

# FROM DESPAIR TO HOPE

LGBT situation in Ukraine in 2014



LGBT Human Rights Nash Mir Center  
Council of LGBT Organizations of Ukraine

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## **From Despair to Hope. LGBT situation in Ukraine in 2014**

This publication provides information that reflects the social, legal and political situation of the LGBT (lesbian, gay, bisexual and transgender) community in Ukraine in 2014. Here are to be found data and analyses on issues related to the rights and interests of LGBT persons in legislation, public and political life, public opinion, and examples of discrimination on the ground of sexual orientation etc.

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## SUMMARY

In 2014, the law relating to LGBT interests in Ukraine has undergone some changes. Amendments to anti-discrimination legislation theoretically facilitate the possibility of overcoming unequal treatment towards LGBTs, and the Association Agreement between Ukraine and the EU placed on our state a clear commitment to prohibit explicitly discrimination on the ground of sexual orientation in employment. However, these legislative changes only created the opportunity for further reform of Ukrainian legislation and implementation of European standards, but they led to no significant changes in the law's practical application. We noted both a (hopefully temporary) refusal by the new Ukrainian government to include sexual orientation and gender identity explicitly in the list of grounds protected from discrimination, and a quiet abolition of all homophobic draft laws which were previously introduced before Parliament.

During 2014 representatives of Ukrainian state bodies and local governments largely refrained from any statements and actions regarding LGBTs.

The political life of Ukraine in 2014 was characterized above all by transition of ideological confrontation between the "Russian World" and modern West in the public consciousness to a real, bloody conflict. This process began in the events of the so-called Euromaidan in late 2013 – early 2014, and continued with the Russian occupation of Crimea and southern Donbas. Issues related to LGBTs faded away against the backdrop of these more encompassing events, becoming only a symbolic marker within the Russia/EU geopolitical choice. In such circumstances, Ukrainian politicians, who support a European future for Ukraine, divided into two groups: conservative, declaring tolerance towards LGBT people but not ready to give them equal rights, and liberal, rejecting any discrimination. Openly homophobic pro-Ukrainian political forces became marginal and lost early parliamentary elections. Pro-Russian politicians, whose essential marker is declarative homophobia, in the circumstances of Russia's war against Ukraine, mostly betrayed openly their homeland and left the Ukrainian political field.

The difficult situation in the country in 2014 (political, economic and social crisis; occupation of Crimea; the war in Donbas) generally distracted the attention of the media and Ukrainian society from the rest of the topics, including issues related to LGBT life – all the more so since this situation has led to a noticeable decrease in public activity of the Ukrainian LGBT community. However, both the national media and the general public could not overlook paying some attention to the dramatic changes that took place during 2014 in relation to LGBT people around the world, especially in countries of the Western civilization zone.

Leading Ukrainian churches noticeably reduced their homophobic activity back in 2013, and in 2014 this trend remained. Perhaps not wanting to look like defenders of "The Russian World traditional values", they have moved from outright incitement of general hostility and hatred against LGBT people and calls for their discrimination, to a more moderate condemnation of LGBT organizations' public activism and criticism of the worldwide trend towards recognition of same-sex marriage and adoption of children by same-sex couples.

2014 was a year of dramatic and fateful events in Ukraine. The Ukrainian LGBT community participated in all these events – from Euromaidan to war with terrorists and Russian invaders in Donbas – along with all Ukrainian society as an integral part of it. In view of the difficult situation in the country, most of the Ukrainian LGBT community's activity this year was aimed at overcoming our nationwide crisis and defending the push for a European future for our country.

Nash Mir Center has documented 54 cases of rights' violations on grounds of the victims' sexual orientation or gender identity, covering the period from October 2013 to December 2014. The greatest number of cases occurred in Zhytomyr (14), Chernivtsi (12) and Kyiv (11). In addition, in Ternopil, Ivano-

Frankivsk, Kharkiv, Vinnytsia, Odesa were documented 2 incidents in each city, and 1 incident in each of the cities of Cherkasy, Lviv, Dnipropetrovsk, Kryvyi Rih, Luhansk, Donetsk, and in AR Crimea.

Zhytomyr and Chernivtsi dominated the number of collected cases among the other locations simply because in 2014 we conducted special projects focused on documenting cases in these target cities. This suggests that the real level of discrimination and violence against LGBT people in many Ukrainian cities would be much higher than shown in this report, if only we could provide more effective information collection in these regions. Accordingly, we emphasize that this report provides not a quantitative but solely a qualitative assessment of the situation.

However much the situation of LGBTs worsened during the last year in Ukraine in general, it cannot be compared with the more dire situation in the occupied territories: that is, in Crimea, and especially in the area of the anti-terrorist operation (ATO) in Donbas. In each of these regions the situation exhibits great local peculiarities. The one characteristic that unites them is the fact that any social activities -- and even the social visibility of LGBT people -- have become forbidden and dangerous for LGBTs' existence.

In view of the fact that in 2014 Ukraine finally chose the European vector of development and began the process of preparation for its accession by EU, the problem became quite urgent to overcome traditional homophobia and discrimination against LGBT people in Ukrainian society. Acceptance for LGBTs is one of the most important markers of modern Western society, which distinguishes it from the authoritarian, totalitarian and archaic countries led by Russia. Furthermore, for the last decade equal inclusion socially and under the law has become an essential standard, in the absence of which it is basically impossible to talk about the successful integration of Ukraine into modern Europe.

## 1. LEGISLATION AND JUSTICE

In 2014, the law relating to LGBT interests in Ukraine has undergone some changes. Amendments to anti-discrimination legislation theoretically facilitate the possibility of overcoming unequal treatment towards LGBTs, and the Association Agreement between Ukraine and the EU placed on our state a clear commitment to prohibit explicitly discrimination on the ground of sexual orientation in employment. However, these legislative changes only created the opportunity for further reform of Ukrainian legislation and implementation of European standards, but they led to no significant changes in the law's practical application. We noted both a (hopefully temporary) refusal by the new Ukrainian government to include sexual orientation and gender identity explicitly in the list of grounds protected from discrimination, and a quiet abolition of all homophobic draft laws which were previously introduced before Parliament.

On January 28, 2014, Prime Minister of Ukraine Mykola Azarov resigned, which caused an automatic resignation of the entire government and the withdrawal of all governmental bills that had not been considered by the Verkhovna Rada in the first reading. In particular, it applied to Bill 2342 "On Amendments to Certain Legislative Acts of Ukraine on Preventing and Combating Discrimination in Ukraine", which was introduced by the Cabinet of Ministers within the framework of Ukraine's obligations under the EU-Ukraine Visa Liberalization Plan. This governmental document, in particular, had to amend Article 2<sup>1</sup> of the Code of Labour Laws of Ukraine, adding sexual orientation to the list of grounds on which the state guarantees the equality of labour rights. The new interim government of Arsenii Yatsenyuk instead introduced before the Verkhovna Rada Bill 4581, which is almost no different from that like document of the previous government, except for exclusion of the said amendment to the Code of Labour Laws.

In discussions with Western partners the new leadership explained their behaviour (rather paradoxical for an allegedly pro-European liberal government) by stating that they had wanted to guarantee rapid and unimpeded passage of this bill through the old and conservative Parliament. They asked Western partners to take into account the highly complex and difficult situation in which Ukraine found itself at the time. According to the new Ukrainian government (that became known to us from sources within the European Commission) they would leave in the amendments to the anti-discrimination legislation the most important points -- which should significantly improve its overall efficiency. The rest of the Council of Europe's experts' comments they promised to consider later. On May 13, 2014, the Verkhovna Rada adopted the Law of Ukraine "On Amendments to Certain Legislative Acts of Ukraine on Preventing and Combating Discrimination"<sup>1</sup> based upon Bill 4581.

On April 3, 2014, the MFA of Ukraine and the Ministry of Justice sent the Chairperson of the High Specialized Court of Ukraine for Civil and Criminal Cases a letter in which they asked the High Specialized Court to provide lower level Ukrainian courts with an explanation that the concept of "other grounds", which is used in Article 21 of the Code of Labour Laws, includes sexual orientation in particular. On May 7, 2014, the Chairperson of the High Specialized Court issued Letter 10-644/0/4-14 that contained the desired clarification<sup>2</sup>. According to the opinion of the new Ukrainian government, they had to replace temporarily the necessary legislative changes within the framework of Ukrainian obligations before the EU. The European Commission decided to meet the request of the new Ukrainian government and agreed to consider the first phase of the Visa Liberalization Action Plan fulfilled, noting that the transition to the practical implementation of the visa-free regime will happen only after making all necessary changes to legislation and the estimation of their implementation's effectiveness. Since official interpretation of laws in Ukraine may be done only by the Constitutional Court, the letter of the

<sup>1</sup> <http://zakon2.rada.gov.ua/laws/show/1263-18>

<sup>2</sup> <http://zakon4.rada.gov.ua/laws/show/v-644740-14>

High Specialized Court is of only an advisory and not binding character for lower courts. Much more important is the fact that according to the law "On Amendments to Certain Legislative Acts of Ukraine on Preventing and Combating Discrimination", Article 60 of the Civil Procedure Code of Ukraine was supplemented with a provision that shifts the burden of proof in court cases on discrimination onto the respondent, if there are facts that may indicate discrimination. Although at the time of drafting this report we have not been aware of any precedents of using this provision in practice, it greatly enhances the opportunities to protect the rights of victims of discrimination in employment.

On November 12, 2014, the Ministry of Social Policy of Ukraine published the draft of the new Labour Code<sup>3</sup> in which Article 6 mentions sexual orientation among the grounds protected from discrimination in employment, but this project had not even been introduced before the Parliament by the beginning of February 2015. Considering the fate of all the previous Labour Code drafts, its timely adoption seems very doubtful, and urgent changes to the current Code of Labour Laws are not mentioned in the plans of the Ukrainian government. Meanwhile, Annex XXXIX to the Association Agreement between Ukraine and the EU reads<sup>4</sup> that within 4 years from this Agreement's entry into force shall be implemented provisions of EU Council Directive 2000/78/EC from 27.11.2000.<sup>5</sup> This directive, in particular, prohibits discrimination based on sexual orientation in employment, and all member states and candidates for the EU had to introduce corresponding clear explicit prohibition in their legislations.

