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Ukraine

BIAS-MOTIVATED SPEECH AND VIOLENCE

The LGBT Human Rights Nash Mir Centre's annual report documented 369 cases of violence and discrimination against LGBT people in 2019.

The Post-Soviet Trans*Coalition documented 11 cases of discrimination and violence against trans people, since the introduction of COVID-19 quarantine measures in March. In two cases, trans people suffered severe violence.

Religious leaders made anti-LGBT statements this year. In February, the Episcopate Commission for the Family stated that "LGBT circles are carrying out a mass ideological attack". In April, Patriarch Filaret blamed the spread of COVID-19 on same-sex marriage. In April, NGO Insight filed a lawsuit against several religious figures for hate speech. Ironically, the Patriarch tested positive for the coronavirus in September.

In June, the European Commission against Racism and Intolerance (ECRI) warned that Ukraine has failed to criminalise anti-LGBT hate speech. ECRI was critical that the 2019 legal change mentioned "sexual belonging", which does not cover either sexual orientation or gender identity. ECRI also recommended Ukraine to criminalise anti-LGBT hate crimes. In the spring, three bills were tabled in parliament on the inclusion of SOGI in the Criminal Code, but the Special Committee on Law Enforcement did not support their adoption. The Committee received hundreds of appeals from religious groups and individuals to block the legislative change.

On 12 June, the KRT TV channel broadcast its Hotline program, filled with anti-LGBT statements. The Commissioner for Human Rights and NGO Alliance.Global reported the incident. In July, the National Council on Television and Radio Broadcasting launched an investigation, later suspending KRT's license and shutting it down.

In October, the Office of the United Nations High Commissioner for Human Rights (OHCHR) expressed concern over anti-LGBT hate crimes and hate speech in Ukraine.

In October, Ombudsperson Lyudmila Denisova spoke out against anti-LGBT+ hate speech and hate crimes and called for effective police investigations.

EQUALITY AND NON-DISCRIMINATION

In February, the Ministry of Justice dissolved its Human Rights Directorate, which had been tasked with, among other things,

coordinating the implementation of the National Human Rights Strategy that expired in 2020. The draft Action Plan on human rights for the next period (2021-2023) was developed by the Ministry, and retains all LGBT rights components, which had not been implemented in the previous period. These include the criminalisation of hate crimes on SOGI grounds and the development of a draft law on registered partnership for same-sex couples. The Strategy and the Action Plan are expected to be adopted in 2021.

LGBT+ veterans continued to speak out against stigma in the military this year.

FAMILY

In January, a new parliamentary cross-party group was established "to protect the eternal values of Ukrainian society and to counter attempts to destroy fundamental natural law in the name of political fashion; preparation and adoption of laws that will promote the strengthening of family values."

On 28 March, Insight held an online Modern Family Forum to promote family diversity.

Insight also published an in-depth report on trans families, covering topics such as marriage and parenting.

FREEDOM OF ASSEMBLY

Kyiv Pride was cancelled due to the COVID-19 pandemic this year. Activists, however, found a creative way to draw attention to LGBT rights issues by flying a drone with a huge rainbow flag across Kyiv for a whole day in June, including to the city's renowned "Motherland" monument. Seen from afar, the woman, i.e. Mother Ukraine is holding a rainbow flag. The organisers also held an online geo-tagging flashmob.

On 30 August, neo-Nazi organisers attacked the participants of a Pride event in Odessa with eggs and pepper spray, ten minutes after the event started. The gathering had to be called off. The police were slow to intervene, but eventually arrested 16 of the attackers.

"Such a level of aggression and impunity has not been seen during any Odessa Pride event in previous years. We call on the National Police to bring to justice those responsible for the attacks on peaceful demonstrators, and take measures against the 'Tradition and Order' for inciting hatred and violence." - Odessa Pride



Due to quarantine restrictions, the Equality March in Kharkiv was held in the form of a motor rally on 13 September, consisting of about 20 cars and 100 participants. No incidents took place.

On 20 September, the first Equality March in the town of Zaporizhzhia took place. The 500 participants, including many LGBT+ organisations from across the country, were effectively protected by police. The police detained one counter-demonstrator, who threatened the participants with violence.

Trans Day of Remembrance was held online this year, due to the COVID-19 pandemic.

FREEDOM OF EXPRESSION

A bill was tabled in April, and rejected in September, to amend the Criminal Code with liability for “propaganda”. Over the summer, two MPs of the centrist Servant to the People party, tabled two other bills, one aiming to ban the “promotion of homosexuality and transgenderism”. Neither were considered by relevant parliamentary committees before the end of the year. A number of similar but unsuccessful attempts had been made in Ukraine before.

In August, a Kyiv court ruled that the public call of multiple municipalities in 2018 “to defend Ukraine’s traditional family” and “ban LGBT propaganda”, was discriminatory.

HEALTH

The adoption of the new trans healthcare protocol continued to be stalled this year, mostly due to the COVID-19 pandemic.

HUMAN RIGHTS DEFENDERS

Published in October, a study on attacks against activists showed that LGBT+ activists were among those most at risk. Earlier, Nash Mir reported that physical meetings on LGBT issues in 2020 continued to be constantly attacked by far-right and traditionalist groups that purposefully sought out their victims.

LGBT+ activists in Kharkiv also reported ongoing harassment and intimidation campaigns against them this year. In the course of 2020, their community centre was attacked almost 20 times. Police did not take any action.

The investigation into a hate crime, and hate crime against LGBTI activist Olena Shevchenko was reopened after a successful appeal, and is ongoing.

LEGAL GENDER RECOGNITION

On 3 November, Parliament approved the bill to amend Civil Code’s article on name change, making it possible for those over 16 to freely change their patronymic on the basis of self-declaration. With some limitations, those under 16 will also be able to do so. The law entered into force on 1 January 2021. In Ukraine, a person’s full name consists of first name, patronymic and surname. Previously, it was only possible to change first names and surnames, even though patronymic is also gendered. The change of patronymic was only possible as part of LGR, which requires a diagnosis and some medical interventions.



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