

Re: LGBT situation in Ukraine in 2021

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New legislative initiatives of the Cabinet of Ministers and the expected decision of the ECtHR create conditions for solving the most critical legal problems concerning the protection of LGBT rights in Ukraine. Although belatedly, the Ukrainian government continues to implement the LGBT components of the Human Rights Action Plan. The main problem in this area remains the lobbying activities of the leading Ukrainian churches, which oppose all steps to combat homophobia and its consequences, claiming that it violates freedoms of conscience and speech.

The National Police has improved its methodology for protecting mass public events from attacks by far-right groupings, but continues to demonstrate ineffective investigation of hate crimes. Unlike the previous year of the COVID-19 pandemic, in 2021, the organizers of mass public LGBT events in large Ukrainian cities decided to hold their actions in the usual format of physical demonstrations, except for Zaporizhzhya Pride.

Far-right groups continue to purposefully monitor and attack LGBT events, organizations and individual activists. "Tradition and Order" continues to be the most active and prominent among such groups. Its participants and leadership openly promote ultra-conservative anti-Western ideology in Ukraine and talk about the need to reconsider the importance of the Maidan. They are not popular in society and influential in politics, although they constantly attract attention with unpunished attacks on public actions of a liberal character.

Nevertheless, the Ukrainian LGBT movement has not reduced its activity, focusing this year on security issues and the fight against crimes motivated by intolerance. The LGBT initiative group of military and volunteers, which this year created a new public organization "Ukrainian LGBT Military for Equal Rights," attracted a lot of public attention.

1. Generalized social and political situation

Legislation

In 2021, several decisions were made that significantly affected the legal situation regarding the protection of the rights and interests of LGBT people in Ukraine or created conditions for its improvement in the near future. All of them are somehow related to implementing the LGBT component of the Human Rights Action Plan for the Period up to 2020. At the beginning of 2021, the deadline for implementing the measures provided for in this document has expired. The Ministry of Justice developed a draft Action Plan for the next period (2021-2023) in time, but for some reason, it was submitted to the Cabinet of Ministers and approved only on June 23 this year.

While the first Action Plan (until 2020) contained about 20 LGBT components, the new document includes only five actions directly related to the protection of LGBT rights — however, it should be noted that about a third of the actions provided for in the first Plan was implemented. The two main unimplemented LGBT components of the first Action Plan were the development of amendments to the legislation on the criminalization of crimes motivated by intolerance (in particular, on grounds of sexual orientation and gender identity — from now on abbreviated as "SOGI") and the bill on civil partnership available to same-sex couples. Both of these provisions have been transferred to the new Action Plan (for the period up to 2023) — Actions 28 and 33, respectively. In addition, the new document included provisions on the

training of police investigators to investigate crimes committed under motives of intolerance (Action 29) and training of public prosecutors to investigate such crimes (Action 30). Finally, Action 27 of the new Action Plan provides for "Adoption of instructions for employees of the National Police, National Guard on ensuring the security of peaceful assemblies following the decisions of the European Court of Human Rights and the Guidelines on Freedom of Peaceful Assembly developed by the Organization for Security and Cooperation in Europe to ensure that tactics used to ensure the security of peaceful assemblies would be aimed at immediate cessation of violent attacks and not at the isolation of peaceful protesters." The latter provision has to correct the common situation in Ukraine when the police only isolate participants of a peaceful assembly from their aggressive opponents but do not provide for the possibility of holding such a meeting.

Without any publicity, on February 8, the Ministry of Health issued Order 207 "On amendments to the Procedure for quarantine of donor plasma and the Procedure for medical examination of donors of blood and (or) its components," which effectively lifted the ban on blood donation for persons having homosexual relations. Thus, another item of the first Human Rights Action Plan (for the period up to 2020) was implemented five years late — Action 11 of Paragraph 105.

As the Action Plans for the Implementation of the National Human Rights Strategy are government documents, they only provide for developing relevant draft laws and their submission to the Verkhovna Rada of Ukraine; still, they do not guarantee their adoption by the parliament. On May 13, the Cabinet of Ministers registered in the Verkhovna Rada Bill 5488 "On amendments to the Code of Ukraine on Administrative Offences and the Criminal Code of Ukraine to combat manifestations of discrimination" developed by the Ministry of Internal Affairs to implement Action 3 of Paragraph 105 of the Human Rights Action Plan until 2020. According to this Action Plan, it had to be done in 2016, and we know that the lawyers of the Main Investigation Department of the National Police of Ukraine developed this bill on time. Still, then it waited five years until Interior Minister Arsen Avakov finally submitted it to the government. However, by delaying implementing this provision of the first Action Plan (until 2020), the government has thus already implemented a similar Action 28 of the new Action Plan (until 2023).

