

IMPLEMENTING PARTNERS
OF THE PROJECT "UNITED TO
CONFRONT HATE-MOTIVATED
VIOLENCE IN UKRAINE"



Ukrainian Legal Aid Foundation



LGBT Human Rights Nash Mir Center



Roma Human Rights Protection Center



Congress of Ethnic Communities of Ukraine



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Freedom House Report on Hate Crimes in Ukraine

Introduction

Hate crimes are motivated by bias or prejudice towards a particular group of people based on race, religion, ethnicity, gender, sexual orientation, etc. Such crimes affect not only individuals but also whole communities. The damaging message and feeling of danger and insecurity sent and stoked by these acts will damage mental health among their members and even generate feelings of aggression.

Hate crimes are especially dangerous because, without an adequate response from society and law enforcement agencies, they tend to increase in number and escalate. The perpetrators of violence will believe that their actions are morally justified if the relevant authorities do not punish them.

Aside from being aimed at violating the rights of a certain group of people, such actions have other negative effects. They divide society and arouse prejudice against a particular social group, which can have extremely negative consequences, provoking and exacerbating social tension against the LGBT+ community and the representatives of various ethnic and religious groups, including the Roma community. These offenses pit one group against another and can easily escalate, leading to retaliatory violence, civil unrest, or even conflict on a wider scale.

To assess the situation with hate crimes in Ukraine, Freedom House together with the LGBT+ Human Rights Nash Svit Center, Congress of Ethnic Communities of Ukraine (CECU), and Coalition of Roma Non-Governmental Organizations of Ukraine (NGO) have prepared an annual report. The organizations have explored hate-based misconduct against the LGBT+ community, members of various ethnic, racial and religious groups, in particular Jewish, Roma communities, and foreigners, and came to the following conclusions:

- A downward trend in the number of recorded human rights violations against LGBT+ people has continued for the third consecutive year. However, this may be explained by COVID-19 restrictions that reduced the number of public events.
- The number of attacks on LGBT+ community centers and events by far-right and conservative groups has dropped to the 2019 level. Threats accompany every public event. However, the National Police have improved their practices aimed at protecting public gatherings of LGBT+ people from attacks by far-right groups.
- In 2021, the number of ethnicity-, race- and religion-based hate crimes remained almost the same as in 2020. The *Verkhovna Rada* has passed a law aimed at preventing antisemitism in Ukraine.
- Despite some legislative changes and improved practices, the law enforcement system remains ineffective at investigating hate crimes.

LGBT+

Incidents of LGBT+ Rights Violations

The monitoring network of the *Nash Svit* Center recorded **141 incidents** motivated by homophobia/transphobia, discrimination, and other violations of the human rights of LGBT+ people in Ukraine in 2021. One hundred thirty-one of these incidents occurred in 2021 and the remaining ten incidents happened in 2020.

A downward trend in the number of recorded human rights violations against LGBT+ people has continued for the third consecutive year (188 – in 2020; 369 – in 2019). This is primarily due to COVID-19 measures, which have limited the social activities of both LGBT+ people and their opponents. On top of this, due to a lack of resources, monitors stopped documenting minor incidents of verbal abuse and threats in interpersonal relationships in 2021.

Geographically, most LGBT+ rights violations are recorded in large cities where the representatives of such groups are most visible. Kyiv and Kyiv Region have witnessed the highest number of such incidents, followed far behind by Zhytomyr, Odesa, Kherson, and Lviv.

REGIONAL DIVISION OF THE CASES DOCUMENTED IN 2021



NUMBER OF VARIOUS TYPES OF LGBT+ VIOLATIONS REPORTED IN 2021



The highest number of incidents – 102 – are homophobic/transphobic actions and hate speech. Fifty-five of them are classified as hate crimes and 45 cases as hate incidents. The most common types of violations continue to be insults, humiliations, threats, and physical violence of varying severity. Furthermore, in 2021, LGBT+ people faced threats with weapons, extortion and blackmail, and robbery. There were two cases of murder and one case of sexual violence.

A downward trend in the number of attacks on peaceful assemblies has persisted for two consecutive years, with five cases reported in 2020-2021 compared to thirteen cases in 2019. This decrease is due to the limitation of peaceful gatherings by COVID-19 restrictions.

