

UKRAINE

The developments reported in this chapter are to be understood in the context of the full-scale invasion of Ukraine by the Russian Federation. We acknowledge that war disrupts the regular functioning of governments, public authorities and broader society. It therefore impacts how advances in terms of new legislation, public policies and other equality measures can be made. This said, it does not negate the obligation from Ukrainian authorities to ensure that the human rights of LGBTI people are fully respected and protected, which is what ILGA-Europe continues to monitor.

ASYLUM

Almost eight million people have fled Ukraine since the start of the war, most to neighbouring countries. LGBTIQ organisations across Europe organised humanitarian aid, housing, and financial support for LGBTIQ asylum seekers.

BIAS-MOTIVATED SPEECH AND VIOLENCE

Anti-LGBT hate speech and hate crimes continued to be a severe issue this year, despite the war and LGBT people's active participation in the country's defence (see [here](#), [here](#), [here](#), [here](#), [here](#), [here](#)). Hate crimes were common in the occupied territories as well, where LGBTQ people reported cases of extortion, torture, kidnapping, harassment, imprisonment, and violence, including sexual violence at the hands of Russian soldiers.

In January, the last of four perpetrators in a 2021 homophobic attack was sentenced to four years in prison.

In May, Commissioner for Human Rights, Lyudmila Denisova filed a criminal complaint against Frankivsk mayor, Ruslan Martsinkiv for homophobic hate speech after he reaffirmed his position in an interview that "gays cannot be patriots".

In June, adviser to the President, Aleksey Arestovich said he considered LGBT people to be "deviant", and while he is against violence, he does oppose "LGBT propaganda". Civil society called for his removal from office.

The hate crime bill no. 5488, which would criminalise

hate crimes committed on the grounds of inter alia, sexual orientation and gender identity, was stalled this year. The bill was introduced in 2021 and was one of the measures in Ukraine's Human Rights Strategy and Action Plan (2021-2023). Civil society continued to advocate for its speedy adoption (see also under Public opinion).

On 22 June, Ukraine ratified the Istanbul Convention.

In October, LGBT organisations submitted a public letter to the All-Ukrainian Council of Churches and Religious Organisations asking for an open dialogue to discuss how Churches communicate about LGBT people. The Council is an opponent of the hate crime bill. no. 5488.

Nash Mir's annual report documented 55 hate crimes against LGBT people in 2021. Nash Mir documented more than 75 hate crimes in 2022, the majority of which were in some way connected to military operations. Nash Mir noted that the numbers might be much higher as it was difficult to document cases in occupied territories.

In December, the Verkhovna Rada, Ukraine's Parliament, adopted a law on media with 299 out of 331 votes in favour. The law prohibits bias-motivated speech inciting discrimination on the grounds of SOGI. Such statements will be classified as significant violations.

EQUALITY AND NON-DISCRIMINATION

Nash Mir's annual report documented 141 cases of discrimination and violence against LGBT people in 2021, a decrease compared to the previous two years.

In March, Ombudsperson Lyudmila Denisova's annual report highlighted that her Office received 18 reports on anti-LGBT+ discrimination in 2021. The Ombudsperson Office identified 15 additional human rights violations in their monitoring of traditional media and social media platforms.

In November, the Ukrainian Parliament Commissioner for Human Rights established an Advisory Council. A representative of the LGBTIQ community was included in the council.



FAMILY

Between June and August, almost 30,000 people signed the petition on the legalisation of same-sex marriages - passing the necessary 25,000 threshold. In August, President Zelensky appealed to PM Denys Shmygal to consider providing legal recognition to same-gender couples. Same-gender couples have no access to information about each other's health status or to hospital visits, which is even more serious in wartimes. In November, the story of a straight woman made headlines after she announced to marry a gay friend, who had been in the military throughout the war, but whose partner of 15 years would have no recognition from the state.

Fulcrum UA launched a web platform and information campaign promoting civil unions and published a booklet on marriage equality. The main national media, StarLight Media, made a statement supporting civil unions for same-sex couples.

FOREIGN POLICY

On 24 February, Russian troops invaded Ukraine - the war continues to date. In early March, the UN established an Independent International Commission of Inquiry on Ukraine, which concluded in October that Russia had committed an array of war crimes. The war has impacted LGBTI people in Ukraine in numerous ways. A few days after the invasion started, the news was leaked that Russia might have a list of LGBT activists to target.

Insight published a detailed analysis of the 'The Situation of LGBT+ People in Ukraine during the War'.

