

# **REPORT ON HOMOPHOBIC AND TRANSPHOBIC HATE CRIMES AND INCIDENTS: UKRAINE**

Kyiv – 2013

## REPORT ON HOMOPHOBIC AND TRANSPHOBIC HATE CRIMES AND INCIDENTS: UKRAINE

The present report is an outcome of *Step up reporting on homophobic and transphobic violence*, a project supported by ILGA-Europe, the European region of the International Lesbian, Gay, Bisexual, Trans and Intersex Association. The objective of the project was to empower European LGBTI civil society organisations to more consistently monitor and report homophobic and transphobic hate crimes and incidents.

To prepare this work, ILGA-Europe had developed a harmonised data collection methodology in 2012. The methodology builds on international standards and on the expertise gained in different past activities, such as the elaboration of European-wide submissions to the OSCE's Office for Democratic Institutions and Human Rights (ODIHR) in view of its Annual Report on Hate Crime<sup>1</sup>, or ILGA-Europe's participation to the *Facing Facts! Making hate crime visible* project.<sup>2</sup>

*Step up reporting on homophobic and transphobic violence* was launched in 2013. ILGA-Europe's Documentation and Advocacy Fund, with the support of the Government of the Netherlands, provided dedicated resources to 12 national and local NGOs in Bosnia and Herzegovina, Greece, Ireland, Italy, Latvia, Lithuania, Moldova, Poland, Portugal, Spain, Turkey and Ukraine. These NGOs were trained on the methodology previously developed by ILGA-Europe, and committed to apply it in order to produce comparable data.

Data collection and publication is expected to be developed on a more sustainable and professional basis in the future, thanks to the capacity building aspect of the current project. Following this pilot initiative, ILGA-Europe's methodology will be made available to more European LGBTI civil society organisations.

Report on Ukraine was prepared by

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<sup>1</sup> <http://www.osce.org/odihr/108395>

<sup>2</sup> <http://www.ceji.org/facingfacts/>

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## I. Introduction

Gathering and analysis of human rights violations data are the first and crucial step in human rights work. Without reliable information – statistical data and specific cases of discrimination – it is impossible to raise and further valid arguments for defending rights, to carry out work to improve legislation, or to stimulate convincing public discussions.

Thus, one of the main priorities of Nash Mir's work is gathering data about LGBT people in Ukraine. This growing body of factual information covers a wide range of inquiry areas: policies of the State, legislation, discrimination, social situation, etc. We collect such information from various sources (LGBT community, mass media publications, state bodies, etc.).

For several years Nash Mir Centre has developed its system of monitoring violations of LGBT people's rights throughout Ukraine. We established and now maintain an informal network that includes about 30 LGBT activists living in different regions of the country. Their mission is to seek out cases of human rights violations, make contact with the victim, document the case and send the information to Nash Mir Centre headquarters.

We, in turn, analyse incoming data, render the information more exact and verify its accuracy. The tasks of the Centre also include methodological support of monitoring – we regularly provide training to maintain and improve the professional level of our monitors, and to share experiences.

An additional advantage of this system is that we offer assistance in protecting rights to all affected persons coming in contact with us. Help may be limited only to initial legal advice from experts of our organization, but in case of need we further help in contacting a qualified lawyer from friendly organizations, who then provides professional legal assistance. In addition, our organization constantly works to improve the legal knowledge of the LGBT community by producing and distributing literature and providing training.

In 2013 Nash Mir Centre conducted two online surveys "Monitoring of crimes and incidents motivated by hatred against LGBT people in Ukraine". The methodology and questionnaire of the first one was developed solely by Nash Mir (the data obtained through this survey is marked below as [1]<sup>3</sup>). The methodology for the second survey was prepared by ILGA-Europe. Their intent was to study phenomenon of hate crimes and incidents in several countries of Europe using one questionnaire in order to obtain comparative data (that data is marked as [2]<sup>4</sup>).

It should be noted that this Internet-method of survey is not perfect from a sociological point of view, and the results can only be used for a rough estimate of the situation, without pretending they have a global statistical value.

Our organisation constantly expands and updates its database that enables judging the current situation of the Ukrainian LGBT community.

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<sup>3</sup> Sample 499 respondents.

<sup>4</sup> Sample 585 respondents.

## II. Key findings

Our research has covered the more or less visible Ukrainian gay community – respondents being mostly young, educated people, becoming or already financially independent, involved in the life of the LGBT community, but to a much lesser extent open about their sexual orientation or gender identity to broader society than their heterosexual age-peers.

**Almost 65% reported that at least once during 2013 they suffered from homo- or transphobia [1].**

In the survey [2] we recorded 585 filled-in questionnaires (Number of respondents who reported as victim – 268; as witness – 317).

According to this survey respondents most often faced or were witness of the following hate crimes or incidents (all figures are shown in Diagram 1 below):

Homicide – 10

Extreme physical violence – 226

Assault – 49

Damage against property – 40

Arson – 0

Threats and psychological violence – 310

Other incidents with a bias motivation – 99

In some cases there were multiple types of incidents, for example violence and insults.

The respondents reported that they suffered more often (in descending order) from actions of outsiders (non-organized groups), colleagues at work or in school, the police, organized groups (hooligans, nationalists, so-called “pedofilyay” (self-appointed combatants against perceived “paedophiles”) etc.).

As a result, the victims in 221 cases have experienced psychological problems, and in 126 cases reported injury after incidents.

Unfortunately, in 80% of the cases they didn't reported incidents to police.

Despite the imperfect methodology of the survey, one can make a clear conclusion based on all the obtained data: **members of the Ukrainian LGBT community constantly face manifestations of intolerance from society at large. Incidents and crimes manifested against us have a different character, severity, and frequency, and generally are not isolated cases but constitute a pervasive phenomenon.**