LGBT+ People and Far-Right and Conservative Groups

Far-right groups have continued to target and attack LGBT+ events, organizations, and individual activists. Tradition and Order was the most active and prominent among such groups in 2021.

Notable examples are their attempts to disrupt peaceful pride parades in Odesa, Kharkiv, and Kyiv. However, in all cases, the police securely cordoned off the rallies from possible attacks. Following the attempt to attack the rally in Odesa, attackers clashed with law enforcement officers. The police later launched an investigation into the incident. The Prymorskyi District Court of Odesa has placed under house arrest a number of Tradition and Order members, in particular, the leader of the Odesa branch, Illia Popkov, and the head of the group, Bohdan Khodakovsky.



The number of attacks on LGBT+ community centers and events by far-right and conservative groups has also dropped. In 2021, this number fell to eleven in 2019.

There were two attacks on LGBT+-friendly Khvyliovyi bar in the capital's Podil district. On the evening of November 26, 2021, about 30 masked young men broke into the bar, smashed furniture and windows, sprayed the guests with tear gas, and beat security guards, chanting homophobic slogans such as "Death to LGBT." A similar attack occurred on November 6, 2021. Right-wing extremists chanted similar anti-debauchery and anti-drug slogans during several other attacks on entertainment venues in Podil.

Protection of LGBT+ Rights

The National Police has improved its practices aimed at protecting mass public events from attacks by far-right groups but inefficacy in the investigation of hate crimes remains a problem. At the same time, the National Police and the Prosecutor General's Office have demonstrated the desire and willingness to remedy the situation by developing the methodology for investigating such crimes and training personnel.

In November 2021, Ukraine handed down the first [jail sentence](#) for hooliganism indicating homophobia as a motive for the crime. In this case, four men attacked the poet Serhiy Savin and musician Maksym Verba because they looked like gays. The Halytskyi Court in Lviv sentenced one of the attackers to four years and one month in prison. This was made possible largely thanks to the high publicity of the incident and the efforts of human rights activists.

New legislative initiatives of the Cabinet of Ministers and the expected judgment of the ECHR create conditions for solving the most critical legal problems concerning the protection of LGBT+ rights in Ukraine. The Ukrainian government continues to implement the LGBT+ components of the Human Rights Action Plan. The main problem in this area remains the lobbying activities of the leading Ukrainian churches, which oppose all steps to combat homophobia and its consequences, claiming that this violates freedoms of conscience and speech.

Nevertheless, the Ukrainian LGBT+ movement has not reduced its activity, focusing this year on security issues and the fight against crimes motivated by intolerance. The LGBT+ initiative group of military and volunteers, which this year created a new public organization, the Ukrainian LGBT+ Military for Equal Rights, attracted significant public attention.



Ethnicity-, Race- and Religion-Based Hate Crimes

In 2021, the Congress of Ethnic Communities of Ukraine (CECU) documented 20 crimes motivated by ethnic, racial, and religious intolerance (in addition to a minimum of three incidents of xenophobic crimes against Roma). Most of the recorded incidents – seventeen – were antisemitic. In 2020, the CECU recorded a total of nineteen crimes based on ethnic, racial, and religious hatred.

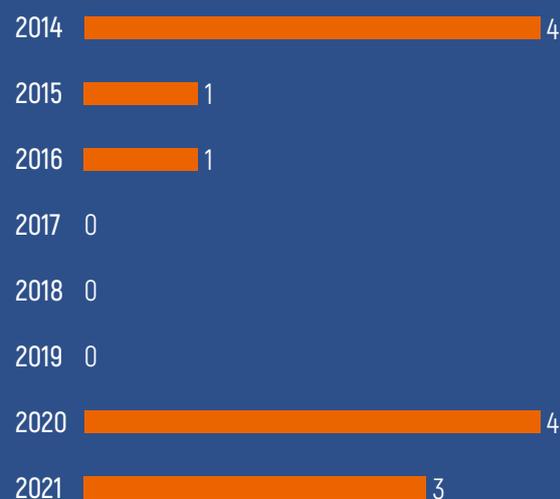
In three cases of antisemitism, criminals used violence, with three people injured in one of the cases. There were four such episodes in 2020, unlike in 2017-2019 when there were no reported violent antisemitic incidents. The increase in the number of such crimes is due to the launch of an information campaign against the arrival of pilgrims to the city due to fears of the COVID-19 pandemic spread.