Not put forward by the Ukrainian government are any other legislative proposals to address unequal treatment of LGBT people, at the beginning of 2015. As before, the Family Code of Ukraine contains Articles 74 "Right to property of woman and man who live as one family, but not married to each other or any other person" and 91 "Right to maintenance of man and woman who are not married to each other" as well as Article 211 "Persons who may be adopters" – all of which openly discriminate against de facto spousal same-sex couples compared to similar heterosexual ones. Also remains the discriminatory ban on adoption of children for transgender persons (the Ministry of Health's Order 479 from 20.08.2008 "On approving the list of diseases in case of which a person may not be an adopter"). The Criminal Code of Ukraine does not consider a citizen's homo- or transphobic motives as aggravating circumstances in crimes: it does not forbid a reputed offender from expressing or acting out feelings inciting hostility and hate commensurate with homo- or transphobic motives.

In November 2014 a transgender woman (MtF), a public activist, filed an administrative suit against the Ministry of Health of Ukraine to abolish certain items of the unnecessarily rigid and restrictive sex change procedure set by the Ministry of Health's Order 60 from 3.02.2011 "On improving granting medical care to persons in need of sex change (correction)." In January 2015, the District Administrative Court of Kyiv satisfied her claims; it remains for the future to demonstrate the fate of this order.<sup>6</sup>

We consider the most positive development in 2014 to combat discrimination is that all the current homophobic draft laws in the Verkhovna Rada were finally withdrawn from consideration under its Rules. First, in April, was automatically withdrawn Bill 1155 "On Prohibiting Propaganda of Same-Sex Sexual Relations Aimed at Children" by Vadym Kolesnichenko MP -- because the Bill's author had betrayed his country and lost Ukrainian citizenship and his seat in Parliament. After early parliamentary elections, these bills were automatically withdrawn from consideration: Bill 2133 "On Amendments to Certain Legislative Acts of Ukraine (to Prevent Adoption of Ukrainian Citizens by Persons Who Are in

<sup>3</sup> Міністерство соціальної політики України, *Проект Трудового кодексу України*, 12.11.2014 <http://mlsp.kmu.gov.ua/document/168367>

<sup>4</sup> [http://www.kmu.gov.ua/docs/Agreement/Annex\\_XXVI\\_to\\_XLIII\\_to\\_Agreement.pdf](http://www.kmu.gov.ua/docs/Agreement/Annex_XXVI_to_XLIII_to_Agreement.pdf) p. 59

<sup>5</sup> [www.minjust.gov.ua/file/32391](http://www.minjust.gov.ua/file/32391)

<sup>6</sup> Гражданская инициатива "Т-ема", *Дело при участии Общественной организации «Гражданская инициатива «Т-ема» и при поддержке Фонда стратегических дел Коалиции противодействия дискриминации в Украине*, 22.01.2015 [http://t-ema.org.ua/Announcement\\_of\\_lawsuit\\_result.html](http://t-ema.org.ua/Announcement_of_lawsuit_result.html)

Same-Sex Marriages)" and 2342-1 "On Amendments to Certain Legislative Acts of Ukraine on Preventing and Combating Discrimination in Ukraine" by Ihor Miroshnychenko and Oleksandr Myrnyi MPs (Svoboda Party) – both bills as not having been adopted in the first reading before the current Parliament ended its term of mandate. Finally, Bill 0945 (previously 8711) "On Amendments to Some Legislative Acts (Regarding Protection of Children's Rights to Safe Information Space)", which was adopted in a first reading by the Verkhovna Rada of VI convocation, was not included in September 2014 to the agenda by the Parliament of VII convocation. According to the official reply of the Secretariat of the Parliamentary Committee on Freedom of Speech and Information Policy to Nash Mir Center's information request, the Bill is considered as rejected and withdrawn from consideration.

## 2. STATE AND LOCAL GOVERNMENT

During 2014 representatives of Ukrainian state bodies and local governments largely refrained from any statements and actions regarding LGBTs.

A notable exception was the situation around the March for Equality that was held in Kyiv on July 5 within the framework of the LGBT festival KyivPride2014. Although, unlike the previous actions of the Kyiv authorities in 2013, the new Kyiv Mayor and Head of Kyiv City State Administration Vitalii Klychko did not try to ban the peaceful march for equality, as organizers of KyivPride informed us, when dealing with them he persistently called this event "entertainment", despite all their explanations of its human rights nature, and insisted on its abolition as inappropriate in this difficult time, even though Kyiv did not lack really entertaining events in that time.<sup>7</sup> Eventually, after the commander of the Kyiv police refused to guarantee the safety of marchers, the organizers had to cancel the event.<sup>8</sup> According to Lidia Dietrich, a City Councillor of Munich, who met with the Mayor of Kyiv Vitalii Klychko during the Eurocities conference in November 2014 in her city, responding to her call for human rights protection, he said that he considered human rights a good cause but is not going to protect the rights of LGBT people.<sup>9</sup>

Mostly conservative, but pro-European, the new Ukrainian government in 2014 tried in every way to avoid any references to LGBTs, occasionally venturing to hint at their disagreement with the Western dominant tendency to provide LGBTs equal rights and to protect their interests. Thus, Prime Minister Arsenii Yatsenyuk, when responding to the Council of Evangelical Protestant Churches of Ukraine's appeal, said that "Also I take a principled stand on family values. One may be liberal in the economy, regulatory policy, but not in regard to marital life" – apparently referring to his prejudices against same-sex marriage and adoption.<sup>10</sup>

A similar attitude towards LGBTs is shared by representatives of local governments in Ukraine, consisting mostly of the same political forces which are represented in the national government and Parliament. Thus, Iryna Vereshchuk, the Mayor of Rava-Ruska, in her Facebook commentary seemed very frightened by the fact that homosexuals are increasingly often becoming her colleagues in European countries: "This trend is scary, gay mayors are getting closer and closer ..."<sup>11</sup>

<sup>7</sup> Гей-Альянс Україна, *Отмена Марша равенства: Повесть о том, как оргкомитет с властями общался* [http://upogau.org/ru/ourview/ourview\\_1210.html](http://upogau.org/ru/ourview/ourview_1210.html)

<sup>8</sup> Національний ЛГБТ портал України, *Марш рівності ЛГБТ у Києві скасували*, 04.07.2014 [https://lgbt.org.ua/news/show\\_1627/](https://lgbt.org.ua/news/show_1627/)

<sup>9</sup> Гей-Альянс Україна, *Віталій Кличко: "Я не буду заступатися за геїв і лесбіянок"* [http://upogau.org/ru/inform/uaneews/uaneews\\_1619.html](http://upogau.org/ru/inform/uaneews/uaneews_1619.html)

<sup>10</sup> ВСЦ ЄХБ, *Відповідь Арсенія Яценюка на запит від РЕПЦУ* [http://ecbua.info/index.php?option=com\\_content&view=article&id=3235](http://ecbua.info/index.php?option=com_content&view=article&id=3235)

<sup>11</sup> Національний ЛГБТ портал України, *Міська голова Рави-Руської занепокоєна обранням у Польщі мера гея*, 03.12.2014 [https://lgbt.org.ua/news/show\\_2213/](https://lgbt.org.ua/news/show_2213/)



To put it mildly, one strange and inexplicable behaviour (which in recent years, in general is rather unusual for Ukrainian authorities) demonstrates that the State Registration Service is delaying in every way, contrary to the law, registration of National LGBT Portal of Ukraine as a news agency. Throughout the second half of 2014, the State Registration Service did not register and did not refuse to register this Internet outlet, claiming that they did not understand the meaning of the abbreviation "LGBT" (although there are several organizations registered in Ukraine which have this acronym in their names). Then they tried to get from the National Commission on Public Morality a conclusion "on providing expertise of videomaterials and information placed in electronic form on the website of National LGBT portal of Ukraine." The SRS currently carries on the trial, the adjudication results of which will hopefully put an end to this rudimentary surge of homophobia from an Ukrainian state agency.<sup>12</sup>

The only public institution that rather consistently sought to protect the rights of LGBT people as well as in the previous year, was the Ukrainian Parliamentary Commissioner for Human Rights. The annual report of the Commissioner on observance and protection of human rights and freedoms in Ukraine, which was presented in April 2014, for the first time contained an entire chapter devoted to discrimination on grounds of sexual orientation or gender identity.<sup>13</sup> It should also be noted that in 2014 representatives of the Ombudsman's Secretariat helped to conduct and participated in various events dedicated to protection of LGBT rights in Ukraine.<sup>14</sup> At the same time, Commissioner Valeriya Lutkovska consistently tried to avoid direct references to LGBT persons as a group, or sexual orientation and gender identity as grounds, protected from discrimination in Ukrainian legislation.<sup>15</sup>

As before, the Ukrainian police are typically inactive in cases when homophobic groups disrupt LGBT events or activities of LGBT organizations, and are inactive, too, in pursuing further investigation of these cases: the police simply refused to see violations done by attackers and do not wish to conduct proper investigations.

### 3. POLITICS

The political life of Ukraine in 2014 was characterized above all by transition of ideological confrontation between the "Russian World" and modern West in the public consciousness to a real, bloody conflict. This process began in the events of the so-called Euromaidan in late 2013 – early 2014, and continued with the Russian occupation of Crimea and southern Donbas. Issues related to LGBTs faded away against the backdrop of these more encompassing events, becoming only a symbolic marker within the Russia/EU geopolitical choice. In such circumstances, Ukrainian politicians, who support a European future for Ukraine, divided into two groups: conservative, declaring tolerance towards LGBT people but not ready to give them equal rights, and liberal, rejecting any discrimination. Openly homophobic pro-Ukrainian political forces became marginal and lost early parliamentary elections. Pro-Russian politicians, whose essential marker is declarative homophobia, in the circumstances of Russia's war against Ukraine, mostly betrayed openly their homeland and left the Ukrainian political field.

