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UKRAINE

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

ACCESS TO GOODS AND SERVICES

Ukrzaliznytsya, the state railway company, stated that if they introduced separate compartments for women, trans women would also be included. They did not explain how that would be regulated.

Several businesses put up rainbow symbols for Pride month.

ASYLUM

As of November, over six million people are living outside Ukraine as a consequence of the war. Trans people continued reporting harassment and discrimination when trying to cross the border. Many people who had fled the war, returned to Ukraine this year.

BIAS-MOTIVATED SPEECH

2023 is the first year that the law on media prohibits bias-motivated speech inciting discrimination on the grounds of SOGI, following the adoption of the law in late 2022. Hate speech was less common this year than before. For instance, media coverage of the debate on registered partnerships was mostly positive or neutral, with only religious conservative sites being hostile.

Churches and religious associations continued to oppose LGBTI rights equality. For instance, they invited local councils to join a campaign against bill no. 9103 (see under Family). A number of local councils, for instance Kovel, Ivano-Frankivsk and Lutsk, sent appeals to the government to not adopt the bill. The initiative was supported by the “All Together” anti-LGBT movement. The All-Ukrainian Council of Churches and Religious Organisations maintained their anti-LGBTI stance. In March, they appealed to the chairperson of the parliament and in June published a statement on the inadmissibility of bill no. 9103. Several church leaders also made hostile statements about the bill.

In February, the Supreme Court sided with lower instance courts and ruled that the Kyiv Patriarchate’s statements blaming same-sex marriages for the COVID-19 pandemic were an expression of subjective opinion.

The Sunny Bunny international queer film festival received several arson threats.

A number of military members continued making anti-LGBTI statements, for instance saying that the number of LGBTI people in the military is made up or that LGBTI soldiers have anti-Ukraine values.

BIAS-MOTIVATED VIOLENCE

Anti-LGBTI hate crimes continued to be a serious issue this year. Nash Svit documented eight homophobic/transphobic attacks throughout the year. In July, the prominent Ukrainian designer Kostya Omelya was the victim of a homophobic attack in Kyiv. A trans soldier from the Ukrainian armed forces was attacked while on leave in Kyiv.

Bullying and harassment also remained an issue in the armed forces. Hate crimes remained common in the occupied territories as well, where LGBTI people reported cases of extortion, torture, kidnapping, harassment, imprisonment, and violence, including sexual violence at the hands of Russian soldiers.

The Lutsk Community Centre for the LGBTI community, run by Insight, was broken into in June. The suspect is facing charges.

In May, the Committee on Law Enforcement recommended that the parliament adopt bill no. 5488, which would criminalise hate crimes committed on the grounds of, inter alia, sexual orientation and gender identity. The bill was first introduced in 2021 and was one of the measures in Ukraine’s Human Rights Strategy and Action Plan (2021–2023), but the adoption process had been stalled since. By September the bill was prepared for consideration in parliament. Nash Svit documented more than 27 hate crimes in the first six months of 2023.

In November for the first time in Ukraine, an anti LGBTI hate crime offender was punished under Article 161 of the Criminal Code of Ukraine: “Violation of the equality of citizens depending on their race, nationality, religious beliefs, disability and other grounds”, regarding grounds of sexual orientation and gender identity. This judgement pertained to the assault on a trans soldier in Lviv in August 2023.

In November the Podilskyi Court of Kyiv passed a judgement regarding a homophobic attack that took place at the end of May. For the first time the Court applied Article 67 of the Criminal Code in relation to a [homophobic crime](#), which includes gender as an aggravating circumstance. The offenders were sentenced to imprisonment for two years.

EMPLOYMENT

In May, the parliament [amended](#) the law on advertising making it unlawful to make demands in job ads relating to sexual orientation, among other grounds. An IT company [made](#) headlines for including “non-involvement in the LGBTI movement” in a job advert, but following backlash, they deleted the section.

EQUALITY AND NON-DISCRIMINATION

The war has resulted in a boost to codifying LGBTI equality in Ukraine, with several politicians echoing that supporting LGBTI rights is a stance against Russia (see [here](#), [here](#), [here](#), and [here](#)). The war has also [shifted](#) public attitudes towards gender equality.

Two draft bills on anti-discrimination legislation were [discussed](#) this year. Bill no. 0931 aims to protect LGBTI people from physical and psychological violence, insults, neglect, and hate speech. Bill no. 6325-1 D would amend certain legislative acts to combat direct or indirect discrimination and intolerance, including against people on the basis of SOGI.

During Pride month, the Ministry of Culture and the Ministry of Foreign Affairs [changed](#) their social media profile photos to [feature](#) rainbow symbols. The Holos party [did](#) the same. Nash Svit’s [annual report](#) documented 105 cases of discrimination and violence against LGBTI people in 2022, a decrease compared to the previous two years.