### **III. Bias motivated violence against LGBTI**

#### **The legal situation of homophobic and transphobic hate crime**

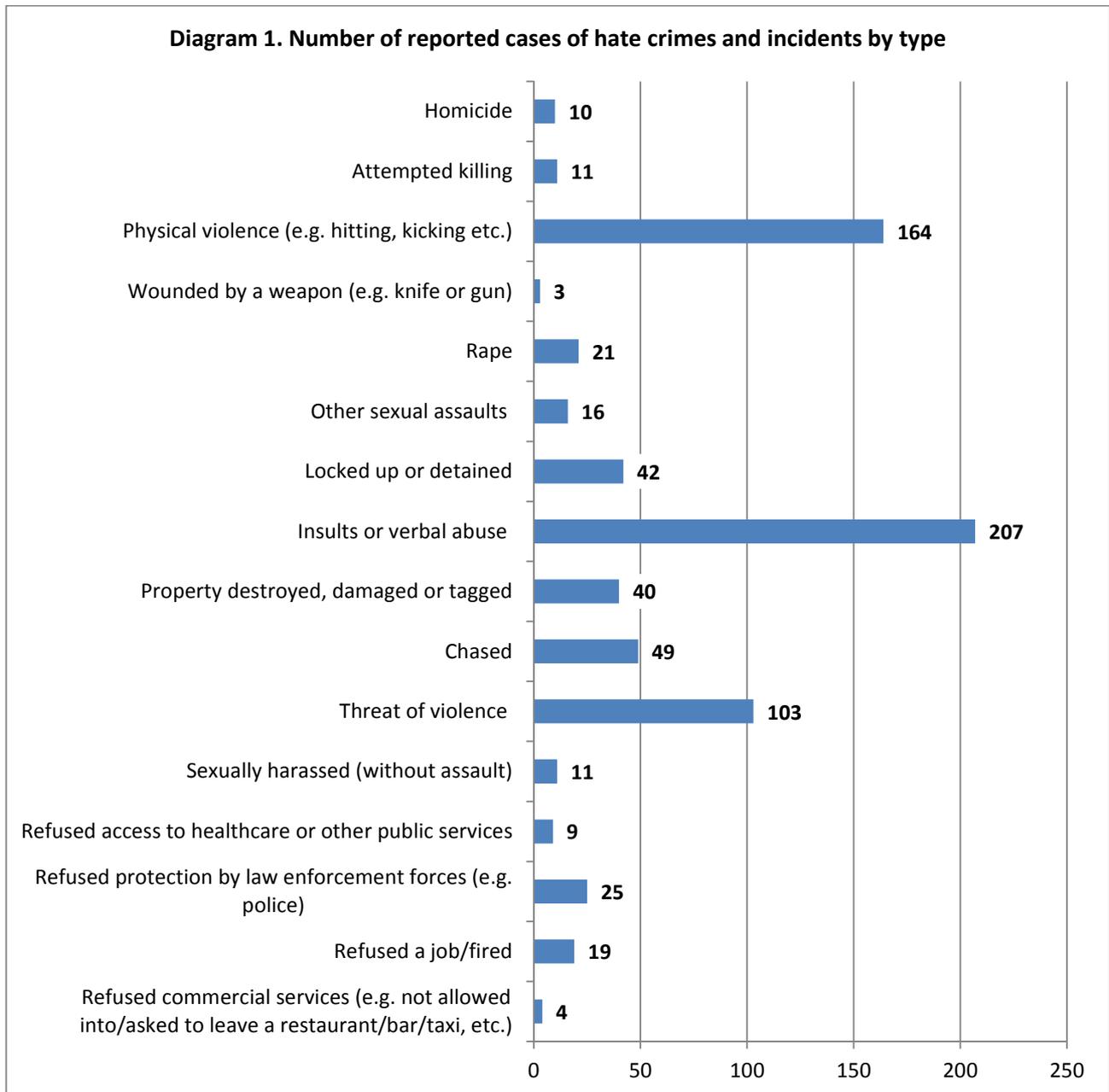
The Ukrainian legislation does not include concepts such as “hate crime” and “hate incident”. The only article of the Criminal Code, criminalizing offences motivated by hatred, is Article 161 “Violations of the equality of citizens according to their race, nationality or religion,” which provides for the prosecution of “intentional acts aimed at inciting national, racial or religious hatred, humiliating national honour and dignity, or outraging the feelings of citizens in relation to their religious beliefs.” However, as the name implies, the list of protected characteristics in this article is very limited (e.g., race, nationality, religious beliefs) and closed, not providing responsibility for crimes motivated by hatred based on sexual orientation or gender identity. For example, all attempts to bring the people, who beat organizers of Gay Pride 2012 in Kyiv, to justice under this article were unsuccessful – the Public Prosecutor’s Office staff have not seen in this case a violation of Article 161 of the Criminal Code. The investigating authorities have restricted charges to the article “Hooliganism.”

However, it should be noted that even criminal charges based upon the grounds that Article 161 of the Criminal Code protects directly, are extremely rare. The police and prosecutors prefer to use other articles of the Criminal Code that provide for punishment, e.g., for disorderly conduct or assault and battery, because proving violation of Article 161 requires additional work to define qualificatory characteristics. Thus, this article does not operate in a satisfactory way in regard to not only LGBT persons but also other vulnerable groups.

The Ukrainian legislation does to some extent recognise the existence of hate crimes thanks to an aggravating circumstances mechanism (Article 67 of the Criminal Code). However the protected characteristic only includes “racial, national or religious enmity or discord”. It is a closed list of grounds identical to that referred to in Article 161.

## Homophobic and transphobic hate crimes and other hate incidents<sup>5</sup>

Diagram 1 shows number of reported cases of hate crimes and incidents happening in 2013. Number of respondents who reported as victim – 268; as witnesses – 317.



Below we provide cumulative analysis regarding characteristics of victims, perpetrators and consequence.

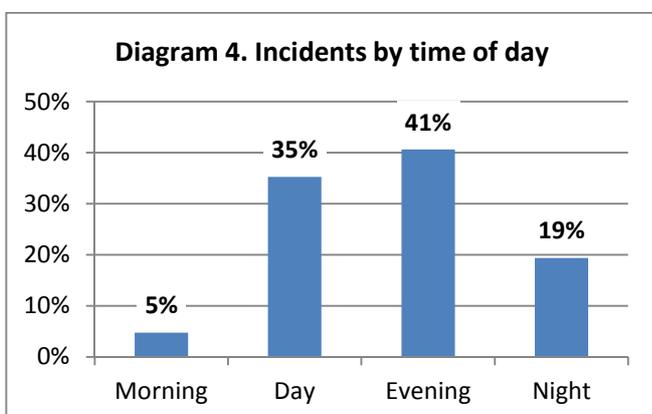
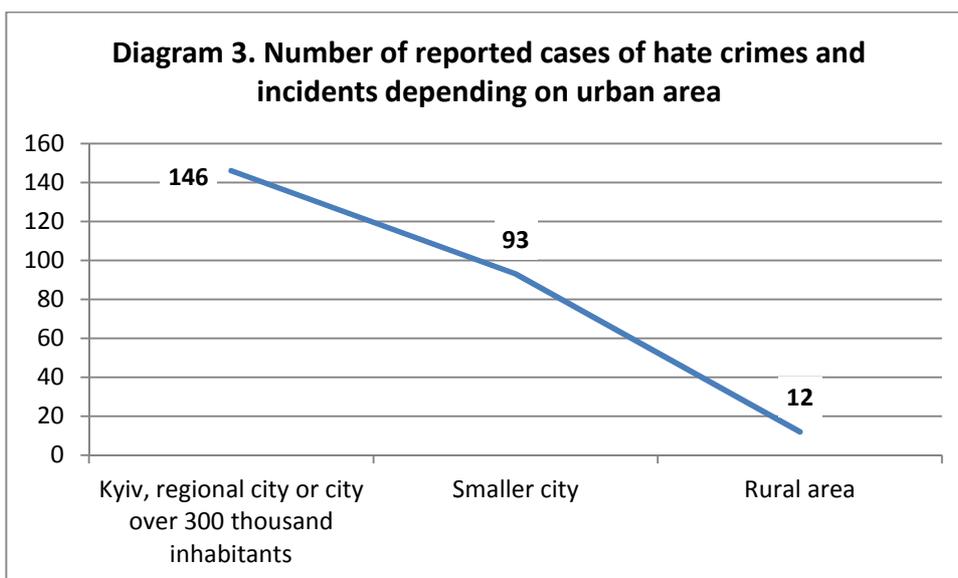
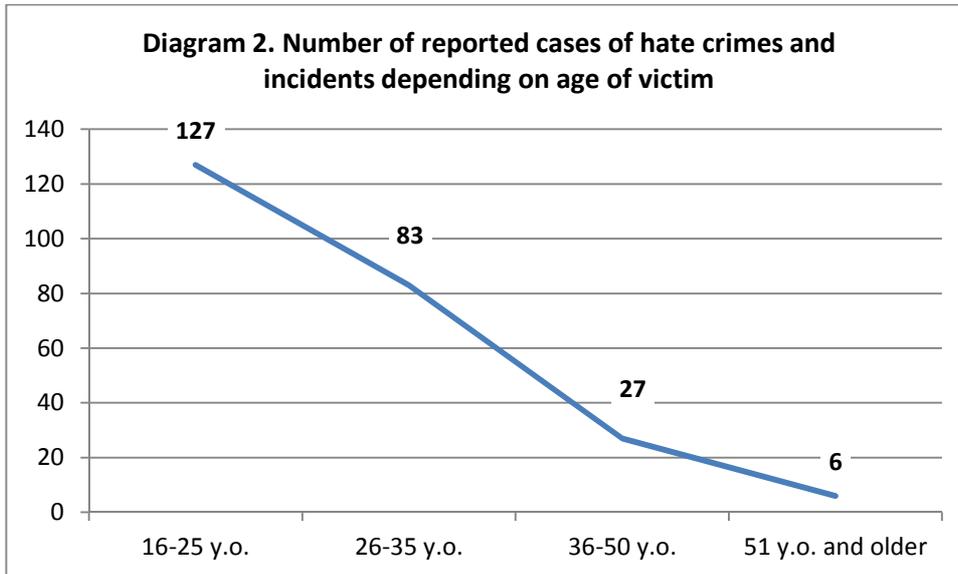
### Characteristics of victim

Diagrams 2 to 4 reflect how reported cases correlate with age of victim, area of incident, time of day.