<sup>12</sup> Національний ЛГБТ портал України, *Півроку Держреєстр не може зрозуміти, що означає акронім "ЛГБТ" і тому написав два звернення в Комісію з моралі*, 17.12.2014

[https://lgbt.org.ua/news/show\\_2267/https://lgbt.org.ua/news/show\\_2267/](https://lgbt.org.ua/news/show_2267/https://lgbt.org.ua/news/show_2267/)

<sup>13</sup> Уповноважений Верховної Ради України з прав людини, *Щорічна доповідь Уповноваженого Верховної Ради України з прав людини про стан дотримання та захисту прав і свобод людини в Україні*, 2014 [http://www.ombudsman.gov.ua/files/Dopovidi/dopovid\\_2014b.pdf](http://www.ombudsman.gov.ua/files/Dopovidi/dopovid_2014b.pdf) p. 403-407

<sup>14</sup> Уповноважений Верховної Ради України з прав людини, *Проведено круглий стіл з питань захисту від дискримінації представників спільноти ЛГБТ*, 04.07.2014

<http://www.ombudsman.gov.ua/ua/all-news/pr/23714-yk-provedeno-kruglij-stil-z-pitan-zaxistu-vid-diskriminatsii-predstavnik/>

<sup>15</sup> Національний ЛГБТ портал України, *Уповноважена Верховної Ради з прав людини вважає антидискримінаційний закон декларативним*, 14.11.2014 [https://lgbt.org.ua/news/show\\_2146/](https://lgbt.org.ua/news/show_2146/)

A blatantly homophobic stand is still taken by the far-right nationalist forces, especially Svoboda Party and a new party, Pravyi Sektor (the Right Sector). Both these political forces lost early parliamentary elections, not overcoming the 5% voting barrier, although their individual members won in some majority districts – 6 members of Svoboda and 2 of the Right Sector. The recognized leader and face of the latter is Dmytro Yarosh MP, famous for his homophobic views, but as for relevant laws he believes that "Now is not the proper time."<sup>16</sup> Another Member of Parliament from the Right Sector also became widely known: Borislav Bereza, who, however, expressed his views on the matter as quite opposite to those declared by his sworn brother Yarosh -- "Violation of LGBT people's rights, as well as anti-Semitism, is a real and important problem ... Personally I have no questions about members of the LGBT community, and I guess it's a matter of personal freedom," and he condemned a homophobic incident at Kinopanorama cinema.<sup>17</sup> He also said that the words of the Right Sector press secretary Artem Skoropadskyi that this "military-political movement" has claimed responsibility for this event are only a personal opinion of the latter, and not the official position of the party. In response, the official website of the Right Sector published a declaration of the principled homophobic stand of the movement<sup>18</sup>, however completely anonymous. The spokesman of the Right Sector Skoropadskyi could not explain who exactly wrote and published this statement on the official website of the party<sup>19</sup>; instead, soon there appeared an announcement on behalf of some Information Office of the Right Sector, in which it was stated that "At the present time, Mr. Borislav [Bereza] does not represent the Right Sector in the Verkhovna Rada."<sup>20</sup> It seems that this party is rather a virtual project without any centralized leadership, coordination and clear policy. Apparently, the official position of the Right Sector in matters of morality is formulated by its spokesman A. Skoropadskyi – but it is not clear whether he bases it on his own beliefs or has any instructions from the leaders of his political force. In an interview with the Latvian Radio LSM from 02.25.2014 he said, "We are often asked if we are ready to integrate into Europe. Of course, Europe is closer to us than authoritarian savage Russia with its current regime. But we look at Europe without rosy-coloured glasses – we see that there is a lot of negativity, such as loyal attitude towards LGBTs and total liberalism. We are not ready to listen to this. We are Christians, and we cannot give up the belief that we had. We want to make Europe healthier, that Ukraine would be a strong state which could dictate, no, not dictate, but advise, tell Europe where it needs to go."<sup>21</sup>

Much clearer is the policy of Svoboda Party, whose members always consistently expressed their contempt for the LGBT community. A former MP Ihor Miroshnychenko, for example, considers attitude towards "Muscovites and faggots" as the sign of belonging to Svoboda.<sup>22</sup>

However, such an attitude in Ukraine is not a characteristic exclusive to far-right nationalists and neo-Nazis. Dirty homophobic curses can be heard even from representatives of those parties that consider themselves moderate pro-European political forces, as for example from Oleh Kanivets, number 11 on the electoral list of Hromadyanska Posytsiya (Civic Position) Party. At the request of one of this report's authors to explain such a civic position held by his colleague, the leader of the party Anatolii Hrytsenko answered by blocking the author on his Facebook account. Well, this stonewalling action of his taken instead of an answer is also extremely clear in its intention.

<sup>16</sup> Національний ЛГБТ портал України, *Ярош сказав, що зараз не час для гомофобних законів*, 28.11.2014 [https://lgbt.org.ua/news/show\\_2199/](https://lgbt.org.ua/news/show_2199/)

<sup>17</sup> Національний ЛГБТ портал України, *Депутат Береза з «Правого сектору» назвав порушення прав ЛГБТ важливою проблемою в Україні*, 02.12.2014 [https://lgbt.org.ua/news/show\\_2207/](https://lgbt.org.ua/news/show_2207/)

<sup>18</sup> Правий сектор, *Правий сектор за традиційні українські цінності*, 03.12.2014 <http://pravyysektor.info/appeals/pravyi-sektor-za-tradytsijni-ukrajinski-tsinnosti/>

<sup>19</sup> Національний ЛГБТ портал України, *Речник «Правого сектору» Скоропадський не знає, хто пише гомофобні «звернення» на сайті його партії*, 04.12.2014 [https://lgbt.org.ua/news/show\\_2220/](https://lgbt.org.ua/news/show_2220/)

<sup>20</sup> Правий сектор, *Офіційне повідомлення*, 25.12.2014 <http://pravyysektor.info/news/ofitsijne-povidomlennya/>

<sup>21</sup> Latvijas Sabiedriskie mediji, *Правый сектор: «Мы расскажем Европе, куда ей идти»*, 25.02.2014 <http://www.lsm.lv/ru/statja/mir/novosti/pravyi-sektor-mi-rasskazhem-evrope-kuda-ey-iditi.a78435/>

<sup>22</sup> [https://www.facebook.com/permalink.php?story\\_fbid=807000306005340&id=100000861344520](https://www.facebook.com/permalink.php?story_fbid=807000306005340&id=100000861344520)



*Ihor Miroshnychenko favours this attitude towards fags.*



*Oleh Kanivets replies "Fuck you faggot!" to a request on his position on prohibition of discrimination against LGBT persons (the cityscape is a random photo from lgbt.org.ua website).*

Unremitting hatred of LGBTs also marked a radical Ukrainian Nationalist, Ihor Mosiichuk, who last year became a Member of Parliament from the Radical Party. In July 2014, he called on Kyiv Mayor Vitalii Klychko to stop "rampant sodomy in the capital" (meaning the March for Equality)<sup>23</sup>, and in November he called persons suspected in the arson of Zhovten cinema "prisoners of conscience."<sup>24</sup>

Quite a scandal erupted around an attempt by known gay activist Bohdan Hloba to join the Democratic Alliance Party. As it turned out, the party, which many Ukrainians believed to be a Liberal political force, is actually a Christian Democratic one: that is, quite traditional for conservatives in Ukrainian politics. Viktor Andrusiv, a Deputy Chairperson of Democratic Alliance, explained his refusal to accept B. Hloba in the party by saying that "... we have serious disagreements with visions of LGBT community. For us, the family is a husband, wife and children; we believe that the most important of the family's function is to ensure procreation, prolongation of society. Thus for us it is very important to keep exactly this understanding of the family and its functions in society. We oppose attempts to extend the meaning of the family, the sacrament of marriage, etc., to gay couples."<sup>25</sup>

The majority of Ukrainian politicians in 2014, responding to a question on protection of LGBT people's rights, tried to answer with common politically correct phrases, avoiding any specific wording. Thus, Oleh Lyashko, the leader of the Radical Party, explaining his attitude as a presidential candidate towards prohibition of discrimination on grounds of sexual orientation and gender identity, said that "The private life is only a person's own business. I believe that no country, no government has the right to interfere in personal life. I regarded normally people of any orientation. It is their choice, it is their right, but it is not my business to tell as the president, with whom people should sleep and what to do. My task is that the rights of everyone would be respected in the country."<sup>26</sup>

<sup>23</sup> Національний ЛГБТ портал України, *Вибори, вибори, кандидати-гомофоби: "Радикальна партія Олега Ляшка"*, 30.09.2014 [https://lgbt.org.ua/life/opinion/show\\_1942/](https://lgbt.org.ua/life/opinion/show_1942/)

<sup>24</sup> Національний ЛГБТ портал України, *9 номер у списку партії Ляшка назвав підпалювачів "Жовтня" в'язнями сумління*, 03.11.2014 [https://lgbt.org.ua/news/show\\_2099/](https://lgbt.org.ua/news/show_2099/)

<sup>25</sup> Точка опори, *Пошта Точка Орогу – Демократичний Альянс*, 02.06.2014 [http://t-o.org.ua/files/DA\\_letter.pdf](http://t-o.org.ua/files/DA_letter.pdf)

<sup>26</sup> Національний ЛГБТ портал України, *Ляшко "нормально" ставиться до будь-яких сексорієнтацій*, 19.05.2014 [https://lgbt.org.ua/news/show\\_1435/](https://lgbt.org.ua/news/show_1435/)

Meanwhile, in the early parliamentary elections in 2014, several political parties and individual politicians participated that openly expressed their support for equal rights for LGBT people. The most consistent position was taken by a little-known party Ukraine of the Future, whose leader Svyatoslav Oliinyk repeatedly supported protection of LGBT rights and the combating of homophobia. In 2014, while participating in the National Debates programme on the First National TV Channel, he was the only participant who answered in the affirmative to the question "Do you support same-sex marriage in Ukraine?" – "As a representative of a Liberal party, I cannot but support it."<sup>27</sup> Tetyana Montyan, a lawyer known for her statements on protection of LGBTs and against homophobia, also took part in the elections.<sup>28</sup> Even one of the candidates of the Opposition Bloc (which as a whole is known for Soviet-conservative sympathies) Denys Rzhavsky, spoke out against discrimination based on sexual orientation in his Facebook.<sup>29</sup> Unfortunately, none of the above mentioned candidates have entered into the new Ukrainian parliament.