Bill 5488 presented by the government can be described as a very progressive and comprehensive document which, if adopted, will be able to solve almost all existing legal problems regarding the correct classification and investigation of crimes committed under motives of intolerance and punishment of perpetrators. However, it expectedly provoked dissatisfaction and protests from leading Ukrainian churches united in the All-Ukrainian Council of Churches and Religious Organizations. As demonstrated during consideration of similar Bills 3316, 3316-2, and 3316-3 last year, the religious lobby in the Ukrainian parliament is potent, and without persistent efforts by the government and the President of Ukraine, the majority of MPs tend to reject any initiatives aimed at to protect LGBT rights. The relevant parliamentary Committee on Law Enforcement Activities has not yet considered Bill 5488 (Bills 3316, 3316-2, and 3316-3 were withdrawn from consideration by the Verkhovna Rada at this stage after this committee did not recommend their consideration at the parliamentary session).

In February 2021, the European Court of Human Rights announced the commencement of proceedings in the case *Maimulakhin and Markiv v. Ukraine*, one of two lawsuits filed with the ECtHR by the Nash Mir Center in 2014 in which plaintiffs complained of violations of their rights due to the lack of any legal form for recognition of same-sex family relations in Ukraine. The European Court of Human Rights recently ruled in a similar case *Fedotova and Others v. Russia*, where it found Russia violating Article 8 of the European Convention on Human Rights. As the political and legal situation regarding the recognition of the rights of same-sex family partners in Ukraine and Russia is currently very similar, it is worth expecting a similar decision of the ECtHR in the case against Ukraine, which may be made in the next two years.

If and when adopted, such a decision will fundamentally change the current political and legal situation regarding recognising same-sex civil partnership in Ukraine. Russia has the political will of the state leadership, resources, and legislation to ignore ECtHR decisions — all lacking in Ukraine. The Ukrainian legislation, namely the law "On enforcement of judgments and application of the case law of the European Court of Human Rights," explicitly stipulates that ECtHR judgments are binding on Ukraine (Article 1), Ukrainian courts must apply ECtHR judgments and case law as a source of law (i.e. along with the Ukrainian

national law, Article 17), and the state must take general measures, in particular, amend the legislation to address the systemic shortcomings that underlie the violation identified by the ECtHR (Article 13). Thus, the forthcoming decision in the case of *Maimulakhin and Markiv v. Ukraine* could become a very effective advocacy tool for the adoption of a law on registered civil partnership in Ukraine, generally similar to ordinary marriage and available to same-sex couples (Action 33 of the current Human Rights Action Plan for the Period up to 2023). For now, all attempts to adopt such a bill in the Verkhovna Rada are guaranteed to fail due to the fierce, uncompromising opposition from the religious lobby. Still, the expected decision of the ECtHR will force the Ukrainian government to look for ways to persuade parliamentarians to pass it.

Similarly, according to Ukrainian officials, the government is still looking for ways to persuade MPs to finally ratify the Istanbul Convention.

The state and local authorities

Traditionally, LGBT issues have been reflected in the annual report of the Ukrainian Parliament Commissioner for Human Rights on the state of observance and protection of human and civil rights and freedoms in Ukraine in 2020. In Section 1.2.4 "Adherence to the principle of non-discrimination on the grounds of sexual orientation and gender identity," Ombudsperson Lyudmyla Denisova reports on her response to cases of discrimination and hate speech against LGBT people, and recommends the Ukrainian authorities, in particular, to legalize same-sex civil partnership and amend the law "On the principles of preventing and combatting discrimination in Ukraine" by adding characteristics of sexual orientation and gender identity in the definition of the term "discrimination."

Another state institution, the National Council on Television and Radio Broadcasting, on the other hand, has demonstrated inconsistent policy in combatting hate speech. When activists of NGO Alliance.Global complained to this body about the speech of politician Yevhen Murayev on Nash TV channel on March 8, 2021, they received a reply that the National Council confirms the fact of humiliating and discriminatory statements of this person, but cannot do anything, as in Ukraine "there is no legal mechanism for identifying signs of violations and responding to manifestations of sexism in the broadcasting of the TV company, and therefore, accordingly, there is no legal mechanism for imposing sanctions for this violation." Quite a strange statement, given that in a similar case a year ago the National Council 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."