On October 7, at around 10:00 p.m., a drunken neighbor, Anatolii, broke into the courtyard of an Orthodox Jewish Israeli man’s house at Skhidna Street in Uman and started cursing and punching first the man’s 31-year-old son and then the 49-year-old head of the family. Injuries were also sustained by a friend who came to the aid of the family that was attacked. Amid the conflict, the attacker shouted antisemitic insults (“It’s a pity that Hitler did not kill you all, this is not your place. This is not your land, go away to Israel”).

Additionally, in 2021, the CECU monitors recorded fourteen cases of anti-Semitic vandalism (compared to ten cases in 2020). The documented incidents included the desecration of memorials, cemeteries, synagogues, and other places of the Jewish public infrastructure. The vandalism of menorahs erected on Hanukkah in public places all over Ukraine in late November and early December contributed to the increase in cases.

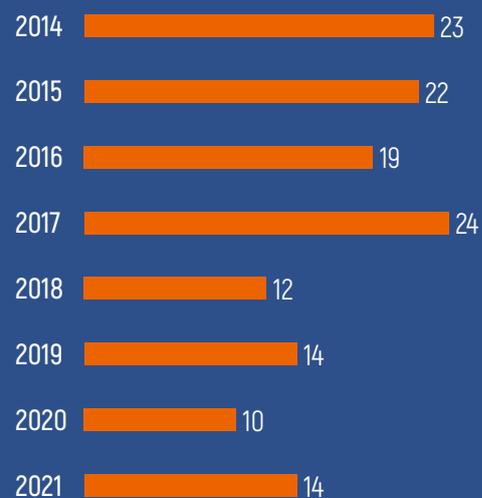
NUMBER OF VIOLENT ANTISEMITIC INCIDENTS

(CECU MONITORING DATA)



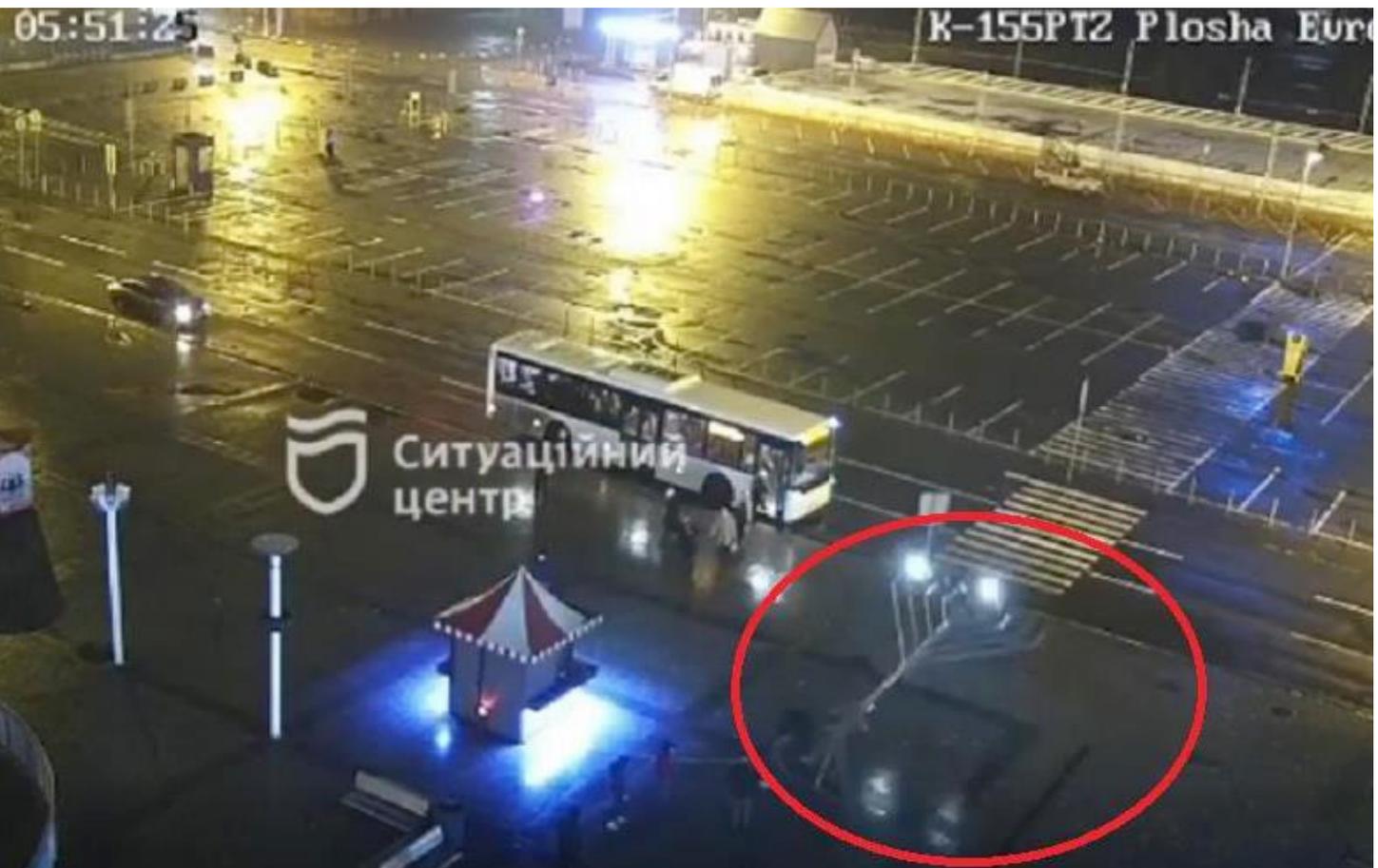
DYNAMICS OF ANTISEMITIC VANDALISM INCIDENTS