However, these elections brought to the Verkhovna Rada a powerful new political force that openly advocates the elimination of discrimination and violence against LGBT people in Ukraine: Petro Poroshenko Bloc party, which predictably formed the largest faction in the Parliament. In his official reply to the request of National LGBT Portal of Ukraine, the Head of this party's Secretariat Maxym Savrasov, in particular, said that they "... advocate adoption of effective anti-discrimination legislation without any exceptions. We consider as the duty of the state to ensure the equality of all citizens regardless of their religion, political beliefs or sexual orientation. Therefore, we advocate safeguarding security of LGBT communities and introduction of criminal liability for any discrimination, including on ground of sexual orientation."<sup>30</sup>

This party's position is quite consistent with the views of its honorary leader, the President of Ukraine Petro Poroshenko, which he expressed in May 2014 as then-candidate for his current position. On the eve of the presidential elections Amnesty International in Ukraine along with some Ukrainian human rights organizations – Euromaidan SOS, Coalition for Combatting Discrimination in Ukraine, Ukrainian Helsinki Human Rights Union, and the Center for Civil Liberties – analysed the election programmes and answers to the questionnaire proposed to the presidential candidates. Among other things, the questionnaire contained the question "What is your position regarding prohibition in Ukraine of discrimination on grounds of sexual orientation and gender identity?"<sup>31</sup> Of those candidates who answered this question, the majority (Oleksandr Klymenko, Vasyl Tsushko, Anatolii Hrytsenko, Yuliya Tymoshenko and Oleh Tyahnybok) opposed discrimination in general, but in various formulations they omitted mentioning explicit legislative prohibition of discrimination against LGBT persons. Renat Kuzmin called this problem "out of place"; Andrii Hrynenko denied its existence at all. Only Petro Poroshenko answered the question directly and clearly: discrimination on grounds of SOGI should be legally prohibited in all spheres [of life regulated by the law].<sup>32</sup>

During the election campaign before the early parliamentary elections on October 26, 2014, some attempts were documented to use the so-called black and pink PR – i.e. insinuation about homosexual

<sup>27</sup> Національний ЛГБТ портал України, «Україна майбутнього» готова підтримати одностатеві партнерства в Україні, 16.10.2014 [https://lgbt.org.ua/news/show\\_2024/](https://lgbt.org.ua/news/show_2024/)

<sup>28</sup> Спільна Дія, Тетяна Монтян: У нашій партії немає хворих на голову гомофобів, <http://sdiya.org/tetyana-montyan-u-nashiiy-partiiyi-nemaie-hvorih-na-golovu-gomofobiiv.html>

<sup>29</sup> <https://www.facebook.com/photo.php?fbid=10204909826007117>

<sup>30</sup> Національний ЛГБТ портал України, «БЛОК ПЕТРА ПОРОШЕНКА» бажає впровадження кримінальної відповідальності за будь-які прояви дискримінації ЛГБТ, 03.11.2014 [https://lgbt.org.ua/news/show\\_2100/](https://lgbt.org.ua/news/show_2100/)

<sup>31</sup> Радіо Свобода, Змова бездіяльності навколо заборони дискримінації ЛГБТ, 15.02.2015 <http://www.radiosvoboda.org/content/article/25371997.html>

<sup>32</sup> Коаліція з протидії дискримінації в Україні, ПРАВА ЛЮДИНИ ПОНАД УСЕ? Місце прав людини в програмах кандидатів у Президенти на позачергових виборах 25 травня 2014 року. Звіт правозахисних організацій, 2014 [http://antidi.org.ua/images/Elections\\_Survey\\_AI\\_Ukraine\\_16052014.pdf](http://antidi.org.ua/images/Elections_Survey_AI_Ukraine_16052014.pdf) p. 9

orientation of certain parliamentary candidates.<sup>33</sup> However, as in previous years, these attempts have not caused a significant public interest and did not affect the results of the voting.

#### 4. MEDIA AND SOCIETY

The difficult situation in the country in 2014 (political, economic and social crisis; occupation of Crimea; the war in Donbas) generally distracted the attention of the media and Ukrainian society from the rest of the topics, including issues related to LGBT life – all the more so since this situation has led to a noticeable decrease in public activity of the Ukrainian LGBT community. However, both the national media and the general public could not overlook paying some attention to the dramatic changes that took place during 2014 in relation to LGBT people around the world, especially in countries of the Western civilization zone.

The most notable LGBT events in Ukraine were, of course, the activities within LGBT Forum Festival KyivPride2014 (including preparation for the March for Equality in July and its abolition on the eve of the scheduled date). According to the data obtained during the monitoring of Internet publications devoted to these events,<sup>34</sup> in June-July 2014 there were found 476 such publications in whole (both in regular editions and in social networks), which is about one fifth of those dedicated to the previous festival KyivPride2013. The analysis of publications in 2014 showed that most of them had a neutral, balanced (equally presenting different points of view) or positive character towards LGBTs. A minority of publications was clearly negative towards LGBTs, and most of those combined homophobia with Ukrainophobia – such materials were typical mainly for the Russian press and Internet. 317 publications contained illustrations, of which nearly three-quarters were assessed by the monitors as quite adequate.<sup>35</sup>

Comparing with the coverage of LGBT events in previous years, we conclude that the professionalism and impartiality of Ukrainian mass media in covering issues related to LGBT life are gradually increasing, and homophobia goes into the category of imported goods of Russian origin.

The 2014 developments most notable for the media and Ukrainian society regarding LGBT matters occurred outside Ukraine. They consisted in the reported rapid growth of social acceptance of LGBT people in the Western civilization zone – in almost all developed countries of the world as well as in Latin America. Among these memorable events, above all was the spread of legal recognition for same-sex marriages and registered partnerships, statements by prominent public and political figures in support of equal rights for LGBTs and against homophobia, and the start of reviewing traditionally homophobic views on personal and family life in various Christian denominations, especially in the Roman Catholic Church. It is no exaggeration to state that the major newsmakers for Ukrainians in matters related to sexual orientation and gender identity in 2014 were Pope Francis and President Obama.

The sociological survey that was conducted by GfK Ukraine at the request of AUCO Fulcrum in December 2014 showed that more than a third (34.4%) of Ukrainians aged 15 to 59 supported legislative

<sup>33</sup> Гей-Альянс Украина, *В разгар предвыборной гонки украинские политики дискредитируют друг друга, используя тему ЛГБТ* [http://upogau.org/ru/inform/uanews/uanews\\_1557.html](http://upogau.org/ru/inform/uanews/uanews_1557.html)

<sup>34</sup> Нефедович Л. Л., Шеремет С. П., *Отчёт по результатам мониторинга интернет-публикаций о КиевПрайде2014 за период с июня по июль 2014 г.* [electronic document] Release of 15.09.2014 (The document is available at Nash Mir Center)

<sup>35</sup> Ibid.

prohibition of discrimination on ground of sexual orientation; about the same number (36.6%) did not, and just under a third (29%) could not decide on this issue.<sup>36</sup>

## 5. CHURCHES AND RELIGIOUS ORGANIZATIONS

Leading Ukrainian churches noticeably reduced their homophobic activity back in 2013, and in 2014 this trend remained. Perhaps not wanting to look like defenders of “The Russian World traditional values”, they have moved from outright incitement of general hostility and hatred against LGBT people and calls for their discrimination, to a more moderate condemnation of LGBT organizations' public activism and criticism of the worldwide trend towards recognition of same-sex marriage and adoption of children by same-sex couples.

Except for the Ukrainian Orthodox Church, the attitude of the remaining large Ukrainian churches to the process of Ukraine's integration into the modern European community of nations may be, in general, characterized by the words of Patriarch Filaret, the head of the Ukrainian Orthodox Church – Kyiv Patriarchate. He said, "In Europe we have to move, because we are a part of the European civilization: democracy, technological progress and high quality of life. We must strive for better. Do not forget that historically Ukraine is a European state. ... Moving to Europe, we not only take but give too. Spirituality in Ukraine is higher than in the West. For example, when we become full members of the European Union, we will fight against same-sex marriages. Europe alone cannot overcome this evil, we will help them. The Ukrainian people does not accept such marriages, thus Ukraine as a part of Europe will bring a new attitude to this sin."<sup>37</sup> Interestingly, the stand of Patriarch Filaret completely coincides with statements of the Right Sector's spokesman Artem Skoropadskyi (please see above "Politics" section of this report).

Metropolitan Onufrii, the head of the Ukrainian Orthodox Church (Moscow Patriarchate) and famous supporter of the "Russian World", shares the attitude of his rival to same-sex marriages, although he comes to the opposite conclusion – Ukraine has nothing to do in Europe: "Europe already shows us a concrete example of a life without Christ. They do not pay attention to the commandments of the Lord, to His prohibitions there. ... For instance, about marriage. God blessed to marry man and woman, Adam and Eve. Not two Adams, not two Eves. But to Adam and Eve He said, "Be fruitful and multiply." And now they introduced laws which God condemns – these are same-sex marriages. ... Therefore, the laws that the new, European world, offers to us today, are unacceptable to us. We may not contribute and join this world. We need to maintain the unity with those people who keep God's law."<sup>38</sup>

Ukrainian Catholics in 2014 apparently experienced severe cognitive dissonance against the backdrop of repeated tolerant, if not to say friendly, statements of Pope Francis towards LGBT people.<sup>39</sup> The stand of the new Catholic leadership is in stark contrast to homophobic statements by Major Archbishop Svyatoslav, the Head of the Ukrainian Greek Catholic Church in previous years<sup>40</sup> – that is probably why officials of both UGCC and Ukrainian Roman Catholics throughout the year avoided the mentioning of LGBTs.

<sup>36</sup> Національний ЛГБТ портал України, *Третина українців у віці до 60 років підтримують заборону дискримінації за ознакою сексуальної орієнтації*, 20.01.2015 [https://lgbt.org.ua/news/show\\_2374/](https://lgbt.org.ua/news/show_2374/)

<sup>37</sup> Цензор.Нет, *Патріарх Філарет: "Стражданнями український народ доводить, що має право на власну державу"*, 22.10.2014 <http://censor.net.ua/r308324>

<sup>38</sup> Интерфакс Религия, *Все, кто с Христом, должны прекратить кровопролитие*, 18.06.2014 <http://www.interfax-religion.ru/?act=interview&div=396>

<sup>39</sup> Вікна, *Католицька церква готова змінити ставлення до геїв*, 10.14.2014 <http://vikna.if.ua/news/category/all/2014/10/14/23451/view>

<sup>40</sup> Святослав Шевчук, *Блаженніший Святослав: Гріх гомосексуалізму прирівнюється до людинобивства* <http://headugcc.info/intervyu/blazhennishyj-svyatoslav-hrih-homoseksualizmu-pryrivnyujetsya-do-lyudynovbyvstva.html>

The only church that voiced their attitude against holding the summer 2014 March for Equality (which they consistently referred to as a "gay parade") was the UOC (MP), through its then-spokesman Heorhii Kovalenko. At that, this representative of the church formulated his disapproval claims in a rather discreet manner, without explicit calls for violence and bans: "... we ask the organizers of KyivPride2014 to refrain from holding gay parade "March for Equality" in Kyiv ... At the same time we call the authorities to prevent carrying out actions of LGBT community, which may cause clashes and violence, as well as adversely affect public morality."<sup>41</sup> As you know, the new Kyiv authorities met the wishes of the Moscow Patriarchate in Ukraine, and made it impossible to hold this event.

## 6. LGBT COMMUNITY

2014 was a year of dramatic and fateful events in Ukraine. The Ukrainian LGBT community participated in all these events – from Euromaidan to war with terrorists and Russian invaders in Donbas – along with all Ukrainian society as an integral part of it. In view of the difficult situation in the country, most of the Ukrainian LGBT community's activity this year was aimed at overcoming our nationwide crisis and defending the push for a European future for our country.