Representatives of public authorities in Ukraine do not touch on LGBT issues in their speeches and statements, avoiding both support and condemnation of homophobic statements and appeals by politicians and public figures. In June, President Zelenskyi fired his Commissioner for Children's Rights, Mykola Kuleba, who caused a scandal last year by equating same-sex family partners with rapists. However, the President did not condemn these words of his representative, despite appeals of the public and Ukrainian Parliament Commissioner for Human Rights, and dismissed him not because of his unacceptable behaviour, but in connection with the "transformation of the institution of the President of Ukraine's Commissioners."

Six months after the expiration of the first Action Plan for the Implementation of the Human Rights National Strategy, the Cabinet of Ministers approved the Action Plan for the new period (2021-2023). Despite objections and protests from churches and conservative politicians, it retained the two most important unimplemented measures on protection of LGBT rights from the previous Action Plan — the development of amendments to the legislation on crimes motivated by intolerance and the draft law on registered civil partnership. In fact, the Ukrainian government has already implemented the first of these actions ahead of schedule by approving and submitting to the Verkhovna Rada Bill 5488.

For the fourth year in a row, the Centre for Public Health of the Ministry of Health of Ukraine publicly supported LGBT people by posting a message on its Facebook page during the Pride Month. Earlier, the Centre's employees twice took part in the Kyiv Equality March, but last year it was cancelled due to

quarantine measures, and this year it has not been held yet. In 2021, the Ministry of Health also finally lifted the ban on blood donation for persons in homosexual relations. This happened five years later than planned by the Human Rights Action Plan until 2020. We know that the Ministry of Health's Blood Service leadership long resisted this decision, despite the lack of scientific justification for maintaining the ban. According to an LGBT activist, who communicated with the Ministry of Health on this issue, lifting the ban on blood donation by LGBT people was lobbied by the then Chief State Sanitary Doctor Viktor Lyashko, who was appointed Minister of Health of Ukraine on May 20.

A tendency to a sharp decrease in the number of homophobic decisions and appeals of local councils, which became apparent a couple of years ago, preserves in 2021. Local councils have virtually stopped making obviously illegal decisions to restrict LGBT activities on their territory and calling on the central government to ban "homosexual propaganda." In Chernihiv, some city council members tried to consider removing from libraries the children's comic book "Princess + Princess: Ever After" which tells the story of the love between two princesses, but the majority of deputies decided to turn down the proposal. Members of the Lutsk City Council, Ivano-Frankivsk and Odesa Oblast Councils approved the relevant appeals to the government though. Myroslava Kornelyuk, a Deputy Head of the Culture Department of the Ivano-Frankivsk Oblast State Administration, even stated at a meeting with deputies of the oblast council that these books were already being removed from the oblast's libraries. However, in response to a request from the Lutsk City Council, the Ministry of Culture and Information Policy stated that it did not have such power because Article 18 of the law "On libraries and library affairs" prohibits the removal of books from libraries on ideological grounds. Later, Volodymyr Fedorak, the Head of the Ivano-Frankivsk Oblast State Administration's Department of Culture and Religions, told reporters that "no books have been removed from the oblast's libraries, and administrative documents on this issue have not been adopted."

In February this year, Kremenchuk City Council member Larysa Horyslavets, from the European Solidarity party, provoked outrage and protests from ultra-conservative homophobic groups because she refused to receive a Bible as a gift and came to the city council session in a rainbow-coloured mask.

Law enforcement agencies and judiciary

In 2021, the police in general effectively protected the participants of a few mass public LGBT events from attacks by aggressive opponents — for example, the march in Kherson on June 27, the action in Kryvyi Rih on July 25 within Kryvbas Pride 2021, Reivakh Pride nearby the President's Office in Kyiv on July 30.