(CECU MONITORING DATA)





Early in the morning on November 29, a group of five people overturned a Hanukkah menorah installed in the central European Square in Dnipro. As a result of the collapse, the menorah's lighting system was damaged – light bulbs were smashed and wiring was broken. The law enforcement authorities instituted criminal proceedings on preliminary charges under Article 296 (2) of the Criminal Code of Ukraine. The next day, it became known about the detention of five suspects – young people born in 2001-2004. They were intoxicated at the time of the offense. Judging by the photos, the clothes of at least one of them may indicate that the man belonged to an informal far-right group. On February 1, 2022, the Shevchenkivskyi (Kirovskyi) District Court in Dnipro found the young man who overturned the menorah guilty of a crime stipulated by Article 161 (1) of the Criminal Code of Ukraine and sentenced him to one-year probation.



In addition to antisemitic hate crimes, monitors documented another three violent incidents based on racial and ethnic hatred in 2021.



On January 23, at about 9:00 p.m., two unknown individuals attacked from behind a Ukrainian of Armenian ethnic origin in Kyiv. The attackers were shaved bald. They provoked the victim into fighting, punched and kicked him when he tried to leave, and chased him, continuing to beat him. Thanks to passers-by who intervened the victim managed to break away from the attackers. The law enforcement authorities instituted criminal proceedings on preliminary charges under Article 125 of the Criminal Code of Ukraine (intentional infliction of light bodily injuries). According to the victim, the police obstructed the documentation of the circumstances of the crime, in particular, did not come to the hospital on call, refused to take statements of two witnesses to the event, and did not accept an X-ray picture brought by the victim from the hospital).

Legislative Developments

In September 2021, the Verkhovna Rada of Ukraine passed the Law on Preventing and Counteracting Antisemitism in Ukraine. The Law defines antisemitism as hatred towards Jews, specifying actions that manifest such hatred and establishing liability for them. Human rights activists stress that the Law contains several contradictory provisions and pitfalls. Their criticisms highlight its poor wording, and that it addresses only antisemitism rather than being a “comprehensive law that would tighten liability for discrimination on any grounds and introduce real mechanisms to combat it.”

Violation of Roma Community Rights

In 2021, the Roma Human Rights Center recorded eleven cases of hate and intolerance crimes. The highest number – four cases – occurred in the Kyiv region, three cases in Lviv, two cases in the Odesa region, and one each in Chernihiv and Transcarpathia.