Early in 2014, the central district of Kyiv saw another attempted use of the homophobic stereotypes common to Ukrainian society -- in order to discredit Euromaidan. Unidentified organizers hired through social networks about four dozen performers, promising to pay 150-200 dollars to each for participating in a brief public action. Clad according to a grotesque image of frivolous homosexuals, young people under the guidance of professional animators danced about an hour and made faces to music under EU flags and LGBT symbols on the Besarabska Square. Obviously, the action was intended to cause negative feelings towards LGBT people and Euromaidan. In advance the organizers held a press conference about its event's planned place and time, probably hoping to cause aggression by young nationalists who guarded the barricades on the outskirts of Independence Square. However, the true LGBT activists also in advance had established cooperation with the Euromaidan guards. The activists stood before the hired actors and explained to the audience present there the real purpose and nature of the scene going on. The provocation failed, no one was hurt and deceived.<sup>42</sup> However, the organizers held on January 13 another press conference to announce that one of the female participants was beaten.<sup>43</sup> The next day, representatives of human rights and LGBT organizations held a press conference to explain the plans of this and similar provocations' organizers, and the true intentions and aims of the Ukrainian LGBT community.<sup>44</sup>

Meanwhile, LGBT activists actually participated in Euromaidan – however, understanding the complexity of their situation and not wanting in this difficult moment to draw attention to the differences between the very various social and political forces united against dictatorship in Ukraine, they consciously decided to refrain from use of LGBT symbols and the wide publicity potential of their belonging to the LGBT movement. Along with all defenders of democracy and freedom in Ukraine during the events of

<sup>41</sup> Православ'є в Україні, Речник УПЦ — про майбутній гей-парад у Києві, 26.06.2014 <http://orthodoxy.org.ua/data/rechnik-upc-pro-maybutniy-gey-parad-u-kiievi.html>

<sup>42</sup> Національний ЛГБТ портал України, «Гей-титушки» провели марш «ЛГБТ спільноти» - що це було???, 11.01.2014 [https://lgbt.org.ua/news/show\\_1056/](https://lgbt.org.ua/news/show_1056/)

<sup>43</sup> УНІАН, Захисники прав сексменшин заявляють про побиття при спробі встановити намети на Майдані, 13.01.2014 <http://www.unian.ua/politics/871804-zahisniki-prav-seksmenshin-zayavlyayut-pro-pobittya-pri-sprobi-vstanoviti-nameti-na-maydani.html>

<sup>44</sup> Гей-Альянс Україна, Гей-титушки, Майдан и сообщество [http://upogau.org/ru/ourview/ourview\\_656.html](http://upogau.org/ru/ourview/ourview_656.html)

winter 2013-2014, in particular, such well-known Ukrainian LGBT activists as Zoryan Kis (pictured below) and Olena Shevchenko took part.<sup>45</sup>



*Zoryan Kis requested President Putin to let Ukraine go.*

After the Revolution of Dignity won and new pro-European political forces came to power, the issue of equality for LGBTs finally appeared on the agenda of pressing and urgent social and political reforms in Ukraine. One of the most famous Ukrainian LGBT leaders Bohdan Hloba, who also took part in the events around Euromaidan, became an assistant of Hrygorii Nemyrya, the Chairperson of the Parliamentary Committee on Human Rights, National Minorities and International Relations.<sup>46</sup>

However, the events surrounding the next LGBT Festival Forum KyivPride2014 demonstrated difficulties that the Ukrainian LGBT movement has to overcome even after the final choice of the European course for the country. Although most of the planned activities during the festival were held, as in previous years, without obstacles, the main public event – the March for Equality – for the year was cancelled by the organizers due to failure of the Kyiv police to ensure the safety of the participants (for details please see above section "State and local government" of this report). The concerns of the KyivPride organizing committee seem quite justified, considering the surge of homophobic aggression observed in Ukraine in 2014. We report more about this in the next section, but here we just want to note that, for example,

<sup>45</sup> [http://www.segodnya.ua/ukraine/v-zhenskuyu-sotnyu-na-maydane-massovo-zapisyvayutsya-devushki-495373.html](http://www.segodnya.ua/ukraine/v-zhenskuyu-sotnyu-na-maydane-massovo-zapisyvayutsya-devushki), 12.02.2014

<sup>46</sup> Національний ЛГБТ портал України, ЛГБТ-активіст Богдан Глоба став помічником-консультантом народного депутата Немири, 15.01.2014 [https://lgbt.org.ua/news/show\\_2352/](https://lgbt.org.ua/news/show_2352/)



the Drag Queen Fest Odesa 2014 in club Domino, as in the previous year, experienced a real assault by aggressive young men under total inaction of the police present at the scene.<sup>47</sup>

The most famous act of homophobic aggression in 2014 was the arson of Zhovten cinema on the night of 29 to 30 October, during screening of the film "Summer Nights" from the traditional LGBT movies programme Sunny Bunny within the Kyiv International Film Festival Molodist. The detained criminal suspects immediately declared in the investigation that the motive for their actions was the desire to disrupt the showing of an LGBT movie.<sup>48</sup> Later a group of people who called themselves activists of the Right Sector foiled the showing of another film within the same programme in Kinopanorama cinema.<sup>49</sup> However, during 13-16 December 2014 the same cinema without any problems hosted the Festival for Equality, covering lives of discriminated minorities in Ukraine, LGBT community as well.<sup>50</sup>

As already mentioned, Ukrainian LGBT people participate in everyday life along with the rest of Ukrainian society; however, because of widespread homophobia they still rarely dare to live openly and not hiding their sexual orientation. One can only speculate, for example, the actual number of Ukrainian gays and lesbians involved in the anti-terrorist operations in the East, risking their health and even their lives to defend the homeland: for example, Oleksandr Lysokon perished, a former director of an Odesa gay club, returning home from the war.<sup>51</sup> Only some occasional evidence lets us see that they have intimate friends who love them and are waiting for them at home.



*A Facebook user and gay Jewish Ukrainian Nationalist proposes to host up to two families in his home while his boyfriend fights terrorists.*

In addition to a sharp rise in homophobic aggression, one of the main challenges that the Ukrainian LGBT community faced last year is the general political and economic crisis – causing a sharp decrease in possible sources for financing social activities. Western donors are changing funding priorities for supported projects, and the Global Fund to Fight AIDS, Tuberculosis and Malaria is going to diminish their programmes in Ukraine in the next several years. It is openly known that many Ukrainian LGBT organizations were able to work due to the Global Fund's supportive programmes on preventing and combatting the spread of HIV among men who have sex with men. Under reduction of alternative

<sup>47</sup> Гей-Альянс Украина, Одесский клуб, где проходила ЛГБТ-вечеринка, атаковали последователи неонациста Тесака [http://upogau.org/ru/inform/uaneews/uaneews\\_1631.html](http://upogau.org/ru/inform/uaneews/uaneews_1631.html)

<sup>48</sup> Незалежне бюро новин, Затримані стверджують, що підпалили «Жовтень» через фільм про ЛГБТ, 01.11.2014 <http://nbnews.com.ua/ua/news/135697/>

<sup>49</sup> Art Ukraine, Зірвано показ фільму в рамках кінофестивалю «Молодість» у кінотеатрі «Кінопанорама», 31.10.2014 <http://artukraine.com.ua/n/zirvano-pokaz-filmu-v-ramkakh-kinofestivalyu-molodist-u-kinoteatri-kinopanorama>

<sup>50</sup> Центр інформації про права людини, Фестиваль рівності: про дискримінацію через мистецтво, 17.12.2014 [http://humanrights.org.ua/material/festival\\_rivnosti\\_pro\\_diskriminaciju\\_cherez\\_mistectvo](http://humanrights.org.ua/material/festival_rivnosti_pro_diskriminaciju_cherez_mistectvo)

<sup>51</sup> Гей-Альянс Украина, Среди погибших бойцов добровольческого батальона "Шторм" оказался директор одесского гей-клуба "Тема" [http://upogau.org/ru/inform/uaneews/uaneews\\_1449.html](http://upogau.org/ru/inform/uaneews/uaneews_1449.html)

funding sources, they barely can find the necessary support to continue their efforts to protect the rights and interests of LGBT community.

Meanwhile, recent years have shown the strengthening and effective development of Ukrainian LGBT community, so it would be especially regressive to lose our recent achievements. In particular, by the end of 2014 there appeared Civic Initiative "T-ema", a new LGBT organization – the first notable purely transgender project in the country.<sup>52</sup> As noted above in this report's chapter "Law and Justice", the newly created organization immediately distinguished itself with an historic victory in court and thus cancelled two items from the Ministry of Health's Order 60 from 03.02.2011, which regulates the procedure of sex change (correction) in Ukraine. Transgender activists are not stopping there and hope to achieve from the Ministry of Health a radical revision of this very important document, many provisions of which for a long time have caused justifiable and correct criticism.

Very significant progress was demonstrated by Ukrainian electronic LGBT media: noteworthy responsiveness and professionalism in coverage of events, and a high level of original articles appearing in such editions as, first of all, National LGBT Portal of Ukraine<sup>53</sup> and Gay Alliance Ukraine's website<sup>54</sup> (though the latter evidently lacks a Ukrainian language version).

Last year Parental Initiative Tergo<sup>55</sup> continued its activities, being the first Ukrainian project aimed at parents of LGBT children; the subject is very important and relevant to our society. NGO Insight in October 2014 opened in Kiev a shelter for LGBT people who were forced to flee their homes in the occupied territories of Ukraine and found themselves in very difficult living conditions.<sup>56</sup>

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<sup>52</sup> Гражданская инициатива "Т-ема", [http://t-ema.org.ua/about\\_us.html](http://t-ema.org.ua/about_us.html)

<sup>53</sup> Національний ЛГБТ портал України, <https://lgbt.org.ua/>

<sup>54</sup> Гей-Альянс Україна, <http://upogau.org/>

<sup>55</sup> Терго, Ініціатива для батьків ЛГБТ-дітей <http://tergo.org.ua/>

<sup>56</sup> Інсайт, «Інсайт» откривает Шелтер для ЛГБТ-переселенцев, 15.10.2014 <http://insight-ukraine.org/lgbt-shelter/>

## 7. DISCRIMINATION AND VIOLENCE AGAINST LGBTs

Nash Mir Center has documented 54 cases of rights' violations on grounds of the victims' sexual orientation or gender identity, covering the period from October 2013 to December 2014. The greatest number of cases occurred in Zhytomyr (14), Chernivtsi (12) and Kyiv (11). In addition, in Ternopil, Ivano-Frankivsk, Kharkiv, Vinnytsia, Odesa were documented 2 incidents in each city, and 1 incident in each of the cities of Cherkasy, Lviv, Dnipropetrovsk, Kryvyi Rih, Luhansk, Donetsk, and in AR Crimea.