At the same time, the police continued to respond extremely passively to reports on already committed attacks on LGBT organizations and activities. The practice of investigating hate crimes and other violations of LGBT rights has not changed significantly: the police and public prosecutors are reluctant to investigate such incidents, and motives of intolerance on SOGI grounds are ignored. In 2021, Nash Mir Center conducted a study on the effectiveness of legal protection against crimes based on sexual orientation and gender identity intolerance in the context of Ukrainian legislation and law enforcement practice, funded within the framework of a Joint Project between the European Union and the Council of Europe "Strengthening access to justice through non-judicial redress mechanisms for victims of discrimination, hate speech and hate crimes in the Eastern Partnership." It turned out that during the last 3 years, in 38% of cases the police did not even start an investigation after reporting about a possible commitment of crime motivated by homo/transphobia, only in 3.3% of cases they started an investigation under Article 161 of the Criminal Code of Ukraine (currently, the only article of the Criminal Code that theoretically allows taking into account the motive of intolerance on SOGI grounds), and the Public Prosecutor's Office has never filed a formal charge against the suspects under this article.

The positive steps from the police and the Public Prosecutor's Office, however, are that their staff and leadership pay attention to these issues and support the adoption of Bill 5488 drafted by lawyers of the National Police, which should correct the identified systemic shortcomings of Ukrainian legislation in the field of combating crimes motivated by intolerance. Still, the advocacy efforts of the Ukrainian law enforcement agencies to ensure adoption of this document by the Verkhovna Rada currently seem too inconspicuous and insufficient to overcome the opposition of the religious lobby.

Ukrainian churches see the criminalization of crimes motivated by intolerance on SOGI grounds (particularly, incitement to hatred on these grounds) as an attack on their freedom of speech and religion, but the existing case law opposes such allegations. In particular, on February 24 this year, the Shevchenkivskiy District Court of Kyiv dismissed the lawsuit of NGO Insight against Patriarch Filaret (the head of the Ukrainian Orthodox Church of Kyiv Patriarchate). The plaintiffs asked the court to declare untrue, discriminatory and violating the right of the LGBT community to respect of their honour and dignity the patriarch's words said in the studio of Channel 4 in March 2020 that the coronavirus epidemic is God's punishment for the spread of same-sex marriage, and the opportunity for children to choose their gender is evil. Explaining its decision, the court noted that no one could be held liable for making value judgments and referred to the European Court of Human Rights case law.

Politics

In 2021, leading Ukrainian parties and politicians hardly touched on LGBT issues in their speeches or activities. Commitment to equality and tolerance was demonstrated by Inna Sovsun, an MP from the liberal Holos party, who condemned the homophobic and completely unscientific remarks of a lecturer at Lviv Polytechnic University on her Facebook page, and Oleksii Zhmerenetskyi, an MP from the ruling party Servant of the People, who participated in the presentation of the report by Nash Mir Center on hate crimes and assessed the prospects for the adoption of Bill 5488.

It is noteworthy that this year the representatives of the parliamentary parties tried to avoid homophobic statements and initiatives such as bills banning "homosexual propaganda," which were put forward last year by MPs from Opposition Platform — For Life and Servant of the People parties. They did not support the homo / transphobic government policies such as in Poland or Hungary, or condemnation of the protection of LGBT rights by the US or EU governments, except OPFL's statement in support of Turkey's withdrawal from the Istanbul Convention. Ilya Kyva, an MP from the OPFL, also made extremely homophobic remarks, but this politician's activities are totally consist of scandals of various kinds.

Traditionally, LGBT issues have been addressed by marginal and uninfluential parties and organizations of radical character. Among the defenders of equality for LGBT people is the libertarian Democratic Axe party, which joined a public campaign against the teaching of religious subjects in schools — on the party's official Facebook page, the Ministry of Education and Science was thanked for deciding not to recommend religious subjects to the standard curriculum.

The largest nationalist parties, Svoboda and the National Corps, have shown the same restraint on LGBT issues as Ukraine's leading political forces. Their place as the most prominent and aggressive opponent of the Ukrainian LGBT community has been taken by newer forces of a rather traditionalist than nationalist nature, and above all, the right-wing radical group Tradition and Order. However, these new radicals enjoy even less support in Ukrainian society than their older and more well-known like-minded people. After repeated scandals with the use and dissemination of Russian materials of anti-Western and ultra-conservative character, the Tradition and Order began to receive accusations of working for the Kremlin not only from the liberal but also from the moderately conservative part of Ukrainian civil society. The organization's internet resources even called for a reassessment of the Euromaidan's importance in Ukraine's history: "The leftist liberals demonstrate that all their rhetoric about freedom of speech is a screen for the establishment of a totalitarian regime in today's EU and the United States. All this is a consequence of the Maidan, so it is necessary to reconsider its significance." Obviously, "traditional" nationalists, who are proud of their participation in the events of the Euromaidan and the Revolution of Dignity, will not support such calls at the moment.