FAMILY

In March, Ombudsperson Dmytro Lubinets’s annual report [highlighted](#) that the lack of legal recognition for same-sex couples has become an “acute” issue. In the context of the war, the Ombudsperson highlighted that same-sex couples do not have mutual rights and obligations, in terms of jointly acquired property, inheritance, guardianship, social guarantees provided to family members, the possibility of accompanying a partner’s minor child abroad, the right to decide on the possibility and scope of medical interventions or the possibility of burying a person, etc.

In March, 18 MPs [tabled a bill](#) (nr. 9103) on the institution of registered partnerships in parliament. The bill would make registered partnerships available to all couples regardless of gender and would endow the same rights as in marriage, with the exception of adoption. The bill was [approved](#) by a number of parliamentary committees. The Ministry of Justice stated that it will not push an alternative bill and will support bill 9103 with some amendments.

The Ministry of Defense has [not supported](#) efforts to recognise partnerships, [saying](#) the number of LGBTI soldiers cannot be confirmed. In autumn, after the appointment of a new minister and the subsequent team reshuffle, the Ministry [changed](#) its stance and started supporting the law.

In May, a march “for family values” was held in protest against bill no. 9103, but [received](#) widespread criticism online for attacking LGBTI people and Ukraine’s European integration.

In June, the European Court of Human Rights ruled in [Maymulakhin and Markiv v. Ukraine](#) that the government violated the applicants’ right to privacy, in conjunction with non-discrimination, when failing to provide any legal recognition to them as a couple in 2014. The Court welcomed that Ukraine plans to introduce civil partnership, but noted that this was already included in the 2019 Human Rights Action Plan and has not been implemented. The Court also took into consideration the increase in support for legal recognition in the country (see Public Opinion) and Ukraine’s bid to join the EU.

FOREIGN POLICY

24 February marked one year since Russian troops [invaded](#) Ukraine - the war continues to date. The war has greatly [increased](#) the visibility of LGBTI people, with some estimates [saying](#) between 2-7% of the army is from the community.

A year after Ukraine [received](#) EU candidate status, the European Commission’s report [welcomed](#) the advances to date and encouraged Ukraine to maintain progress, including on family rights and combating hate speech.

FREEDOM OF ASSEMBLY

Pride month in June [received](#) unprecedented support across from [businesses](#) and companies.

Kyiv Pride was [hosted](#) by the city of Liverpool, where the *Eurovision Song Contest* was held after Ukraine won in 2022. Over 20,000 [joined](#) the march, which used the motto “The war

is not over”. Several smaller delegations of Kyiv Pride joined Pride marches across Europe and beyond.

The fifth KharkivPride, at the beginning of September, was the only LGBTI Pride event held inside the country, with the theme “We Unite for Victory.” The event aimed to increase LGBTI engagement in Ukraine’s ongoing challenges by sharing community knowledge, contacts, and resources. The highlight was the Kharkiv Pride march, a 30-minute [art intervention](#) involving nearly 100 participants, symbolising the community’s growing visibility and resilience.

FREEDOM OF EXPRESSION

In February, the parliament [rejected](#) a bill that would have banned “propaganda of homosexuality and transgenderism”. A number of similar bills are also being [discussed](#).

The parliament also [dismissed](#) a resolution that would have withdrawn state support for the production of a film, *My Young Prince*.

HEALTH

Having been stalled because of the war, the implementation of ICD-11 was reactivated by the Ministry of Health. It is still in the initial stages, and has not yet reached the point where the development of the new clinical protocols, including trans health care, can be started.

Due to the war, trans and intersex people continued experiencing serious difficulties accessing trans and intersex-specific health care. The availability of hormones fluctuated and while some friendly healthcare professionals left the country, others were identified by the community.. Several LGBT and trans organisations are providing hormones as part of their general humanitarian aid.

The draft law on HIV prevention and protection of people living with HIV, developed in cooperation with the Ministry of Health and following WHO guidelines, is being [prepared](#) for consideration in parliament. The draft no longer considers unintentional HIV transmission a criminal offence and lowers penalties for knowingly transmitting HIV.

HOUSING

Activists continued organising shelters and humanitarian aid for LGBTI people, their families, and allies, for instance for those fleeing the eastern and southern parts of the country.

HUMAN RIGHTS DEFENDERS

Some organisations had to evacuate and became displaced.

INSTITUTIONAL SUPPORT

(See under Equality and Non-discrimination)

POLICE AND LAW ENFORCEMENT

A number of LGBT soldiers [continued](#) reporting harassment and bullying (see under Bias-motivated speech and violence), including during recruitment.

PUBLIC OPINION

(See also under Equality and Non-discrimination)

A number of public opinion studies were [published](#) this year, showing that public attitudes towards same-sex partnerships are relatively open. For instance, two studies [found](#) that about a third support same-sex partnerships and one in five are neutral; another study [found](#) that more than half of the population are supportive. KIIS’s survey also found that two-thirds of the respondents [thought](#) LGBT people should have the same rights as everyone else.

SOCIAL SECURITY AND SOCIAL PROTECTION

Insight continued training social workers on working with LGBTI people during wartimes.



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