Zhytomyr and Chernivtsi dominated the number of collected cases among the other locations simply because in 2014 we conducted special projects focused on documenting cases in these target cities. This suggests that the real level of discrimination and violence against LGBT people in many Ukrainian cities would be much higher than shown in this report, if only we could provide more effective information collection in these regions. Accordingly, we emphasize that this report provides not a quantitative but solely a qualitative assessment of the situation.

### 7.1. Hate Actions against LGBTs

As in previous years, the largest number of cases (37) relates to actions of hate towards homosexual and transgender people. 27 of them may be described as *hate crimes*, and 10 as *hate-motivated incidents*. In 3 of these cases were reported manifestations of *hate speech* (italicized terms are used in accordance with the OSCE classification). The following violations were observed in the documented cases (please see Table 1):

Table 1

Types of violations	Number
insults, humiliation to human dignity	21
physical violence of varying severity	17
illegal collection, disclosure, or threat to disclose confidential information	9
attacks on LGBT events and locations where held	5
robbery	5
degrading treatment, torturing	3
extortion	3
threats of physical violence and to rape	3
manifestations of homophobia in the family (seizure of documents, eviction)	2
kidnapping	1
rape	1
sexual harassment	1
damage to property of LGBT organizations	1

Additionally, in one case the right to the free propagation of information was infringed.

Compared to previous years, the number of hate-motivated incidents against Ukrainian LGBTs in 2014 has increased, and their character became more serious. For example, although the number of cases of physical violence compared to 2013 increased just slightly (from 15 to 17), the injuries received by the

victims became more severe, and attacks on them became more vicious and cruel. Also on the increase was the number of attacks against LGBT events and places they were held -- with flammable substances, weapons or threats of applying such.

**Case 524**<sup>57</sup>

Ihor O. was subjected to brutal attack in early December 2014 in Odesa. The victim found his abuser named Mikhail, who claimed that he was bisexual, on the social network VKontakte. The attack occurred in the victim's apartment, into which he invited a stranger.

"He started beating me with a gun to the head with all his power, abusing me with bad language, thrusting his penis in my mouth, saying "Well, do you like?!" I realized that I needed to run. I thought what is there to do, because I was already covered with my blood and had scratches and bruises on my head. I started to go to the front door and tried to open the latch. As I opened it, he struck another 5 blows. When I got out, already his driver friend stood there and hit me with a stick to my head. I started to ring the door of my neighbours, I was already semi-conscious, and then I lost consciousness. While I was unconscious, the neighbours called an ambulance," Ihor told later.



During the post-traumatic examination, doctors documented a fracture of the right parietal bone, contusions and soft tissue haematoma of the head. Currently the victim has left the hospital. The investigation carries on. The victim claims that only one of the two attackers is under investigation, and the other was released.

Yevhen, Ihor's friend, said that the Press Service of the Odesa Oblast Police Department called the victim's traumas "minor injuries". Yevhen cites these words of the Press Service head Alla Marchenko, as told to him during their private conversations. "He is queer. Why do you protect him?"

<sup>57</sup> Національний ЛГБТ портал України, В Одесі відбулося жорстоке побиття під час розового гей-секс-побачення – екс-активіст FEMEN, 19.12.2014 [https://lgbt.org.ua/news/show\\_2279/](https://lgbt.org.ua/news/show_2279/)

**Case 523**

A similar incident occurred in late November 2014 in Kryvyi Rih. At one of the websites for gay dating, 34-year-old Serhii found a guy for intimate meetings and brought him to his home. This resulted in his receiving 11 penetrating stab wounds in his chest, abdomen and back. The biggest concern of surgeons was the injury to the left lung. The victim found the strength to jump out into the hallway and call for help. The attacker was arrested.

According to Serhii, the investigator neglected the process of investigation; he did not even seize personal things of the attacker from the crime scene. At the time of writing this report, the case has been brought to court and the victim's lawyer has made every effort to see that this case is considered by the court as a hate crime, although Ukrainian legislation does not provide necessary grounds for such a claim.

**Case 520**

On the dating website Mamba, Serhii, a Vinnytsia resident, found a guy and agreed to meet him. On the evening of November 16, 2014, Serhii came to the appointed place, but instead of the guy whose picture was on the website, he was approached by another man who was immediately followed by another 7 men aged 22-35 years. They surrounded Serhii, grabbed him by the clothes, pushed and insulted him because of his sexual orientation, and accused him of paedophilia. Words sounded out, like "fag", "queerie" etc., and threats to beat him. The whole attack process was filmed on camera and mobile phones, and the attackers threatened to spread the video online. Serhii managed to escape from his tormentors and run to the nearest store, where at his request the clerk called the police. The attackers walked around the store and looked inside, then disappeared. Serhii waited 15 minutes but the police did not arrive, so he went home.

**Case 518**

On the night of 10-11 November, 2014, unidentified persons damaged by defacement the sign and facade of a building in Lviv, the location of a social cafe for LGBT community members and the office of Charitable Foundation Avante: a series of obscene words and pictures in black were applied.

Avante's workers submitted a complaint declaration about this act to the city police, but they refused to open criminal proceedings on the basis of there being allegedly too minor a loss -- although, according to the foundation's staff, renewal work after this act of vandalism cost the organization a considerable amount. Unfortunately, the organization did not challenge the decision of the Halytskii District Police Department.



If Ukrainian legislation provided responsibility for hate crimes based on sexual orientation, as is done already on the grounds of race, nationality, or religion, the police would have had to investigate this case regardless of the amount of property damages.

Avante claims this incident is not the first homophobic incident against their cafe from radical far-right groups; because of this continuing pattern they are going to change the location.

**Case 517**<sup>58</sup>

On the night of November 2, 2014, the nightclub Domino in Odesa was attacked while hosting Drag Queen Fest Odessa 2014 contest. Up to 20 young people in camouflage with masked faces surrounded the venue shouting homophobic slogans and holding placards stating "Ebola better than queers", and "Suitcase. Station. Holland." (pictured below). According to the guards of the club, the attackers behaved aggressively and tried to get inside to disrupt the event. For this purpose they were armed with bats, brass knuckles and knives.



Only the club guards prevented those intent on assault from entering the club. Police officers, nearby the club under an agreement with the local authorities to protect public order, did absolutely nothing to unblock the premises despite all requests of the event's organizers. After a one-hour talk by the organizers and guards with the young men, the latter left the scene.

Vitalii Apanasenko, the head of NGO Life Puzzles that held the contest, submitted an application to the police. In his reply to the application for investigation, the chief of the district police department stated that "... while protecting public order, violations were not found." According to the organizers, the unidentified aggressors were members of the newly formed group Verdict of Fashion, which operates similar to the Neonazi group "Okupai-pedofilyai." This case is not the first in Odesa – in 2013 a similar event was also assaulted by "Okupai-pedofilyai." The police have still not investigated that case, though the application was filed in time.

<sup>58</sup> Гей-Альянс Украина, footnote 47

**Case 515**

On the evening of October 29, 2014, Zhovten cinema in the Ukrainian capital was burned. Amidst the demonstration of a movie on a LGBT-related theme during the International Film Festival Molodist, two young men threw into a hall (where about a hundred spectators were present) bottles containing an incendiary mix. The theatre building was seriously damaged because of this crime, which led to its closing. Fortunately, all people were evacuated in time from the building enveloped in a blaze of fire.

In one day, according to the Interior Minister Arsen Avakov, "as a result of the operation, the police arrested two individuals who committed the arson: a Kyiv university student and his jobless friend. They confessed to committing the crime. The evidences exposing them are also presented in video from surveillance cameras."<sup>59</sup>



As reported in turn by Anton Herashchenko, an Advisor of the Interior Minister, the detainees uncovered or clarified their motives for this action: "They wanted to commit an act of hooliganism during a screening on LGBT issues within the Molodist International Festival, in order to thwart this

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<sup>59</sup> Українська правда, Аваков: Міліція затримала підозрюваних у підпалі "Жовтня", 01.11.2014  
<http://www.pravda.com.ua/news/2014/11/1/7042939/>

particular session and thus to demonstrate their contempt for the LGBT community as a whole. The suspects swear that they just wanted to disrupt the session showing the film on LGBT topics and could not imagine that their actions would lead to fire and destruction of the cinema".

The homophobic motive of the crime was also confirmed by the head of the Kyiv police Oleksandr Tereshchuk.<sup>60</sup> Unfortunately, Podilskyi District Office of Public Prosecutor in Kyiv inexplicably tries to minimize the guilt of the suspects, accusing them only of hooliganism. It was the first homophobic incident in Ukraine that endangered the life or health of so many -- several tens -- of people.

### **Case 516**<sup>61</sup>

The day after the arson of Zhovten, militants from the ultra-right organization Right Sector attended another film on an LGBT subject within the programme of Molodist Film Festival, this time in Kinopanorama cinema. Fortunately, the police prevented physical violence and damage to property, but far-right radicals still managed to disrupt the screening, staging a fight with the police and visitors in the cinema lobby and threatening them with assault.



### **Case 514**

In early July 2014 there were attacks on Pomada gay club in the capital. Groups of about 20 unidentified masked youths tried to get inside the private premises on the 5th and 6th of July. A surveillance camera recorded the beginnings of both attacks.<sup>62</sup> Showing off for the camera, one of the attackers even threw his hand up in the Nazi salute (see photograph below). The club guards managed to repel the attacks

<sup>60</sup> ВВС Україна, МВС: справу про підпал "Жовтня" перекваліфікували у "хуліганство", 20.11.2014  
[http://www.bbc.co.uk/ukrainian/news\\_in\\_brief/2014/11/141120\\_sa\\_zhovten\\_theatre\\_inquiry](http://www.bbc.co.uk/ukrainian/news_in_brief/2014/11/141120_sa_zhovten_theatre_inquiry)

<sup>61</sup> Еспресо tv, Чому «Правий сектор» влаштував війну з гейським кіно, 31.10.2014  
[http://espresso.tv/article/2014/10/31/chomu\\_pravyi\\_sektor\\_vlashtuvav\\_viynu\\_z\\_heyskim\\_kino](http://espresso.tv/article/2014/10/31/chomu_pravyi_sektor_vlashtuvav_viynu_z_heyskim_kino)

<sup>62</sup> <https://www.youtube.com/watch?v=XxgHNNHay1w> <https://www.youtube.com/watch?v=RY2e8LoKbnl>



and not let the invaders in. One of the guards suffered a serious injury. Overall, in 2014 at least 9 similar attacks were recorded on the capital's gay clubs Pomada and Andy-bar located in the city centre. In winter, when the Revolution of Dignity events took place nearby, the attacks were directed at non-functioning venues, so only property was seriously affected.