Ukraine applied for EU candidate status in February, which it received in June. Several questions in Ukraine's candidacy questionnaire focused on LGBTQ rights.

FREEDOM OF ASSEMBLY

On 25 September, activists held a 'Metro Pride march' in the Kharkiv metro as the city was undergoing constant shelling. At least one participant was attacked after the Pride event. Kyiv Pride was held in Warsaw in June, in cooperation with Warsaw Pride, and the Pride organisers joined several Pride events in other European countries.

HEALTH

The adoption of a new healthcare protocol as part of the implementation of ICD-11 was to be stalled due to the war.

Due to the war, trans and intersex people experienced serious difficulties accessing trans and intersex-specific health care. The availability of hormones got worse and some friendly healthcare professionals left the country.

A draft law on HIV prevention and protection of people living with HIV, developed in cooperation with the Ministry of Health and following WHO guidelines, is expected to be adopted by the Verkhovna Rada in early 2023.

HOUSING

As many lost their livelihood, homes and work, activists organised shelters (see also here) and humanitarian aid for LGBT people, their families, and allies, since the onset of the war, for instance for those fleeing the eastern and southern parts of the country.

HUMAN RIGHTS DEFENDERS

LGBTQ activists have reported ongoing harassment and intimidation campaigns against them, as well as violence. ZMINA's report documented 108 cases of harassment and violence against activists in 2021.

In January, Kharkiv's Pride Hub was vandalised. In January and a few days after the start of the war, Nash Mir's office in Kyiv was attacked and vandalised by a nationalist group; four activists were beaten, and their phones and a car were stolen. In the occupied territories, the office of the LGBTQ organisation Insha in Kherson was attacked by Russian soldiers in May. Insha's staff had been evacuated earlier.

LEGAL GENDER RECOGNITION

Trans people faced particular difficulties this year when trying to flee the country if their documents did not match their gender expression. The inclusion of trans people in military processes and an unclear interpretation of the legislation on military records, among other reasons, prevented trans people from crossing the border.



Trans people who could not receive gender-affirmative screenings due to COVID-related measures have experienced difficulties in accessing diagnosis and psychiatric screenings during the war.

PARTICIPATION IN PUBLIC, CULTURAL AND POLITICAL LIFE

Well-known actor, Oleksandr Piskunov came out as gay in a social media post, which he deleted later.

Two feature films centering LGBT characters were being produced this year.

In November, the Taras Shevchenko National Museum in Kyiv presented an exhibition featuring the photos and stories of LGBTIQ+ military personnel.

In December, Fulcrum conducted the III Forum of Allies BAM! (business, activism, media). There, members of the Parliament, business representatives, artists and entertainers discussed why it is essential to support LGBTIQ equality during war time. These discussions were addressed to the larger society and had a great reach on social media.

POLICE AND LAW ENFORCEMENT

According to unofficial statistics, about 10% of LGBT people participate in military operations against Russia. There are confirmed cases of trans people joining the army, but no measures are in place to ensure inclusion and safety. Several people reported harassment and discrimination on the basis of SOGI or HIV status in the army and in recruitment and social support centres, and/or when being drafted for service. Nash Mir also documented physical and sexual violence LGBTIQ people suffered at the hands of other soldiers.

Since the onset of the war, LGBTIQ civilians have reported countless incidents where they faced harassment and violence at checkpoints where the police, the army, or the Territorial Defence checked their documents and personal belongings. The head of the LGBT military association called for legal recognition for same-gender couples, highlighting that many LGBT people serve in the army and have fought in the ongoing war.

In a survey, prison managers said no LGBT people are currently detained in Ukraine. The Kharkiv Institute of Human Rights highlighted that LGBT inmates do exist and face discrimination and detention.

PUBLIC OPINION

A number of public opinion studies were published this year, showing that public attitudes towards LGBT people had increased significantly over the past few years, including in terms of family recognition (see here), equal rights in general (see here), and the prohibition of discrimination and hate speech targeting LGBT people (see here). One study found that the number of people with a positive attitude towards LGBT people had quadrupled since 2016.

KyivPride conducted national research on attitudes towards LGBT people during wartime. The study looked at opinions on hate speech, marriage equality, same-sex relations and other. Preliminary results show that although negative attitudes remain, over half respondents had an indifferent (45%) or positive attitude (13%) towards LGBT people. The study may be published in 2023.

SOCIAL SECURITY AND SOCIAL PROTECTION

Activists managing shelters reported that communication with mainstream humanitarian organisations had been cumbersome, and many LGBTIQ people avoided appealing to these due to fear of discrimination, and that some experienced discrimination.

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