Churches and religious organizations

In 2021, Ukrainian churches very rarely spoke out on LGBT issues, focusing on non-public lobbying of their interests in meetings with high-ranking officials and politicians. Now their representatives practically do not call for a ban on "homosexual propaganda", but instead for the protection of freedoms of speech and religion as well as "the traditional family," which is allegedly threatened by the equality of rights for LGBT people. Thus, on June 4, the All-Ukrainian Council of Churches and Religious Organizations called on the

Ukrainian government and parliament not to pass Bill 5488 on hate crimes because, according to leaders of the most prominent Ukrainian churches, "the combat against discrimination may lead to oppression of freedom of religion, freedom of speech and expression of views."

At a meeting with young people on July 17, Archbishop Sviatoslav, the Head of the Ukrainian Greek Catholic Church, declared that homosexual relations were a grave sin and that same-sex couples had no right to be called spouses. At the same time, the Head of the UGCC called the cruel and contemptuous treatment of such people unacceptable. Meanwhile, he once again condemned the "gender ideology", describing it as atheistic. Patriarch Filaret (UOC-KP), Bishop Viktor of Baryshev (the representative of the UOC-Moscow Patriarchate to international organizations), and Mykhailo Panochko, Senior Bishop of the Ukrainian Church of Christians of the Evangelical Faith, also confirmed in interviews with journalists categorical condemnation of same-sex marriages and "gender ideology" by their churches.

Broad society and media

Experts from the Institute of Mass Information monitored how twenty leading Ukrainian online media covered LGBT issues from May 1 to June 15, 2021. The study results confirmed relatively high compliance with modern professional standards in this field by the Ukrainian media: out of 212 materials on this topic, only 5.2% had an incorrect vocabulary, and 1.9% — hate speech. Most manipulative materials, incorrect vocabulary and hate speech were found in publications of Korrespondent.net and Strana.ua websites which belong to pro-Russian owners.

The popular Ukrainian cosmetics chain store Beaumonde launched an advertisement for Valentine's Day with LGBT couples. Few large Ukrainian businesses in 2021 joined the celebration of the Pride Month on social networks by painting their logos in rainbow colours and/or posting appropriate messages: Privatbank (not for the first time already), electronics and accessories chain store Citrus, cinema circuit Planeta Kino.

The attention of the Internet community and the general public was attracted by the discussion on social networks about the activities of the first public association of LGBT military and volunteers in Ukraine. After insults to the LGBT military by members of far-right homophobic groups, Serhiy Hnezdilov, the current commander of the unit in the 21st separate motorized infantry battalion Sarmat based in Mariupol, defended the honour and dignity of LGBT people on his Facebook page: "First, walk in this form, in these boots, and then we'll talk about the family, the church, and what else confuses you there. The civilized world responds in a civilized way to difference and inclusiveness. What's more, he is a person who protects you, dear mom's radicals, and thanks to this gay, you can write your long Russian-language posts about treason in the army." This recording received a generally positive reaction from the Internet audience.

In addition to LGBT people in the Ukrainian army, the media and social networks paid close attention to two statements by Ukrainian pop stars: young Ukrainian singer Melovin, who confessed to bisexuality on July 5 during a performance at the Atlas Weekend festival, and the soloist of KAZKA pop group Oleksandra Zarytska, who supported her colleague and described herself as "a queer person". The reaction of the audience to these statements was ambiguous. However, the main reproof to Melovin was not his sexuality but suspicion that he used his coming out to increase his popularity. Well-known Ukrainian singer Oleksandr Ponomaryov said in an interview on the YouTube channel that, although he does not condemn LGBT people, he has a negative attitude to holding prides and "popularizing" homosexuality as the norm.

Marches and other events in support of the "traditional family", which have been held for several years in various cities of Ukraine by the homophobic movement "All together!" under the leadership of journalist and religious activist Ruslan Kukharchuk, in 2021 they were practically not covered in the leading media and did not attract public attention.

