action began it was attacked by a group of young people under flags of Tradition and Order, a far-right traditionalist grouping. The police, in numbers quite sufficient to ensure the protection of LGBT actions, nonetheless acted extremely passively, and allowed the column of the attackers to approach the protesters. Police intervened only after the first began to throw eggs at the second and sprinkle them with pepper spray. Several LGBT activists and two police officers were injured in the attack. Police detained 16 attackers, charging them under Articles 173 (Petty hooliganism) and 185 (Malicious disobedience to a lawful order or requirement of a police officer) of the Code of Administrative Offenses of Ukraine. Several LGBT activists and two police officers were injured in the attack. Police detained 16 attackers, charging them under Articles 173 (Petty Hooliganism) and 185 (Malicious disobedience to a lawful order or requirement of a police officer) of the Code of Administrative Offenses of Ukraine.

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. Also, some random young people in public places, who were considered by the aggressors to be members of the LGBT community, were attacked by probably far-right youth – this happened in Kyiv, Odesa, etc.

Although the physical Equality March in Kyiv did not take place, the organizers of KyivPride 2020 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!"

Despite the quarantine measures, Ukrainian LGBT organizations in 2020 continued to hold various actions, mostly in the format of online meetings and interactive webpages. An informal association of LGBT soldiers and 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.

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.

2. Violence, discrimination and other violations of LGBT people's rights¹

From January to August 2020 the monitoring network of Nash Mir Center documented 106 cases of actions motivated by homophobia and transphobia, discrimination, and other violations of LGBT rights.

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

Table 1

Region	Number
Kyiv city and Kyiv oblast	44
Odesa and oblast	12
Zhytomyr	12
Kharkiv	7
Dnipro and oblast	6
Kherson and oblast	5
Mykolayiv and oblast	4
Vinnytsya	3
Lviv and oblast	3
Rivne	2
Khmelnytskyi and oblast	2
Donetsk oblast (Ukraine-controlled part)	1
Zaporizhzhya oblast	1
Ivano-Frankivsk	1
Kropyvnytskyi	1
Sumy	1
Ternopil	1
Total	106

Significant reduction in the number of documented cases (2.5 times less compared to the same period last year) is apparently connected with the coronavirus epidemic and the corresponding quarantine restrictions that led to the abolition of many public LGBT activities and prevented attacks on them by right-wing radical groups. It is also obvious that the number of physical private meetings between LGBT people decreased and that, in turn, reduces the number of attacks under homophobic and mixed motives (choosing a convenient victim on a certain basis for further blackmail and extortion).

Acts of hate towards LGBTs

As in the previous years, the largest number of cases (85) relates to acts motivated by homophobia or transphobia. 41 of them may be described as hate crimes, 39 – as hate incidents, 7 – manifestations of hate speech. The cases listed below enumerate the following offences (please see Table 2):

Table 2

Types of violations	Number

¹ 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.

insults, threats, humiliation of human dignity	67
physical violence of varying severity	45
homophobia / transphobia in the family	10
illegal collection and disclosure of confidential information	9
extortion, blackmail	7
damage to property	7
homophobic inscriptions / calls, offensive language	7
attacks on LGBT centres / events or activists	6
robbery	4
threats to use or use of weapons	4
sexual violence	2
attempt to deprive of parental rights	1
torture or inhuman treatment	1
brigandage	1
murder	1

A terrible crime took place in Zhytomyr at the end of April 2020 (case 1872). A transgender person was raped and brutally beaten by a group of local youth. The perpetrators also tortured the victim and extorted money from her.²

Unfortunately, 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. 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).

Similarly, in late April, another transgender person (case 1883) was attacked by three young men in Kharkiv – they mistook her for an ordinary girl, and when it became clear that this was not the case, they beat and broke her nose.³ 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 Kyivskyi 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.

² For more details please see <https://www.facebook.com/nashmircenter/posts/1274449569427118>

³ For more details please see <https://www.facebook.com/nashmircenter/posts/1290901241115284>

Relations with law enforcement agencies

For the first eight months of 2019 we documented 18 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 (improper performance of rights protection functions, failure to protect the rights)	12
the freedom from discrimination (insults and humiliation of human dignity in relation to sexual orientation or gender identity, biased attitude related to sexual orientation or gender identity)	6
the right to liberty and security (violation of procedural rules, physical violence, extortion, abuse of power and official authority)	5
the right to respect for private life (invasion of privacy)	4

The main type of violations by the law enforcement was the ineffective response to hate crimes and incidents that consisted of police not including information about such crimes in the Unified Register of Pre-trial Investigations and their ineffective and incorrect investigation, and above all, ignoring homophobic / transphobic motives (please see examples in the previous section).

In **employment**, 8 cases of violations on SOGI grounds were recorded (please see Table 4).

Table 4

Types of violations	Number
biased treatment	5
other violations of labour legislation by the administration	3
unlawful refusal to hire	3
invasion into private life	2
coercion to leave the job "at will"	2
non-payment of wages	2
unlawful dismissal	2
illegal collection, disclosure or threat of disclosure of confidential information	1
insults, threats, humiliations of human dignity	1

In **education**, 4 cases of discrimination were registered: harassment by peers (3); biased treatment (1); underestimation (1). Three documented hate incidents consisted of insults, threats, and humiliation of human dignity (3); physical violence of varying severity (2); illegal collection, disclosure or threats of disclosure of confidential information (1).

In the **medical field**, two cases of discrimination on ground of sexual orientation were registered. They consisted in placing posters with outdated and inaccurate information about the spread of HIV infection and incorrect terminology for members of the gay community as well as other social groups vulnerable to HIV.

In **provision of goods and services**, discriminatory treatment of LGBT people was observed in 6 cases and consisted of denial of service (5), biased treatment (4), and refusal to rent (1). Two documented hate

incidents involved the illegal collection, disclosure or threat of disclosure of confidential information (1); insults, threats, humiliation of human dignity (1); physical violence (1).

Other (military service, family law, state bodies, etc.) – 4 cases (two of them included hate speech):

Types of violations	Number
offensive remarks	2
invasion of privacy	1
other violations of labour legislation by the administration	1
non-payment of wages	1
biased treatment	1
adoption of unlawful decisions / acts	1
harassment	1

Version of 01.09.2020

Nash Mir expresses gratitude to J. Stephen Hunt (Chicago, IL) for proofreading the English text.

The Report was prepared with the support of the Democracy Grants Program of the U.S. Embassy to Ukraine and the Equality Without Borders donors / Tides Foundation (USA). The views of the authors do not necessarily reflect the official position of our donors.