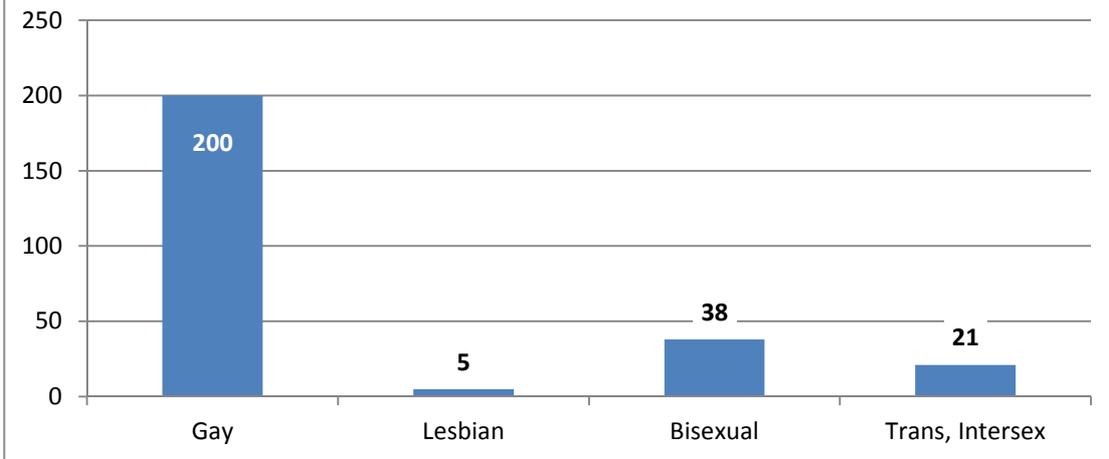
According to Diagram 5 the majority of victims were gay men. In our experience, this reflects the status quo. However, one should also note defects intrinsic to the method of research used. The

<sup>5</sup> All data in this chapter is based on survey [2].

lesbian community was to a lesser extent covered by the survey, as it is much more difficult to access in comparison with the gay community. In Ukraine there are not any dating web-sites for lesbian women, and their groups (NGOs) are relatively small and closed.



**Diagram 5. Number of reported cases of hate crimes and incidents depending on sexual orientation and gender identity**



### Characteristic of perpetrators

Diagrams 6 to 8 show the proportions between the categories of perpetrators and some additional features.

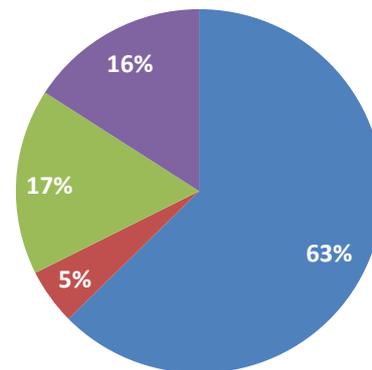
**Diagram 6. Categories of perpetrators**

■ A private person

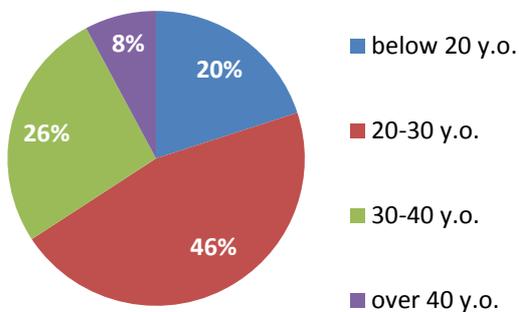
■ Is acting in a professional position which gives him/her/them power over the victim

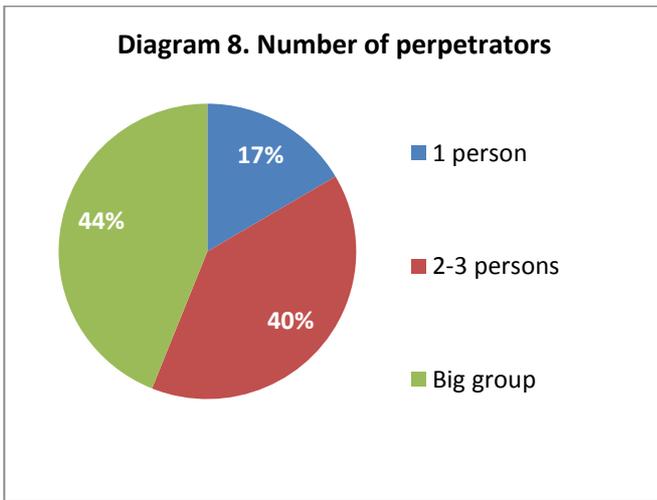
■ A public official

■ Don't know



**Diagram 7. Age of perpetrators**





LGBT persons face abuse mainly from private persons. Diagram 9 demonstrates that organized extremist groups are a big threat. Based on Nash Mir’s long-lasting monitoring experience we can say that this threat increased during last years.