In most of the regions monitored, law enforcement agencies do not respond to Roma’s complaints, appeals and reports and deliberately delay the investigation of criminal offenses against them. Public authorities and local self-government bodies at the regional level are ready to cooperate, while lower-level officials refuse to help claiming that they cannot distinguish Roma from other national minorities.



On August 11, closer to midnight, a group of youths, including the victims, spent their leisure time listening to loud music from their portable speaker near School No. 14 in Izmail, Odesa region. The police officers passing by in a patrol car made a remark to them, asking them to turn down the music. The victims turned off the music, but another group nearby turned on their own music. After that, the patrol police officers returned and started beating the first group, i.e., the victims, with batons. The victims later had gone to the police, but the police initially refused to accept their complaint. However, when the mother of one of the victims had begun filming the police officers, the latter finally accepted the complaint. The victims had been offered legal aid from the Roma Human Rights Center, but they rejected the offer and stopped all contact.

VIOLETION OF ROMA COMMUNITY RIGHTS IN 2021



Additionally, in some cases, widespread intolerance towards Roma exacerbates existing problems and provokes new crimes.

One example is a domestic fight between two Roma teenagers and a local volunteer in Irpin. Right-wing extremist and nationalist organizations posted calls on their social media pages, urging their followers to gather for a protest rally against the Roma. Yevhen Karas, a leader of the Foundation of the Future movement (former C14, whose members burned down a Roma camp in Kyiv in 2018), wrote on his Telegram channel that one of the attackers was allegedly the son of a local drug lord. [According to the](#) Zaborona news outlet, these groups accused the Roma community of drug trafficking, thefts and assaults in Irpin. Protesters brought several banners containing hate speech and threats and shouted xenophobic slogans (“Remember, foreigner, Ukrainian is the master here” or “Gypsies, Get Out of Irpin”). Despite the aggressiveness of the protest, the Bucha District Police Department of the Kyiv region posted on their official Facebook that the protesters “were expressing their position on the activities of one of the nationalities in the city.”



Situation with COVID-19

The monitors note that most of the underprivileged Roma did not adhere to the mask mandate. Due to the failure to comply with individual security measures and unhygienic conditions, the COVID-19 infection rate among Roma was quite high. Financial challenges made it also difficult for Roma to access healthcare services.

Vaccination access also remains a problem as many Roma communities are segregated and, on top of this, many of them cannot be vaccinated due to a lack of identity documents. At the same time, official dialogue between Roma leaders and the Transcarpathian authorities led to the deployment of field teams to carry out vaccination in Roma settlements, as reported by Censor. Net. Myroslav Horvat, a representative of the Transcarpathian Roma community, told journalists that local Roma “had a very hard time surviving the coronavirus pandemic, its second wave in autumn 2020 and its third wave in spring 2021.” He also noted that, in many communities, Roma could not be vaccinated due to a lack of identity documents, family doctors, and contact details for registration.

Conclusions

Hate crimes tend to escalate when there is no sufficient response to them. Therefore, their early detection and tracking are crucial. This will enable law enforcement agencies to anticipate and prevent more serious offenses.

Systematic work to boost the belief of the public, including the perpetrators of hate crimes, that law enforcement agencies and public authorities will respond rigorously to hate crimes. Inadequate responses to reports of offenses and delays in investigations often discourage victims from going to the police. The higher the level of trust, the more information law enforcement officers will be able to receive and the better they will be able to investigate cases and prevent potential offenses.

Human rights activists are actively involved in gathering information and monitoring hate crimes. **Freedom House’s network of partners is among the groups monitoring** hate crimes, collecting information on incidents, which they can use in national-level advocacy. However, the investigation and punishment of perpetrators remain the responsibility of law enforcement agencies.

Over the past five years, the number of recorded cases of violations punishable as crimes motivated by intolerance [has increased](#). Human rights activists highlight the selective approach taken by the pre-trial investigation authorities, investigation agencies and the National Police in classifying crimes under such articles.

Joint action by public authorities, law enforcement agencies and civil society can solve the existing problem. Effective cooperation between them will ensure a proper public response to hate-motivated violence in Ukraine and reduce the number of such incidents.



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