

UKRAINE

BIAS-MOTIVATED SPEECH AND VIOLENCE

Anti-LGBT hate speech and hate crimes continued to be a severe issue this year. Nash Mir's annual report documented 80 hate crimes against LGBT people in 2020. In July, Nash Mir's study also found that in 27% of anti-LGBT hate crimes the police called to the scene did nothing and in 38% of cases they did not record the crime or start an investigation. The LGBT Human Rights Nash Mir Centre's case on Ukraine's lack of action on hate crimes was admitted by the European Court of Human Rights (ECtHR).

In May, the Ministry of the Interior finally introduced a bill to criminalise hate crimes committed on the grounds of, inter alia, "sexual orientation and gender identity." The measures were set out in Ukraine's previous Human Rights Action Plan from 2015. The European Commission against Racism and Intolerance (ECRI) had repeatedly called on Ukraine to make this important move.

On 4 August, hundreds of LGBTQ+ young people held a six-hour rave outside the president's office to call for legislation and other measures that protect LGBTQ+ people from hate crimes and discrimination. The event was organised by the newly established UkrainePride. Demonstrations for legislation against hate crimes were held earlier in the year. A participant after a demonstration in Kyiv June was severely assaulted on his way home, suffering from a concussion and long-term health impairments.

A man was sentenced to five years in prison (two years probation) for a homophobic hate crime in Odesa.

In November, the district court in Lviv sentenced a man to four years and one month for a homophobic attack committed in July. This is the first case in Ukraine, where the homophobic motif of the crime was clearly indicated in the court judgment and the perpetrator was sentenced to a prison term without probation.

Religious leaders made far fewer "anti-propaganda" statements this year and instead focused on the protection of freedom of speech and the traditional family mode. On 4 June, the All-Ukrainian Council of Churches and Religious Organisations urged the parliament not to adopt the hate crime bill as it may violate freedom of speech and religion.

In July, Archbishop Sviatoslav, the Head of the Ukrainian Greek Catholic Church, said that homosexual relations

were "a grave sin" and condemned "gender ideology". The Archbishop and other religious leaders also spoke out against same-sex marriage this year.

EDUCATION

A survey found that 80% of LGBT students feel unsafe in school and 87% feel excluded. Just in the month preceding the survey, 40% of LGBT students missed school because they feared for their safety. 70% of LGBT students heard anti-LGBT remarks made against them and two-thirds of them were also targeted by teachers. 55% said they had not a single adult in school they could turn to for support.

A lecturer at Lviv Polytechnic National University made hateful statements this year, for instance that lesbians and gays are sick.

EQUALITY AND NON-DISCRIMINATION

In March, Ombudsperson Lyudmila Denisova presented her annual report, highlighting that her office received 11 reports on anti-LGBT+ discrimination in 2020.

Ukraine adopted a new Human Rights Strategy (2021-2023) and Action Plan this year. The Strategy includes weak references, but the Action Plan retains all LGBT rights components, which had not been implemented in the previous period. These include the criminalisation of hate crimes on SOGI grounds and the development of a draft law on registered partnership for both different-sex and same-sex couples.

FAMILY

The Ombudsperson Lyudmila Denisova's annual report called for legal recognition for same-sex couples. The new Human Rights Action Plan retains legalising civil partnership as a priority. At the same time, the ECtHR will hear the case of a gay Ukrainian couple regarding the lack of legal recognition of same-sex families.

The ECtHR will also hear the case of a trans woman who was unable to change her marriage certificate after having changed her legal gender.

FREEDOM OF ASSEMBLY

Several events and demonstrations were disturbed and attacked again this year. In May, extremists raided an LGBT+ film screening, broke windows and threw tear gas



into the premises. Other events were also attacked in Kyiv and Odesa. Far-right members of Tradition and Order threw bottles and held a counter-demonstration against the LGBTQ+ rave on 4 August in Kyiv.

The Trans March in Kyiv took place without incidents and was heavily guarded by police.

Freedom House published a resource on safety at LGBT+ events.

Following its cancellation due to the COVID-19 pandemic in 2020, Kyiv Pride was held in person, joined by 4,000 people, and took place without any violent incidents.

Following last year's violent attacks against the participants of a Pride event in Odesa, the police deployed 1,000 officers at the march on 28 August this year. The police detained over 50 members of the far-right Tradition and Order. Dozens of police officers were injured. No Pride participants were harmed. After the arrests, anti-LGBT aggression by far-right groups sharply decreased. Three criminal cases were opened following these detentions, citing violence against law enforcement, riots, and disorderly conduct, but not hate-motivated violence.

The Equality March in Kharkiv was also held with heavy police protection this year and a record number of over 2,000 people joined the march. No incidents were recorded.

FREEDOM OF EXPRESSION

A number of MPs petitioned to Prime Minister to ban a children's book "Princess + Princess" which that discusses same-sex relationships. Public criticism also concerned a Swedish sex education book for young boys, which was set to be released in Ukraine.

At the end of December, a group of MPs appealed to the Cabinet of Ministers and the Ukrainian State Film Agency to withdraw state funding from "My Young Prince" - a film featuring a gay romance story. In the explanatory note, they stated that "an open, erotic, homosexual context using Christian symbols and allusions to biblical works" causes outrage among Ukrainian citizens. They also claimed that the film promotes foreign, non-traditional values. The State Film Agency responded that withdrawal of funding awarded through a competitive selection is outside their mandate. The Agency also reminded that

according to the Constitution, the national cultural policy should be based on ensuring creative freedom and equal rights and opportunities.

The film's director, a Ukrainian of Armenian origin, Khachatour Vasilian reported an avalanche of hate speech and threats against him, following the release of the trailer.

HEALTH

The adoption of the new trans healthcare protocol continued to be stalled this year, mostly due to the COVID-19 pandemic and the frequent changes in the staff of the Ministry of Health and the Minister itself. In November, Insight hosted an online meeting with trans healthcare experts and the Ministry of Health. The Ministry agreed to continue cooperation to improve trans healthcare as part of efforts to implement ICD-11.

In February, the Public Health Centre of the Ministry of Health opened a tender for research into behaviors of 'homosexual' and bisexual men to inform HIV prevention programmes.

In April, the Ministry of Health removed blood donation restrictions on people "who have homosexual contacts". The new regulations focus on 'risky behaviour' instead of risk groups.

NGO Fulcrum published a handbook for mental health professionals on how to support LGBT clients.

HUMAN RIGHTS DEFENDERS

The LGBT+ community, feminists and other social groups were constantly facing attacks and intimidation again this year from conservative and ultra-right groups. NGO Insight and LIGA were both attacked. Individual LGBTQ+ activists also reported ongoing harassment and intimidation campaigns against them.



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