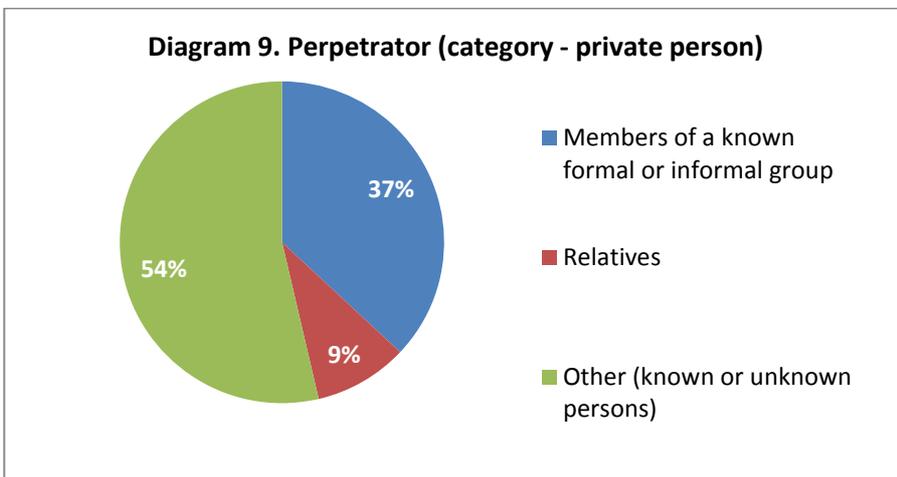
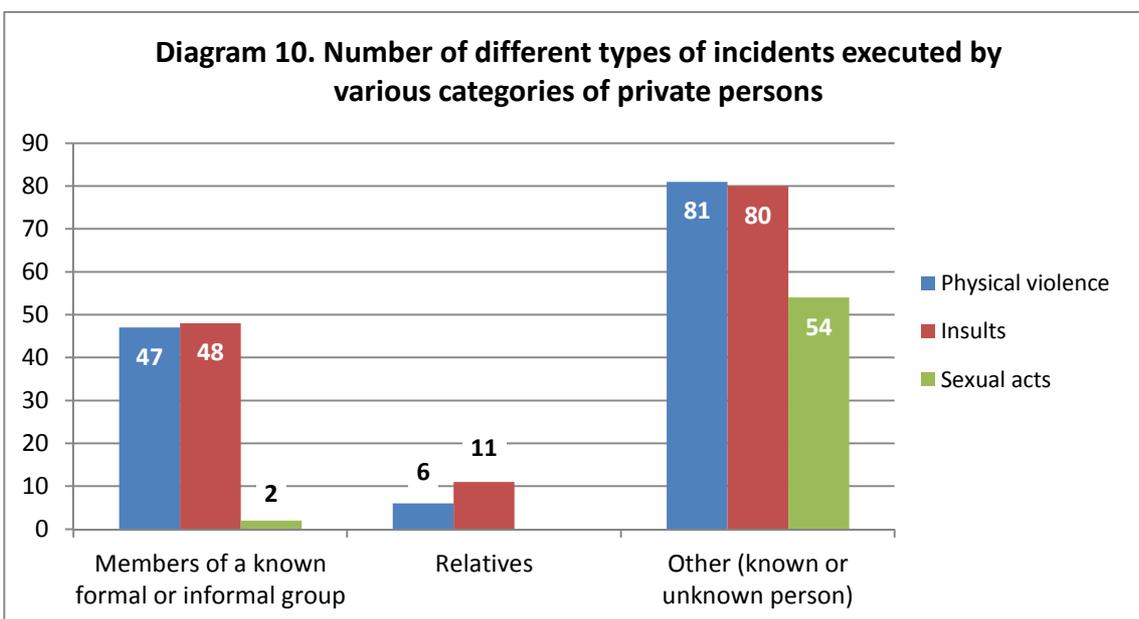


Diagram 10 shows what harm is done to LGBT people by various types of perpetrators (category – private persons).



## 1. Homicide

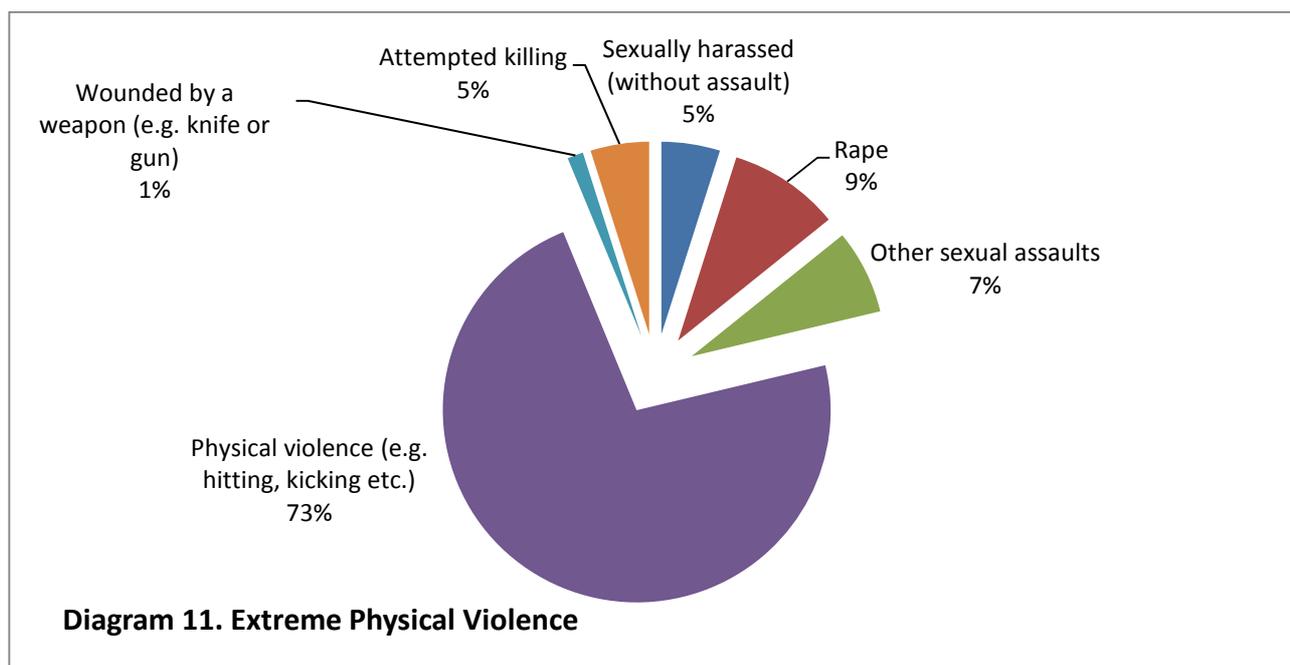
Both surveys show that LGBT people are subject to attempted murder. However, we have very limited and unconfirmed data in this respect and its scarcity does not allow us to analyse these cases.

Nash Mir's monitoring network didn't reported cases of LGBTI-phobic murders in Ukraine in 2013.

## 2. Extreme physical violence

For the purpose of this report ILGA-Europe have categorised the following incidents as "extreme physical violence": sexual harassment (without assault); rape; other sexual assaults; physical violence; wounded by weapon; and attempted killing.

Total number of cases recorded for this category is 226.



38% incidents were reported by victims and 52% by witnesses.

Extent of "being out": 58% said that they "Out to friends", 22% – "Out to all family", 11% – "Out in workplace", 18% – "Not out at all".

Involvement with the LGBT community: 7% said that they "Involved as an activist or working in an LGBT NGO", 19% – "Regularly go to LGBT venues", 32% – "Not involved at all with the LGBT community".

## 3. Assault

Assault is defined by ILGA-Europe as any physical attack against a person which does not pose a threat to their life. This includes throwing of objects at a person. It also includes an attempted assault which fails, due to self-defence, or if the victim runs away.

Total number of cases recorded for this category is 49 ('chased').

Categories of perpetrators: A private person – 76%; Is acting in a professional position which gives him/her/them power over the victim – 6%; A public official – 8%; Don't know – 10%.

Number of perpetrators: 1 person – 6%; 2-3 persons – 31%; Big group – 63%.

Age of the perpetrator: below 20 y.o. – 32%; 20-30 y.o. – 50%; 30-40 y.o. – 18%; over 40 y.o. – 0.

#### 4. Damage against property

Damage against property as defined by ILGA-Europe includes any physical attack directed against property, which is not life-threatening and it appears that the property has been specifically targeted because of the fact that there is a perceived connection between the owner and the LGBTI community.

Total number of cases recorded for this category is 40.

These cases included robbery, blackmail. All 40 cases are mixed with other forms of violence.

Was the incident reported to the police: Yes – 36%; No – 64%. It means that in such cases victims more usually ask police for assistance.