The police arrived, in response to calls by administrators of the clubs, only following recent attacks that occurred in July. In winter the police did not appear, fearing street fighting that took place nearby.



### **Case 505**

On the night of June 7-8, 2014, Donetsk gay club Vavilon was captured by militants of the so-called Donetsk People's Republic, who beat and robbed the club's customers. The administrator of the club venue describes the incident this way: "A group of people, up to 10, broke into the club. First, they took from all visitors their documents, phones, and money. These were returned later, except the money. Two men were severely beaten. The rest of the visitors were injured, and of course, frightened (shocked). As for girls, I personally did not see that they touched them. Only guys suffered. Everything lasted about an hour, no more, and then everyone was released. Of course, the guys have been listening to a lot about themselves meanwhile".<sup>63</sup>

### **Case 498**

Unfortunately, also homophobic was the position of many groups of the so-called Maidan Self-Defense force in Kyiv, which played a decisive role in the Revolution of Dignity. In the spring of 2014 their "hundreds" (units) filled all the Independence Square and Khreshchatyk. It was there in April that members of one of those "hundreds" captured and forcibly detained for a while a couple of gay men who were guilty only of having the imprudence of showing their feelings to each other. Later, the police charged several attackers with kidnapping and extortion. However, Pecherskyi Court, while considering a measure of restraint for detainees, was forced to release the accused in this grave offense just under house arrest under the pressure of their armed comrades who came that day at the courthouse.<sup>64</sup> Unfortunately, we do not know the outcome of this case, as it was impossible to learn the names of either the accused or the victims.

<sup>63</sup> Національний ЛГБТ портал України, *Вночі мародери і сепаратисти ДНР напали на гей-клуб*, 09.06.2014 [https://lgbt.org.ua/news/show\\_1520/](https://lgbt.org.ua/news/show_1520/)

<sup>64</sup> ТСН, *Суд відпустив під домашній арешт "самооборонівців", які побили гомосексуалів на Майдані*, 08.05.2014 <http://tsn.ua/kyiv/sud-vidpustiv-pid-domashniy-aresht-samooboronivciv-yaki-pobili-gomoseksualiv-na-maydani-348719.html>

## 7.2. Relations with Law Enforcement Agencies

During the reporting period there were 13 documented cases indicating violations towards LGBT people by the police. Most often violated were these rights (please see Table 2):

Table 2

Infringed rights (by which actions)	Number
the right to freedom and personal security (violation of procedural rules, physical violence, extortion, abuse of power)	8
freedom from discrimination (insults and humiliation to human dignity)	7
the right to respect for private life (illegal gathering of confidential information and the threat of its disclosure)	5
the right to an effective remedy (failure to protect rights, inadequate performance of functions to protect rights)	5

### Case 522

In late November 2014, Vasyl, a resident of Ternopil, arranged over the social network Vkontakte with a guy for an intimate meeting. The guy requested him to send an intimate photograph, which Vasyl did in private correspondence. At the meeting it became clear that Vasyl had corresponded instead with the staff of the local police who through the Internet provoked gay men for illegal actions -- in imitation of their official duties. The police officers advanced a proposal to Vasyl that surprised not only him but also human rights defenders to whom he then turned. The police offered him a kind of gentleman's deal: he confesses to a crime, but they charge him (instead of under the article on pornography) with the less "painful" crime under the article on procurement, and they pay a fine of 800 hryvnias instead of him. According to Vasyl, it all happened; and as a bonus he received a promise to have his criminal record removed after six months.

It is unknown whether the police followed the required procedural rules, but given the ease with which they juggled with articles of the Criminal Code, there are serious doubts. As we see, law enforcement officials are trying to increase the rates of crime disclosure by any means.

### Case 511

At the end of July 2014 Mykhailo, a successful artist from Ivano-Frankivsk, was called by a girl who proposed to buy some of his work: photographs which along with his contacts were on his webpage in the Vkontakte social network. On the same day they met. She presented herself as a police officer; they were joined by an additional three of her colleagues. She told Mykhailo that they allegedly received a statement that he had infected someone with AIDS. They forced Mykhailo to go to the Vovchanetske Police Station where, without registration protocol (and refusing to present their documents and introduce themselves) they in rough form began preferring charges of various kinds against Mykhailo: HIV infecting, belonging to LGBT minority, distribution of pornography over the Internet, and molestation. They also hinted at the possibility that he could pay off. Mykhailo denied everything and proposed to test his blood for HIV to ascertain the falsity of the allegations. The police took him into some kind of health care facility where a medical worker refused them admission, because the institution had nothing to do with testing for HIV/AIDS. (Mykhailo recalls that the facility was an

oncologic dispensary). Realizing that they had failed with intimidation and extortion, the police officers quickly retreated.

The next day, along with his lawyer Mykhailo submitted a complaint to the local police department chief alleging unlawful acts by his subordinates. He soon received a reply that his complaint was under consideration, but this reply was all. He became no longer interested in the case.

### **7.3. Provision of Goods and Services**

In this area 5 cases of discriminatory treatment towards LGBT people were recorded. They related to denial of service (including refusal to provide a bank loan) and a housing rent matter. In two of these cases the denial was accompanied by insults and threats.

#### ***Case 477***

Maxym, 45-year-old resident of Chernivtsi, is a person with disability and receives a pension. In mid-December 2013, he and his boyfriend came to Comfy shop (43 Hotynska Str.,) to buy a phone on credit for his friend. A Privatbank employee named Dmytro, who processed loans in this store, immediately declared that he could not issue a credit to Maxym, although the latter presented his passport and ID code to Dmytro. Maxim with a friend asked why this was so, and Dmytro replied that loans are not available for persons with disability. Then a shop assistant came to the bank counter and began whispering something to Dmytro. They both started laughing and glancing at Maxym and his companion dismissively. The bank representative demonstrated reluctance to communicate with Maxym, and along with other shop assistants laughed at them.

Maxym says that such a situation was created because the shop assistant saw Maxym's guy companion kiss him for agreeing to buy a phone according to his choice. Maxym said he would complain to the bank and shop management about what happened; the offending employees replied that their chief "cannot stand queer paedophiles, and would tear out his second leg if he will talk too much."

#### ***Case 500***

On March 8, 2014, two gay men visited one of Zhytomyr's small food shops called Svityaz. One of the guys used to visit it often, since he lives nearby. Due to some problems with the schedule of the store, they had to wait a long time for service. Saleswomen, being annoyed with something, began to quarrel with the guys. One of them called them "fags" because she knew one of the men and suspected his homosexual orientation. The second saleswoman said that she would not serve such "freaks" as they. The husband of one of the saleswomen, who at the time was in the store, entered into the squabble. He said that the boys should immediately go away or he would summon his friends from the local "self-defence" (formations from the Revolution of Dignity times) and they would throw the guys out of the store and beat them up. The boys had to leave the store without shopping, and the one who lives nearby feared publicity about his sexual orientation in the area and the negative effects of its being known.

### **7.4. Employment**

In this area 3 cases of discrimination were observed related to denial of employment and harassment by other employees based on sexual orientation.

**Case 508**

Yurii, who has worked in one of the government agencies in Zhytomyr for over 20 years, was expecting a promotion but it did not happen. When he turned to the director of the institution with a question about this, she replied that he would not be promoted due to his "immoral behaviour". Yurii asked what exactly she meant, but she avoided a direct answer and said that he best "do not play a fool; all the staff know everything for a long time." He attributes this to the fact that, shortly before, he was visited by his gay friend at work several times, and the mostly female staff of the institution quickly understood and spread rumours.

Thus, although Yurii is still working in this institution, he has put an "X" across his career and gotten used to being ridiculed by the team due to his sexual orientation. "The situation is a stalemate, now I work meek as a lamb, my mood is at zero, I am constantly in a state of torpid depression," Yurii describes his condition.

**Case 485**

Dmytro, who worked in Chernivtsi as a salesman in a shop, after its closure in February 2014 was forced to look for a new job. The prospective new employer, who liked Dmytro upon first interview, wanted to talk with the applicant's previous employer, so Dmytro gave him the telephone number of the closed shop's owner. Dmytro thought that she had good relations with him and had no complaints regarding his work; meanwhile she knew about his homosexual orientation.

The next day Dmytro returned to the prospective employer, but his attitude had changed dramatically: he rudely told Dmitry that he did not fit. When asked about the reason for the refusal, the owner of the shop said that he "does not need such ones." Dmytro asked what "such ones" means, but the shop owner was furious and said he was not going to explain anything and demanded that Dmytro go away from his store.

Dmytro connects the change in intentions of his prospective employer with the possibility that the owner of the shop, where he worked before, may well have told him about Dmytro's homosexuality.

**7.5. Education**

Only 1 case of discrimination in this area was observed, nonetheless it included both attacks by classmates (bullying) and discriminatory treatment by teachers in one of the schools in Chernivtsi.

## 8. SITUATION IN THE OCCUPIED TERRITORIES

However much the situation of LGBTs worsened during the last year in Ukraine in general, it cannot be compared with the more dire situation in the occupied territories: that is, in Crimea, and especially in the area of the anti-terrorist operation (ATO) in Donbas. In each of these regions the situation exhibits great local peculiarities. The one characteristic that unites them is the fact that any social activities -- and even the social visibility of LGBT people -- have become forbidden and dangerous for LGBTs' existence.

Since the occupation of Crimea by Russia took place in a rather peaceful manner, the everyday lives of most of its inhabitants have not changed too much from what they were before the Russian occupation. The same cannot be said about the volume of and respect for human and civil rights in the region. The contemporary Russian Federation is an authoritarian pseudo-democratic state that only simulates most legal and social institutions typical of European society. Moreover, in recent years the Russian authorities have taken a direction towards reducing even the rights and freedoms supposedly still guaranteed for residents of the RF. Amid the general gross violations of human rights and freedoms for all residents of Crimea and Sevastopol, the situation of local LGBT people is further complicated: there exists official legal and unofficial political discrimination against LGBT persons in Russia in the form of so-called federal and local laws "banning the propaganda of homosexuality" and a consistent policy by the local authorities to prohibit activity of the LGBT community. In addition, government officials, churches and other prominent public figures constantly incite enmity and hatred against LGBTs by provoking and encouraging homophobic and transphobic violence – as, for instance, in comments made by both the very influential Russian journalist Dmitrii Kiselyov and one of the official speakers of the Russian Orthodox Church Dmitrii Smirnov.<sup>65</sup>

At the very beginning of the Russian occupation of Crimea, attempts of the local LGBT community to continue living the same life that they were used to under the Ukrainian authorities, came to an end. The local authorities immediately banned marches to support tolerance and respect for the rights of LGBTs in Sevastopol and Simferopol, the capital of Crimea, and the Russian courts supported the ban.<sup>66</sup> Sergei Aksyonov, the head of the Crimean occupation administration, said that he would not tolerate any public LGBT actions at all, threatening their possible participants with intervention by so-called Crimean self-defence and the local police notorious for their cruelty and lawlessness.<sup>67</sup> In view of these circumstances, further funding and work of LGBT organizations in Crimea and Sevastopol became actually impossible – for example, Charitable Foundation Helios in Simferopol ceased its activity.

