**INPUTS FROM THE STATE AUTHORITIES OF UKRAINE**

**on the call of the HRC Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity**

**for submissions for the relevant thematic report**

***Response to question No. 1***

With regard to informational campaigns in a sphere of addressing gender-based violence and discrimination, the Ukrainian state authorities recognize prevention and combating gender discrimination within the informational space as an essential component of the state gender mainstreaming policy. To overcome gender-based violence comprehensive measures were taken, *inter alia*, in 2017 the National “hotlines” for adults and juveniles were established to prevent domestic violence, human trafficking and gender discrimination. The establishment of these “hotlines” was broadly broadcasted by the Ministry of Informational Policy and National Commission on State Regulation of Informatization and Communication. “Hotlines” provide legal, psychological and informational consulting on prevention and combating domestic violence, trafficking of human beings, gender discrimination, gender-based violence and safe traveling abroad.

Domestically, Ukraine continues to effectively implement the UN Security Council Resolution 1325 “Women, peace, security” and the concluding observations of the CEDAW to the 8th national periodic report of Ukraine. With this regard:

- In 2018 the relevant advise materials named “Media without prejudice: words matter” were disseminated throughout media and press units of state agencies, the materials include a chapter dedicated to gender sensitization in media space;

- In October-November 2018 a set of workshops were organized moderated by the top Ukrainian media experts to discuss and address issues of eliminating sexism and gender stereotypes in media sphere, including advertising as well as to increase gender competency in media market;

- In October-December 2018 within the framework of youth project “YouthMediaLab” supported by the Council of Europe and Kyiv Youth Centre five trainings on gender sensitivity in media and non-discrimination were performed for current and future journalists;

- On February 15, 2019 a press-conference was held to present a communication campaign “Everyone is equal for job opportunities” which consists of three video-clips promoting that the professionalism has no sex split and that the existing stereotypes of “female” and “male” professions shall be eliminated; these videos has a social advertising status and will be broadcasted on all-national and local TV stations, at the cinemas and via Internet.

In this regard, there should be specifically highlighted the pro-activeness of NGOs and media associations in a course of creating instruments of systemic promotion and protection of gender equality through media monitoring, various thematic events and initiatives directed on prevention and combating discrimination based on sexual orientation and gender identity. Cooperation between Ukrainian media, state authorities and NGOs is a key basis for efficient and systemic prevention of discrimination in a long run.

To complement on the subject, there should be mentioned that in order to increase legal awareness of population about legal safeguards against discrimination, issues on gender-based violence prevention and to promote gender mainstreaming in the society the Ministry of Justice of Ukraine is planning to launch in a course of 2019 a new awareness raising campaign under the auspices of “I HAVE A RIGHT” Project.

According to information from the Ombudsman`s Office, monitoring of compliance with rights and freedoms of the LGBT-community has shown that a prejudice attitude concerning LGBT-community is preserved in Ukrainian society reflecting in cases of discrimination, violation of rights to personal integrity, human dignity, freedom of speech and associations. Instances of hate speech regarding LGBT-community within the media and Internet were recorded as well as some were voiced by the public officials. Issue of observance with the right to peaceful assembly by the LGBT-community is also exists as there are cases of attacks on LGBT people by the radical groups.

Ukrainian state authorities fully realize that effective, prompt and impartial investigation of offences against LGBT-community and bringing perpetrators to accountability is a cornerstone of a national non-discrimination policy.

*Other issues raised in question No. 1.*

**On census.** In 2020 Ukraine will undergo the census. Differentiation will include *only* the aspect of *sex* (male or female), accordingly sexual orientation will not be taken into consideration.

**On birth certificates/birth registries.** Indicators of sexual orientation are not included in such administrative records as birth certificate or birth registry. In contrast, a form of a birth record, adopted by the Governmental Decree 1250 of 10.11.2010 “On Approval Templates of Civil Status Records and Forms of Certificates on State Registration of Civil Status Acts”, has a separate column where a sex, female or male, shall be indicated.

**On identity Cards.** Indicators of sexual orientation are also not included in such administrative document as identity card or passport. According to Article 7 of the Law of Ukraine “On Unified State Demographic Registry and Documents Confirming Ukrainian Citizenship, Certifying a Person and Special Status” while issuing documents that certify a person, confirm Ukrainian citizenship or special status information *on individual`s sex* shall be inserted into the Unified State Demographic Registry. It is prohibited to request personal data indicating on ethnic origin, race, political or religious views, health condition or sexual orientation.

**On school records.** Ukrainian national legislation does not envisage including categories like sexual orientation and gender identity in school records.

***Response to question No. 2***

The National Police of Ukraine collects statistic data about hate-motivated crimes and ones committed on a basis of homophobia, LGBT-phobia, hate speech, etc. Such data are being collected every month and constitutes a report on criminal offences perpetrated with a racist, nationality or religious intolerance motives and under investigation of the police investigation units.

The monitoring is being conducted according to Articles of the Criminal Code of Ukraine establishing the penalty for committing hate-motivated crimes perpetrated with racial, nationality, religious intolerance and sexual orientation grounds. These are Articles 67 (1, p.3), 115 (2), 121 (2), 122 (2), 126 (2), 127 (2), 129 (2) and 161 of the Criminal Code.

The National Police permanently monitors the Unified Registry of Pre-Trial Investigations with the view to ensure appropriate control over the investigation of crimes of that category. According to official data extracted from that Registry, in 2018 police investigators initiated 130 criminal proceedings of 148 committed hate-motivated crimes:

5 crimes have been characterized under Article 178 “Damaging religious building or place of worship” of the Criminal Code, 12 crimes under Article 179 “Illegal maintaining, desecration or destroying of religious shrines” of the Criminal Code, 3 crimes under Article 180 “Obstruction of religious ceremony” of the Criminal Code. Crimes committed were also categorized by the following grounds, mainly 1 crime committed on racism/color of skin motive; 27 crimes on national/ethnic origins; 32 – anti-Semitism; 32 – prejudice against Christians and representatives of other religions; 1 – prejudice against Muslims; 3 – disabilities; 2 – sexual orientation; 5 – prejudice against Roma and Sinti communities; 3 – language; 42 – other violations of citizens` rights.

In total, police is investigating 191 crimes committed on mentioned grounds (taking into account previous years).

**On official statistic data**. In accordance with the Law of Ukraine “On state statistics” relevant state statistics agencies collect and process statistic data by the schedule, periodicity, with categories and deadlines as foreseen by the Annual Plan of State Statistic Observations or as decided by the decision of the Government.

Annual Plans of State Statistic Observations stipulate the development of indicators disaggregated by gender which shall be formed within the state statistic observations on population statistics, educations, healthcare, labour, etc. Relevant surveys are published in a column “Publications” on the official web-site of the State Statistics Service of Ukraine (www.ukrstat.gov.ua).

**Response to question No. 3**

Legal procedures related to protection and processing of personal data are envisaged in the Law of Ukraine “On Protection of Personal Data”. The paramount purpose of that Law is protection of fundamental human rights and freedoms, particularly the right to personal life integrity, with regard to processing of personal data.

Ukrainian legislation in a sphere of personal data protection does not discriminate persons by gender, sexual orientation or other grounds. The Law protects rights and freedoms of all citizens equally.