#### 5. Arson

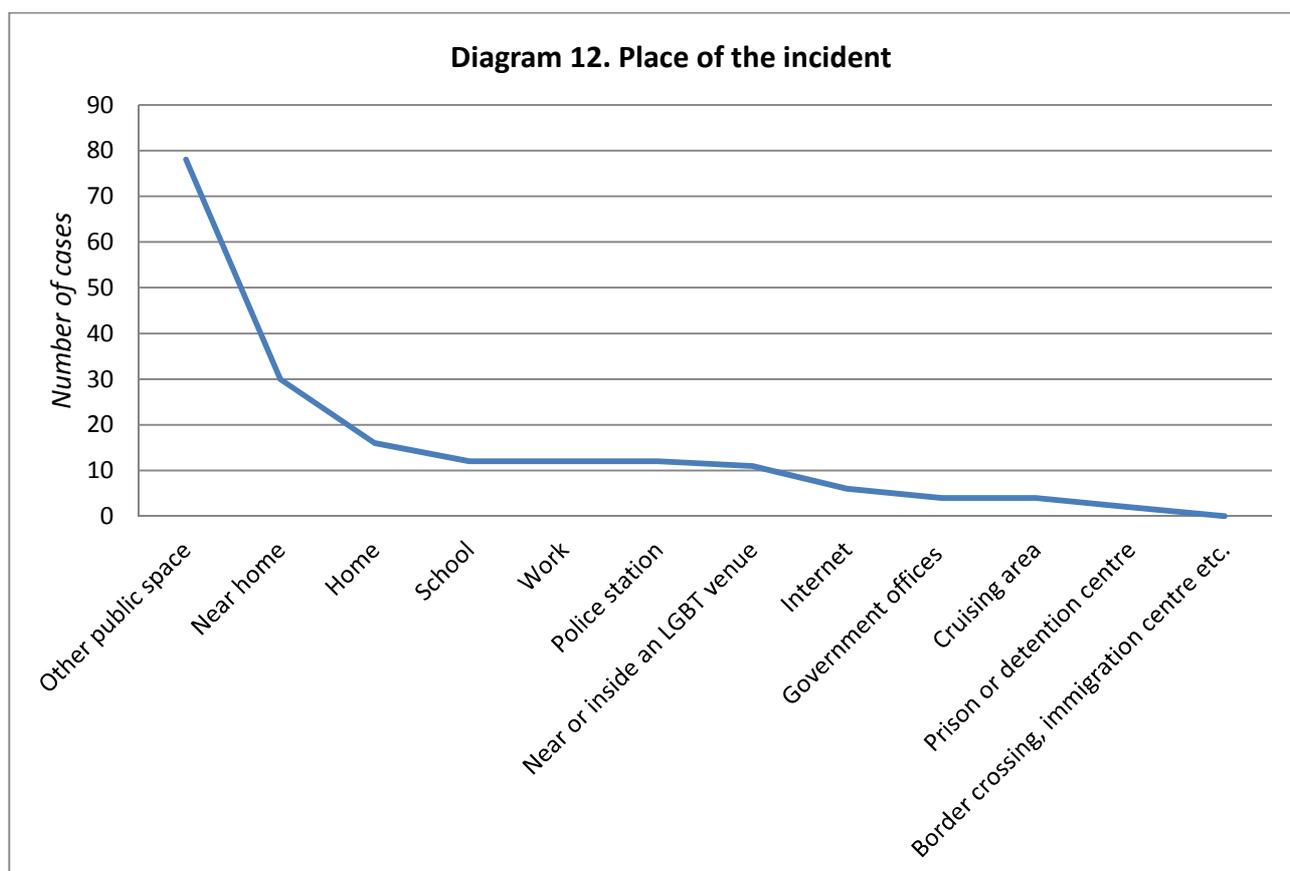
There is no such definition in Ukrainian Criminal Code and no such cases were reported.

#### 6. Threats and psychological violence

Threats and psychological violence as defined by ILGA-Europe includes specific threat which can be either verbal or written. This can also include stalking, including repeated undesired contact, following or lying in wait for the individual or making threats to the individual or her/his family.

Total number of cases recorded for this category is 310.

Only 5% of victims said that they are involved as an activist or working in an LGBT NGO; 95% are not involved.

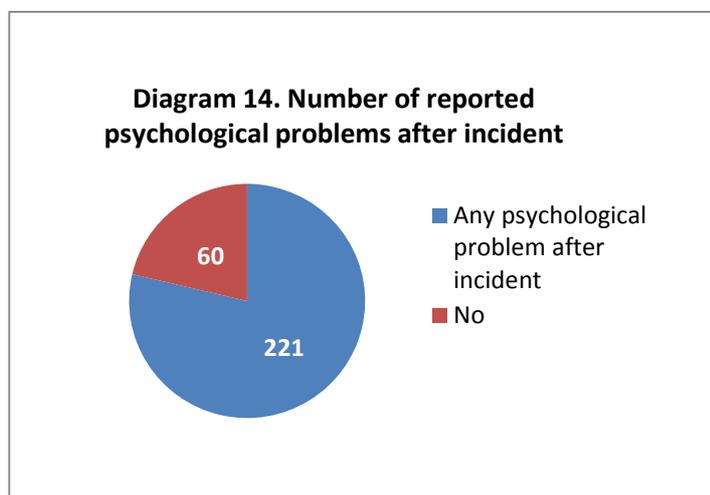
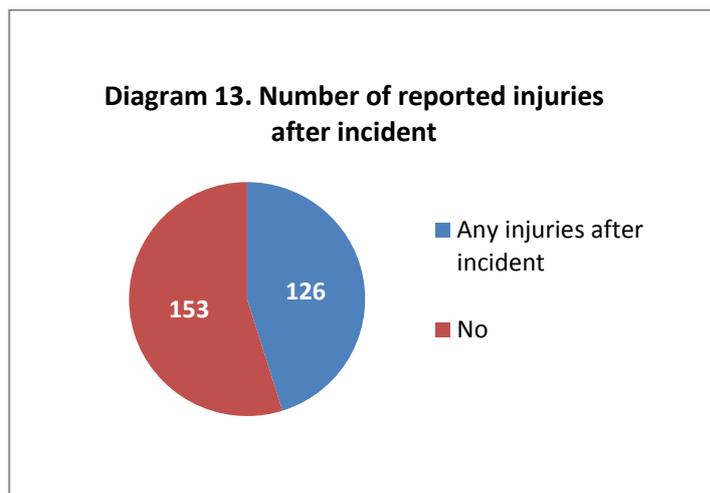


In 85% cases respondents said that motive for the attack/incident was sexual orientation.

In 65% cases respondents said that the perpetrator knew or thought that victim is LGBTI person.

## Consequences

Diagrams 13 and 14 show that as the result of hate crimes and incidents almost half or more of the LGBT victims suffer from physical and psychological consequences.



If victims sought medical assistance, in most cases the medical staff treated them without bias.

Usually victims did not apply for professional psychological aid, but received support from their friends.

*Here are some cases reported by respondents to the Internet survey.*

*Thus, in Kyiv, in July 2013 a transgender woman (MtF) experienced threats of physical violence and damage to her property from her neighbour. In Sumy, in March 2013 an underage transgender girl (MtF) was brutally beaten by her classmates just at the entrance to the school.*

*In Lviv, in August 2013 three gay boys in each other's company were brutally beaten at a traditional gay cruising place by a group of 10 young men in sportswear because of their sexual orientation. Two of the boys asked for medical help for various degrees of injuries.*

*In April 2013, after the media in Mariupol reported about holding Diversity Forum (which promotes tolerance toward various social groups) in a local library, its organizers began receiving threats of physical violence from unknown persons; and the library began receiving threats of arson if they would continue hosting this event. The local police did not want to take an application from the organizers to protect the Forum and the library eventually denied them use of the premises.*

*On one of the gay websites, a 27 year old guy proposed to meet in the evening, but when I approached him, I was knocked off my feet by a crowd wearing masks who started beating me. When I asked why do you beat me, they shouted, "you fagot," "you queer."*

*The police organized a provocative meeting with the proposal to watch a gay video, where I was arrested and taken to the department on combating porn distribution. After that a certain amount of money was demanded from me.*

*I met on the Internet a 19 year old guy; we met, walked, then his sidekicks appeared from around the corner, about 10 people, and started making themselves out to be guardians of the nation, pure Slavic blood etc. etc., – various juvenile nonsense. Given that these guys in their words "do not drink, do not smoke, and do not use drugs", I can only imagine what those who use it all do :))))))*

*On public transport my girlfriend helped me to bring a suitcase inside; when I told her, "Thank you, my love" and kissed her on the cheek, two women sitting next to me – the first being 50-60 years of age, the other 30+ years old – began to curse that lesbians may have no place in our world. An elderly man rebuked them; he said that everyone needs help and thanks too. In response to his comment they called him an old fag.*

## **7. Other incidents with a bias motivation**

For the purpose of this report ILGA-Europe have included in this category abusive behaviour (hate speech, abusive literature or music), and any form of discriminatory incidents which is not considered a crime.