LGBT community

While last year Equality Marches were cancelled due to quarantine measures in all Ukrainian cities except Zaporizhzhya, this year the organizing committees, on the contrary, plan to hold them in Kyiv (September

19), Kharkiv (September 12) and Odessa (August 28), while the organizing committee of Zaporizhzhya Pride 2021 decided to abandon the mass march this year. A march "For Diversity and Against Discrimination" took place on June 27 in Kherson as a part of the Queer Forum 2021 festival; another demonstration took place on July 25 in Kryvyi Rih as a part of the Kryvbas Pride 2021 festival. Both rallies took place without incidents and under the adequate protection of the police.

On May 22, a Trans-march in support of the protection of transgender people's rights took place in Kyiv, bringing together several hundred participants and no fewer their opponents, mainly from the Tradition and Order group. The police prevented attacks by aggressive opponents of the Trans-march on its participants during the rally.

It is noteworthy that the organizers of all mass public LGBT events in 2021 made one of the main or even the primary demands of their actions the combat against homophobic violence and, in particular, the adoption of Bill 5488. In addition to the events mentioned above, two activities near the President's Office in Kyiv were dedicated to this issue: a rally under the slogan "Pressure that not to be pressured" on June 5 and Reivakh Pride on July 30.

This problem is obviously really relevant for the Ukrainian LGBT community — the number and aggressiveness of attacks by radical far-right groups on LGBT events and organizations have only increased in recent years in all cities where LGBT activity is noticeable. For example, in Mykolaiv, since the end of 2020, unknown malefactors has regularly threatened to blow up the office of LGBT Association LIGA and placed on its facade leaflets of homophobic character signed by the ultraconservative organization Tradition and the Order; representatives of probably the same group on May 29 attacked the activities of NGO Insight in Kyiv and Odesa; on May 31, unknown individuals attacked the office of the Odesa branch of LGBT Association LIGA, and so on. The effectiveness of the police investigation of all these cases, according to LGBT lawyers, is close to zero.

However, even in such conditions, Ukrainian LGBT organizations do not curtail their activities. They continue to work with the LGBT community as well as with its allies and society as a whole. For example, Parents' Initiative TERGO held two trainings in tolerance for educators in Kyiv on June 9 and 10. On March 16, the National Survey of the School Environment in Ukraine results were presented in UNIAN Press Centre. According to them, only 20% of LGBT pupils feel safe in Ukrainian schools.

In 2021, much media and public attention were attracted to the initiative group of LGBT military and volunteers, led by Viktor Pylypenko, a veteran of the war with Russia. On May 19, the group held a constituent meeting of NGO Ukrainian LGBT Military for Equal Rights. In the process of state registration, its founders faced discriminatory and homophobic attitudes and illegal demands from a state registrar of the Central Interregional Department of the Ministry of Justice in Kyiv. The organization's founders filed a complaint for such unacceptable conduct of the state registrar with the Ministry of Justice's Commission on State Registration and submitted documents for their organization's registration to the Eastern Interregional Department of the Ministry of Justice in Kharkiv. The process of state registration of the NGO "Ukrainian LGBT Military for Equal Rights" in this department of the Ministry of Justice was carried out in a friendly atmosphere and without any problems.

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

From the beginning of 2021 to July inclusive, the monitoring network of the Nash Mir Center documented 81 cases of actions motivated by homophobia and transphobia, discrimination, and other violations of LGBT rights in Ukraine. The distribution of the reported cases by region was as follows (please see Table 1):

Table 1

Region	Number
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¹ In this section, 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.

Kyiv city and Kyiv oblast	41
Odesa	10
Zhytomyr and oblast	8
Donetsk oblast (under Russian occupation)	6
Lviv and oblast	6
Dnipro and region	2
Donetsk oblast (under Ukrainian control)	2
Mykolaiv	2
Lutsk	1
Kharkiv	1
Cherkasy oblast	1
Chernihiv	1
Total	81

For the second year in a row, we observed a significant reduction in the number of the documented cases, apparently due to the coronavirus epidemic and related quarantine restrictions, which has led to the abolition of many public LGBT activities and prevented attacks on them by right-wing radical groups. It is also apparent that the number of physical private meetings between LGBT people decreased, which 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 (62) relates to acts motivated by homophobia and transphobia. Thirty-six of them may be described as hate crimes, 23 — as hate incidents, 4 — manifestations of hate speech. The cases listed below enumerate the following offences (please see Table 2):