The owners of Qbar (a gay-friendly establishment famous and popular in Sevastopol) are an openly gay couple. After the Russian occupation they felt that the new government began to press their business down strongly; also, their family (the couple has a son from a surrogate mother) fell under a serious threat, given the intolerance of the Russian government and society towards LGBT people. They were forced to close their bar and moved to Kyiv.<sup>68</sup>

<sup>65</sup> И. Петровская, «Сердца геев надо сжигать и закапывать в землю». Чадолубивый телеведущий предложил рецепт для спасения детей, Новая газета, 07.04.2012

<http://www.novayagazeta.ru/columns/51985.html>

<sup>66</sup> Комментарии: Крым, Московский суд запретил гей-парады в Крыму, 21.05.2014

<http://crimea.comments.ua/news/2014/05/21/113047.html>

<sup>67</sup> Новая газета, Аксенов заявил, что в Крыму гей-парадов не будет, 02.09.2014

<http://www.novayagazeta.ru/news/1686525.html>

<sup>68</sup> Shuster, S., *Crimea's Gay Community Moves Out as Russian Homophobia Sets In*, Time, 15.10.2014

<http://time.com/3482205/crimea-gay-community-flees-russian-homophobia/>

Even worse was the situation of LGBT persons in the ATO zone.<sup>69</sup> Not to mention the overall humanitarian disaster in the region against the backdrop of constant hostilities and the criminal character of self-proclaimed authorities there -- information repeatedly appears that these pro-Russian authorities of so-called "People's Republics" adopt obscurantist medieval laws banning gay sex (up to the introduction of the death penalty for it<sup>70</sup>) and are setting up the dominant status of the Russian Orthodox Church<sup>71</sup> known for its infernal homophobia.

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<sup>69</sup> Гей-Альянс Украина, *Ксения Чайка: В Донецке сейчас любой человек не может чувствовать себя в безопасности* [http://upogau.org/ru/ourview/ourview\\_1289.html](http://upogau.org/ru/ourview/ourview_1289.html)

<sup>70</sup> Комсомольская правда в Украине, *В Минобороны заявили, что "ДНР" ввели смертную казнь за гомосексуализм*, 14.11.2014 <http://kp.ua/politics/478383-v-mynoborony-zaiavyly-hto-dnr-vvely-smertnuui-kazn-za-homoseksualizm>

<sup>71</sup> Политнавигатор, *ДНР приняла Конституцию: два государственных языка, господствующая вера – православие, союзы однополых — преследуются*, 16.05.2014 <http://www.politnavigator.net/dnr-prinyala-konstituciyu-dva-gosudarstvennykh-yazyka-gospodstvuyushhaya-vera-pravoslavie-soyuzy-odnopolykh-presleduyutsya.html>

## 9. CONCLUSIONS AND RECOMMENDATIONS

In view of the fact that in 2014 Ukraine finally chose the European vector of development and began the process of preparation for its accession by EU, the problem became quite urgent to overcome traditional homophobia and discrimination against LGBT people in Ukrainian society. Acceptance for LGBTs is one of the most important markers of modern Western society, which distinguishes it from the authoritarian, totalitarian and archaic countries led by Russia. Furthermore, for the last decade equal inclusion socially and under the law has become an essential standard, in the absence of which it is basically impossible to talk about the successful integration of Ukraine into modern Europe.

We see that the general crisis in the country in 2014 led to the actual deterioration of the Ukrainian LGBT community's situation, including the growth of homophobic violence. At the same time, though, the radical changes in Ukrainian society and politics provide new opportunities and hope for imminent and significant improvements in this situation. To bring these about basically, we need only the good will and desire of the new government to fulfil immediate actions that we have strongly recommended over practically the entire history of independent Ukraine.

1. **The Verkhovna Rada of Ukraine** is recommended to remove all provisions in the Ukrainian legislation that lead to discrimination on grounds of sexual orientation or gender identity, namely Articles 74 "Right to property of a woman and a man who live as one family, but not married to each other or to any other persons" and 91 "Right to maintenance of a woman and a man who are not married to each other" as well as the relevant provision of Article 211 "Persons who may be adopters" of the Family Code of Ukraine. Their effect should be expanded to same-sex de facto spousal couples or they should be cancelled for all de facto couples. Given the worldwide trend of legal recognition for same-sex spousal couples, we also recommend to the Ukrainian Parliament to adopt a law on registered partnership for such couples. The sharp increase in homophobic aggression also makes us recommend the inclusion of motives of homophobia/transphobia as aggravating circumstances in Articles 161 Part 1, 121 Part 2, 122 Part 2, 126 Part 2, 127 Part 2, 129 Part 2, 293, 296 of the Criminal Code of Ukraine. In the process of further development of the Ukrainian legislation, sexual orientation and gender identity should always be explicitly mentioned among protected grounds.
2. **The President and the Cabinet of Ministers of Ukraine as well as the Parliamentary Commissioner on Human Rights** are recommended to adopt public policies to address inequality, discrimination, tolerance and mutual respect in society, always explicitly mentioning therein sexual orientation and gender identity as protected grounds, and LGBT persons as a vulnerable group.
3. **The Cabinet of Ministers of Ukraine** is recommended to realize priority proposals for implementation of the Recommendation of the Committee of Ministers of the Council of Europe CM/Rec(2010)5 contained in a special report on the results of implementation of this recommendation by Ukraine<sup>72</sup>.
4. In particular, **the Ministry of Health of Ukraine** is recommended
  - to make the necessary changes to Order No. 60 of 03.02.2011 "On improvement of medical assistance to persons needing change (correction) of sex" and Order No. 479 of 20.08.2008 "On establishment of the list of diseases which disqualify a person from

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<sup>72</sup> Nash Mir Center, *Summary Report on implementation of the Recommendation CM/Rec(2010)5 of the Committee of Ministers of the Council of Europe on measures to combat discrimination on grounds of sexual orientation or gender identity by Ukraine* (Nash Mir Center, Kyiv, 2013), p. 5 <http://gay.org.ua/publications/report2012-e.pdf>

being an adoptive parent" according to the suggestions of Council of LGBT Organizations of Ukraine set out in a letter to the Minister of Health of Ukraine dated 14.11.2012;

- to organize an examination of all textbooks and other learning and teaching materials for medical schools approved by the MoH to bring them into compliance with ICD-10, especially in matters relating to sexuality in general and homosexuality in particular, to remove references to this phenomenon as a disease, mental illness, sexual perversion, etc. Besides, to ensure that new learning materials, in order to obtain the approval of the Ministry of Health of Ukraine, are first tested in terms of correct coverage of the issues of sexual orientation.
5. **The Ministry of Internal Affairs of Ukraine** is recommended to conduct regular education of its staff to foster a tolerant attitude and to prevent violation of human rights towards LGBT people; further (in cooperation with the Office of Public Prosecutor) thoroughly and impartially to investigate human rights violations against LGBT people by the police, and bring the perpetrators to account, justice and judgment.
  6. **The public authorities and their representatives** are recommended to consider and be guided in their further activities by the principles enshrined in Article 35 of the Constitution of Ukraine, which states that *"the Church and religious organizations in Ukraine are separated from the State, and the School – from the Church"* and that *"no religion shall be recognized by the State as mandatory."*
  7. **Representatives of state and local governments** are advised to avoid public displays of homophobia, and instead to adhere to the principles of respect, equality and non-discrimination for all social groups.
  8. **Ukrainian media and journalists** are recommended to use illustrative images that veraciously correspond to the content of the publication, and also to avoid using incorrect terms (e.g., *homosexualist, homosexuality* in lieu of the correct terms *homosexual, homosexuality*) in the context of LGBT issues. It is also recommended in cases of obviously provocative and controversial actions perceived as taken on behalf of the LGBT community, to ascertain the sponsorship of alleged organizers of such events and their actual relation to LGBT people.



## 10. METHODOLOGY AND AUTHORS OF THIS REPORT

The main sources of information for this report were the monitoring network of Nash Mir Center, consisting of about 20 LGBT and human rights activists across Ukraine, and public media, especially electronic. Our results cannot be considered statistically reliable in terms of formal sociology discipline, but we maintain that they adequately reflect the current situation of LGBT people in Ukraine, at least from a viewpoint of the Ukrainian LGBT community. Unfortunately, public institutions do not conduct any monitoring and do not collect any information about issues relating to the rights and interests of this social subgroup within the population, so there do not exist any more reliable statistics and analyses on these issues than those published by Ukrainian LGBT and human rights organizations, and individual activists. The guarantee of the veracity and representativeness of our data is our years of activity spent within the Ukrainian LGBT community, our collaboration with leading national and international human rights organizations, and our own experiences as ordinary aware Ukrainian LGBT citizens – we write about what we feel and see around us in everyday life.

The authors of this paper are activists of LGBT Human Rights Nash Mir Center – a non-profit Ukrainian NGO whose purpose is implementation and protection of the rights and freedoms, and the satisfaction of public, social, cultural, political, economic and other interests of the Ukrainian LGBT community. Our history dates back to the mid-1990s when a small group of enthusiasts from the eastern Ukrainian city of Luhansk decided that the time had come for such open public activity. In 1999 Nash Mir Center was officially registered of as an openly LGBT organization.

Our activities are aimed at both the LGBT community and Ukrainian society as a whole. We are currently focusing our efforts on the following:

- Monitoring violations of LGBT rights.
- Legal advice and counselling to victims of discrimination and hate crimes on grounds of sexual orientation or gender identity.
- Legal education of the LGBT community.
- Joint actions with other organizations to protect equal rights for LGBT people at the legislative and political levels.
- Strategic litigation.
- Supporting local initiative groups in their activities of providing social and psychological support to LGBT people, preventing HIV/AIDS among men who have sex with men, mobilizing the LGBT community at the local level.

Nash Mir Center is a co-founder of Council of LGBT Organizations of Ukraine (currently uniting the vast majority of Ukrainian LGBT organizations) and is a member of Coalition for Combating Discrimination in Ukraine – an association of various non-governmental organizations and individual activists who seek to promote equality and eliminate discrimination in Ukrainian society.

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