Total number of cases recorded for this category is 99, including:

Locked up or detained – 42

Refused access to healthcare or other public services – 9

Refused protection by law enforcement forces (e.g. police) – 25

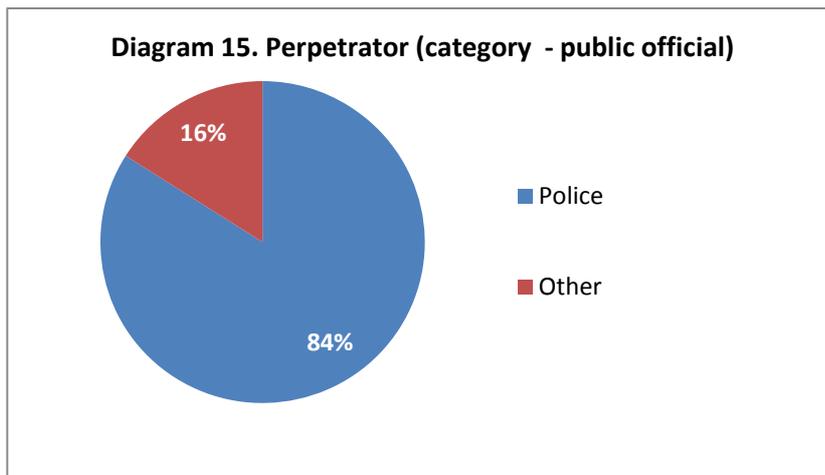
Refused a job/fired – 19

Refused commercial services (e.g. not allowed into/asked to leave a restaurant/bar/taxi, etc.) – 4

Average age of those who was 'locked up or detained' is 29 y.o.

#### IV. Police and other law enforcement authorities

Diagram 15 [2] suggests that LGBT people largely suffer from police action.



Based on Nash Mir's experience in providing legal aid to LGBT people, we can mention that usually they face violations of procedural rules, including illegal detention and denial to protect rights. In addition, police officers have illegally disclosed information about the personal lives of LGBT people and demanded a bribe.

In practice, provoking crime has become a popular way to improve the figures of activity for the Ukrainian police. To do this (to bring about entrapment), police officers register at one of the online dating websites for gay men and asked one of its customers to open his intimate photos. The act of opening photos, then, entails a criminal charge of pornography distribution, or demands a bribe for silence. Thus, in March 2013 police officers in Cherkasy received a bribe from a local gay man in the sum of 1500 UAH (about €150) for having not opened a criminal investigation for posting intimate photos on his dating webpage; in August 2013 Nash Mir Centre in one week received three reports that the Yalta police detained and opened criminal proceedings against gay men, who took a vacation in Crimea, for similar actions.

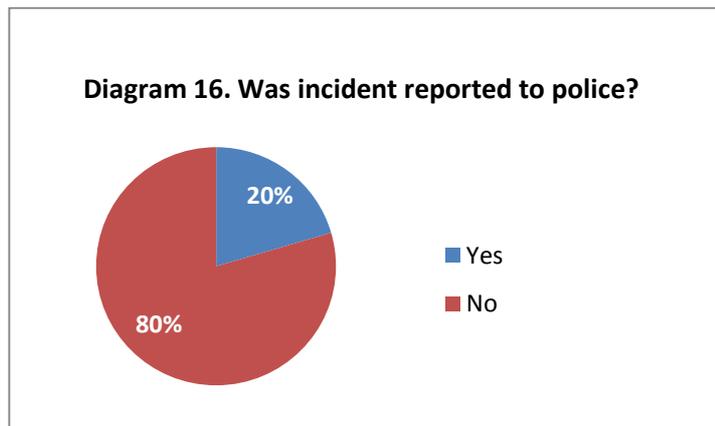
Another type of rights violations by the police is disclosure of information about one's private life to third parties that violates the Ukrainian legislation and is a criminal offense. For example, while investigating theft of a mobile phone, investigators from the Shevchenkivskyi District Police Department of Kyiv City found out the sexual orientation of the suspect, and to put pressure on him visited his parents, who live in a village near Kyiv, where the investigators told the details of his private life not only to them, but also to neighbours.

Despite the severity and multiplicity of various violations of Ukrainian LGBT people's rights, in our experience we find that they very rarely complain about such actions and do not wish to assert their rights. Table 1 shows that overwhelmingly in most cases those surveyed did not seek protection of their rights, and among those who applied to the police only a third managed to protect their rights.

Table 1 [1]

Did you make any attempt to protect your rights and if so what was result?	Number of replies
	<i>Sample of 300 respondents</i>
Yes. I appealed to the police or other authorities. I managed to protect my rights (at least partially).	16 (5 %)
Yes. I appealed to the police or other authorities. However, my rights were not protected.	30 (10 %)
No. I did not apply to the police or other authorities for protection of my rights.	254 (85 %)

The same data are obtained through another survey [2] – diagram 16.



Most LGBT people do not believe that law enforcement agencies can help them – fearing even more problems over their part in the matter – doubt the Ukrainian courts, and most importantly, fear that information about their sexual orientation would be disclosed to other people. Unfortunately, experience shows that their fears are largely justified.

## V. Conclusions and recommendations

The state must pay attention to the problem of overcoming public homophobia that causes crimes and incidents motivated by hatred toward LGBT people. This report does not cancel the need to collect and analyse relevant information by law enforcement and other government agencies. However, under the existing total disregard of this need by the state, we aim to carry out our work on collection and analysis of data on hate crimes, discrimination, and human rights violations against LGBT people in Ukraine most efficiently and professionally. Within this activity, we identify the need

- to expand and stimulate our network on monitoring the situation and giving legal assistance in the regions;
- to improve the skills of our monitoring network's participants and to develop contacts between them for the purpose of mutual support and exchange of experiences;
- to provide a programme of legal education for the local LGBT communities that would help them to protect their rights.

In this regard, we consider it necessary to amend Paragraph 3 of Part 1 of Article 67 of the Criminal Code, by changing its wording and expanding the list of motives, which are aggravating circumstances in the commission of crimes, henceforward including in them, among other impetuses, enmity on grounds of sexual orientation and gender identity.

We support the proposal to remove from the Criminal Code (Article 161) criminal liability for "intentional acts aimed at humiliating national honour and dignity or outraging the feelings of citizens in relation to their religious beliefs", instead providing administrative liability for

- public incitement to discrimination or hate crimes (on a number of grounds);
- dissemination of information, production and dissemination of advertisements containing incitement to commit hate crimes (on a number of grounds);
- minor damage to property motivated by hatred (on a number of grounds);
- disorderly conduct motivated by hatred (on a number of grounds);

and also to consider motives of hatred as an aggravating circumstance of administrative offences. However, we believe that in all the mentioned cases it is necessary explicitly to include sexual orientation and gender identity among protected grounds, which would correspond to the real situation of hate crimes and incidents in Ukraine.