Table 2

Types of violations	Number
insults, threats, humiliation of human dignity	45
physical violence of varying severity	37
extortion, blackmail	7
illegal collection and disclosure of confidential information	7
attacks on LGBT centres/events or activists	6
robbery and burglary	6
threats to or use of weapons	4
homophobic inscriptions/calls, offensive language	4
homophobia/transphobia in the family	3
damage to property	3
torture or inhuman treatment	2
murder	2

sexual violence	1
disobedience to the lawful demands of police officers	1
obstruction of a peaceful action	1

One of the hate crimes was committed, most likely, by a police officer (case 2072). In early July 2021, a conflict arose between a gay couple who rented a garden house in Kyiv and its owner on the ground of homophobia and HIV-phobia of the latter (the owner illegally and repeatedly broke into the rented premises and rummaged in the private belongings of the victims). During the conflict with one of the gays (the other was not at home), the owner allegedly called the police. After a while, a car stopped behind the fence, and a man in a police uniform and with a badge did appear in the yard. The house owner told him about the essence of the conflict and demanded that the police officer, whom she evidently knew judging by the manner of their communication, "bring to reason and throw away" the unwanted tenant. A man in police uniform took the victim into the house and brutally beat him, expressing insults about the victim's sexual orientation and HIV status. At the time of compiling this report, the victims had filed an application with the Dniproviskyi District Police Department and passed a forensic examination.

Relations with law enforcement agencies

For the first seven months of 2021, we documented 14 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)	10
the freedom from discrimination (insults and humiliation of human dignity concerning sexual orientation or gender identity, biased attitude related to sexual orientation or gender identity)	4
the right to respect for private life (invasion of privacy)	1

The primary type of violations by law enforcement was the inadequate 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.

In **employment**, 9 cases of violations on SOGI grounds were recorded (please see Table 4).

Table 4

Types of violations	Number
biased treatment	6
unlawful refusal to hire	4
insults, threats, humiliations of human dignity	3
illegal collection and disclosure of confidential information	2
invasion into private life	1
non-payment of wages	1
coercion to leave the job "at will"	1
harassment	1

In **education**, 1 case of calls for discrimination and hate speech was registered.

In **provision of goods and services**, discriminatory treatment of LGBT people was observed in 1 case and consisted of illegal eviction.

Other (military service, family law, state bodies, etc.) — 3 cases:

Types of violations	Number
calls for discrimination	1
biased treatment	1
adoption of unlawful decisions/acts	1

Violations of human rights on SOGI grounds in the occupied territories

In January – July 2021, 6 cases of human rights violations on SOGI grounds were documented in the territory of Donetsk oblast occupied by Russia. Five of them concern violations by the occupation authorities which can be described as hate crimes, and one — discrimination in employment.

Types of violations	Number
insults, threats	6
illegal collection, disclosure (or threat of disclosure) of confidential information	5
physical violence of varying severity	4
kidnapping	4
extortion, blackmail	3
torture or inhuman treatment	2

Case 2020

At the end of August 2020, two gay men were abducted by representatives of the so-called Ministry of State Security of the Donetsk People's Republic. The reason was their sexual orientation and pro-Ukrainian position (a posting on Facebook in honour of the Independence Day of Ukraine), which was revealed during the monitoring of gay dating sites and social networks by officers of the mentioned "Ministry". At first, they were held in the secret prison "Isolyatsiya", where they were subjected to abuse and torture. Two weeks later, they were transferred to the temporary detention centre in Khartsyzk, and later to Donetsk. Throughout their stay in Isolyatsiya, the men were deprived of the opportunity to take vital medicines that irreversibly worsened their health, and their relatives were not informed of their whereabouts. Since the moment of abduction and at the time of documenting this case (February 2021), the victims were not allowed to meet a lawyer.

Case 2051

In May 2021, when crossing the demarcation line (Novotroitske checkpoint), a 21-year-old man was detained for inspection by militants of the so-called Donetsk People's Republic. During an illegal search of his smartphone, confidential information about his personal life, including sexual orientation, was revealed. This served as a pretext for the militants to insult and intimidate the victim, to threaten that they would not let him enter Ukraine-controlled territory and arrest him, as well as to extort a significant amount of money. After receiving a much smaller amount (the victim did not have more), they agreed to release him from the "DPR" but advised him not to return there under the threat of arrest.

08.01.2021