Together with other human rights organizations in Ukraine we also draw attention of the government to its duty to ensure the effective implementation of laws and protection of human and civil rights in general. However, taking into account homophobia dominant in the mass consciousness of Ukrainians, we call upon all stakeholders and citizens to pay special attention to overcoming its effects in society and activities of the state, and especially in law enforcement bodies. In this regard, we consider it necessary to include the topics of sexual orientation and gender identity in the school curricula, programs of initial and advanced training for teaching staffs, lawyers, and officers of law enforcement agencies.

In the opinion of Nash Mir Centre, the core problem in prevention and counteraction to discrimination and hate crimes against LGBT persons in Ukraine is the total absence of the state authorities' reaction to homophobia prevailing in Ukrainian society. Thus, it is crucially important that the Ukrainian government take decisive steps towards assuring and implementing equal civil rights for LGBT people – to send a distinct sign to society of changed intentions and attitude at the official level. The first and most obvious of such steps would be adoption of anti-discrimination Draft Law No. 2342. It should be followed by such evidently necessary legislative initiatives as criminalization of hate crimes and provision of family rights for same-sex partners similar to those enjoyed by unregistered opposite-sex couples. Also, likewise quite important further steps are needed to develop and implement policies in the sphere of education and further training: providing pupils, students, legal profession members, educational staff and officers of law enforcement

agencies with correct modern information on LGBT issues and the promotion of tolerance and respect for the dignity and human rights of LGBT people.

In conclusion it is worth to note that Ukrainian authorities even during Ukraine's chairmanship of OSCE in 2013 did not submit their country's report on hate crimes for OSCE/ODIHR Annual report. This dereliction very clearly demonstrates the attitude of our government to the problem.

## **Examples of cases documented by Nash Mir's monitoring network in 2013**

### **1. Property damage, vandalism in Kyiv**

Date, time and place: February 2013, Kyiv. Near the metro stations University and Lev Tolstoy Square.

Source of information: NGO Insight, web social networks.

Victim(s): NGO Insight, the Ukrainian LGBT community.

Type of crime: Property damage, vandalism.

Perpetrator(s): A group of unascertained persons closely connected with The Ukrainian Choice, a political project of Viktor Medvedchuk.

Brief description of the incident with bias indicators: Lightboxes on some stations of the Kyiv metro, which posted social advertising of LGBT NGO Insight criticizing homophobic bills, were smeared with black paint.

Status of the case: NGO Insight applied to the police, but they denied instituting criminal proceedings. The police detained the perpetrators at the time of committing their unlawful actions, but after they explained to the officers that their goal was to prevent the so-called "propaganda of homosexuality", they were released. The vandals themselves filmed their actions and uploaded the video onto the Internet.

Impact on the victim(s) and the community: NGO Insight and the Ukrainian LGBT community once again ascertained their opponents' activity and the reluctance of law enforcement agencies to protect the rights of LGBT people.

### **2. Homophobic assault against 2 gay men, Lviv**

Date, time and place: 16-17.02.2013, at night, Lviv. Near the café Milady.

Source of information: An activist of Nash Mir Centre in Lviv.

Victim(s): Two gay men of 20 and 27 years of age.

Type of crime: Physical violence.

Perpetrator(s): A group of unascertained persons from the right-wing grouping Galaktony.

Brief description of the incident with bias indicators: The victims were beaten by militants from the right-wing grouping Galaktony on leaving the café that held a gay party at that time. Besides, one of the victims suffered from the tear gas applied by the perpetrators. Since 2005, a variety of far-right organizations continue trying to track down gay parties organized in Lviv to attack their visitors. This time organizers of the event knew in advance about the planned raid from web social networks and warned all participants, including victims, about the danger, urging people not to go out of the café.

The attackers also shouted homophobic insults, indicating the nature of the attack.

Status of the case: The victims did not apply anywhere for help.

Impact on the victim(s) and the community: The victims sustained injuries of light severity.

### **3. Preparation of a homophobic assault, Lviv**

Date, time and place: 09.03.2013, in the evening, Lviv. In the centre of the city.

Source of information: An activist of Nash Mir Centre in Lviv.

Type of crime: Preparation of a hate crime.

Perpetrator(s): A group of unascertained members of the extreme right-wing grouping Moloda Halychyna and fans of the football club Karpaty.

Brief description of the incident with bias indicators: On March 7, 2013, when monitoring the pages of Lviv ultra-right groups in social networks, a regional activist of the Nash Mir Centre in Lviv saw communications on the page of Moloda Halychyna indicating that militants of this group had learned about a gay party planned on March 9 in Lviv. Over the next two days this online resource displayed preparations of the members of this grouping, as well as fans of the FC Karpaty, to make an attack on this LGBT event -- with detailed instructions on whom, how, and what tools to beat with. So, for example, organizers engaged girls, friends of the militants, in this "campaign of intimidation" to beat lesbians, because guys did not want to beat girls themselves.

In the evening of March 9 activists of Nash Mir Centre came to the agreed place of gathering of militants near the Opera House and saw several groups of young people in black, among whom also were girls, a total of about 60 people. Many of them had backpacks, from which baseball bats peeped out. Then they went in groups to the place of the LGBT party. Our activists followed them, by phone telling the organizers of the party where the militants were directing their steps. However, they did not notice that they themselves were followed by another group of militants at close range. Realizing who was walking before them, the militants began to insult the activists and planned to attack them; however, they managed to hide in a McDonald's, and the militants proceeded to the venue of the party.

Status of the case: The organizers of the LGBT party in advance hired a private guard and applied to the police. By the time of the extreme right militants' arrival, police officers were already in place and prevented the attack, although none of the militants was detained.

Impact on the victim(s) and the community: The LGBT communities in the western regions of Ukraine are the most closed and unorganized in the country. The main reason for this situation is their fear before society, which in these regions is most conservative and religious. However, the LGBT community in Lviv is the most organized and solidarity-prone in this region of the country; although, constantly being "monitored" by ultra-right groupings, LGBT activists and ordinary members of the community experience constant fear for their safety.

#### **4. Beating and robbery of a gay man, Chernivtsi**

Date, time and place: 04.01.2013, in the evening, Chernivtsi. At a public transport stop.

Source of information: An activist of Nash Mir Centre in Chernivtsi.

Victim(s): A gay man, 19 years old.

Type of crime: Physical violence, robbery.

Perpetrator(s): A group of unascertained persons.

Brief description of the incident with bias indicators: The victim got acquainted with a guy, allegedly gay, in the web social network Vkontakte and arranged about meeting. At the place of meeting somebody among 4 unknown men in clothing with deep hoods called him by name. After checking his identity, they attacked him, knocking him down to the ground severely beaten, while shouting homophobic remarks "Beat fags!", "Now let's see what's inside you motherfuckers!" etc. At the same time they took away the victim's cell phone. Thanks to the interference of a passer-by, the attackers stopped the beating and fled.

Status of the case: The victim applied to the police by writing a statement about the theft of the mobile phone. He did not mention the main reason of the attack. The attackers have not been found.

Impact on the victim(s) and the community: The victim was robbed and sustained injuries of light severity. The victim and his friends realized that social networks are not safe places.

#### **5. Threat of physical violence and arson of the library, Mariupol**

Date, time and place: 20.04.2013, Mariupol (Donetsk Oblast).

Source of information: Head of the NGO Donbass-SocProject, the media.

Victim(s): Organizers and participants of the Diversity Forum.

Type of crime: Threat of physical violence and arson.

Perpetrator(s): A group of unascertained persons allegedly from ultraright-wing groups.

Brief description of the incident with bias indicators: Organizers of the Diversity Forum and Korolenko Library in Mariupol, where the Forum was planned to be held, received threats of physical violence and arson of the building, as a result of which the library refused to hold a Forum on its premises. During the event in the new place chosen, there was observed a significant gathering of aggressive young skinheads, shouting homophobic slogans and threats to participants of the event.

Status of the case: The organizers applied to the police for protection of the event (the police did not want to react for a long time); applying for protection helped to avoid open conflict.

Impact on the victim(s) and the community: Fear of the organizers of the Forum for their safety and the safety of participants. Stress and suspense when dealing with slow police.

## **6. Insults and physical violence against a transgender girl, Sumy**

Date, time and place: March 2013, Sumy. At the entrance of an educational institution.

Source of information: An activist of Nash Mir Centre in Sumy.

Victim(s): Transgender girl (MtF), 15 year old.

Type of crime: Verbal abuse, physical violence.

Perpetrator(s): A group of unascertained persons.

Brief description of the incident with bias indicators: At the entrance of the college that the victim attends she was stopped by a few older kids who questioned whether she is “queer” (due to her appearance). After making insults connected with her gender identity, they grabbed her and hit her head against a concrete wall.

Status of the case: The victim did not apply for help.

Impact on the victim(s) and the community: For several days the victim had a headache and was in a depressed state.

## **7. Threat of physical violence and damage to property, Kyiv**

Date, time and place: 25.07.2013, at night, Kyiv.

Source of information: The victim.

Victim(s): A transgender woman (MtF), 49 year old.

Type of crime: Threat of physical violence, damage to property.

Perpetrator(s): A neighbour of the victim.

Brief description of the incident with bias indicators: A neighbour of the victim, a drug addict and former prisoner, in a condition of allegedly narcotic intoxication in the middle of the night was bursting in the door of the victim’s apartment, demanding that she get out and threatening to beat her. At that point the male intruder was screaming obscenities toward her about her gender identity.

Status of the case: The victim called the police who detained the infringer and drew up a report on the administrative offence.

Impact on the victim(s) and the community: The victim is experiencing permanent fear for her safety because of constant threats and attempts to attack by this person. The threat has continued for several years since the male malefactor has been released from prison.

## ANNEX: Categories of hate crimes and incidents as defined by ILGA-Europe

### Group I

Category	Subcategory	Description
<b>1. Homicide</b>		<ul style="list-style-type: none"> <li>Any attack on a person that causes loss of life.</li> </ul>
<b>2. Extreme physical violence</b>		<ul style="list-style-type: none"> <li>Any attack on a person that potentially causes serious physical harm.</li> <li>Any attack on property, for example by arson or petrol bombs, where there is the potential for people in the property to be killed, for instance if the building is inhabited or occupied at the time of the attack.</li> <li>Bombs, including letter bombs. This includes any viable device that either detonates or is defused, and therefore was life threatening. It also includes any device which is assessed to have been intended by its sender to be viable, even if after analysis it is found that it was incorrectly constructed and therefore would not have gone off.</li> <li>Kidnapping.</li> <li>Shooting.</li> <li>Attack by weapon or any other object that can be used to harm.</li> </ul>
	Sexual assault	<p>An act of sexual violence can be committed by the victim's partner (married or not), previous partner, family member or co-habitant.</p> <ul style="list-style-type: none"> <li>Rape<sup>6</sup>.</li> <li>Sexual assault<sup>7</sup>.</li> <li>Sexual exploitation by a helping professional, i.e. sexual contact of any kind between a helping professional (doctor, therapist, carers, teacher, priest, professor, police officer, lawyer, etc.) and a client/patient.</li> </ul> <p>Sexual harassment, including unwelcome sexual advances, requests for sexual favours, and other verbal or physical conduct of a sexual nature.</p>
<b>3. Assault</b>		<ul style="list-style-type: none"> <li>Any physical attack against a person or people, which does not pose a threat to their life and is not serious. This would include lower level assaults.</li> <li>Attempted assault which fails, due to self-defence, or if the victim runs away.</li> <li>Throwing of objects at a person or people, including where the object misses its target.</li> </ul>

<sup>6</sup> Rape can be defined as forced sexual intercourse, including vaginal, anal, or oral penetration. Penetration may be by a body part or an object. Rape victims may be forced through threats or physical means. Anyone may be a victim of rape: women, men or children, straight or gay.

<sup>7</sup> Sexual assaults can be defined as unwanted sexual contact that stops short of rape or attempted rape. This includes sexual touching and fondling.

<b>4. Damage of property</b>		<ul style="list-style-type: none"> <li>• Any physical attack directed against property, which is not life-threatening. This includes also the daubing of abusive slogans or symbols, or placing stickers or posters on property, including graffiti, or damage caused to property, where it appears that the property has been specifically targeted because of the fact that there is a perceived connection between the owner and the LGBTI communities.</li> <li>• Damage to cars or other personal property belonging to members of LGBTI communities, where it is apparent that they have been targeted for this reason.</li> </ul>
<b>5. Arson</b>		<ul style="list-style-type: none"> <li>• Arson attacks on property where there is no threat to life, for instance if the building is uninhabited at the time of the attack.</li> <li>• Failed attempts, for instance attempted arson where the fire fails to catch or the arsonist is disturbed</li> </ul>
<b>6. Threats and psychological violence</b>		<ul style="list-style-type: none"> <li>• Any clear and specific threat, whether verbal or written. If the threat is not clear and specific then the incident should be recorded as Abusive Behaviour.</li> <li>• Any 'bomb' which is assessed to be a hoax. This would include something that was designed to look like a real device but not intended to be viable, for instance if it does not contain any explosive material.</li> <li>• Stalking, including repeated undesired contact (phone calls, emails, letters, show up unexpectedly, etc.), following or lying in wait for the individual, making threats to the individual or her/his family.</li> <li>• Blackmailing to divulge publicly, or to family members or at work, that a person belongs to the LGBTI community.</li> <li>• Restriction of freedom (e.g. locking up a person).</li> <li>• Defamation, such as outing the LGBTI identity.</li> <li>• Bullying (e.g. at school, at work place).</li> </ul>

**Group II: Other incidents with a bias motivation (category 7)**

<b>Abusive behaviour</b>	<b>Hate speech</b>	<ul style="list-style-type: none"> <li>• <u>Individually targeted verbal abuse</u>, whether face-to-face or via telephone or answer phone messages. This includes abuse that is mistakenly directed at, or overheard by, people who are not members of the LGBTI communities.</li> <li>• <u>Individually targeted written abuse</u> (including emails, mobile phone text messages, and social media (facebook, twitter, etc.) as well as targeted letters (that is, those written for and sent to or about a specific individual). This includes written abusive comments about LGBTI communities or persons that are sent to individual people, regardless if they are members of the LGBTI</li> </ul>
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		<p>communities. This is different from a mass mailing of abusive leaflets, emails or other publications, which is dealt with by the separate Literature category.</p> <ul style="list-style-type: none"> <li>• <u>Not individually targeted</u> verbal or written abuse (e.g. general homophobic and transphobic comments not addressed to anyone in particular), including those channelled via the internet and social media.</li> <li>• Public hate speech e.g. by politicians.</li> </ul>
	<b>Literature and Music</b>	<ul style="list-style-type: none"> <li>• Mass-produced abusive literature or music that is sent to more than one recipient. This covers mass mailings rather than individual cases of hate mail, which would come under the category of Abusive Behaviour or Threats (depending on content).</li> <li>• Literature that is abusive in itself, irrespective of whether or not the recipient is from the LGBTI communities.</li> </ul>
<b>Discriminatory incidents</b>		<ul style="list-style-type: none"> <li>• Any form of discriminatory incidents which is not considered a crime.</li> </ul>