



Eastern European Coalition
for LGBT+ Equality

Input Submitted by

Eastern European Coalition for LGBT+ Equality

for the Report of

**The Independent Expert on protection against violence and discrimination based on
sexual orientation and gender identity**

For the 56th session of the United Nations Human Rights Council to an exploration of the human rights to freedom of expression, freedom of assembly and freedom of association, as they relate to protection against violence and discrimination based on sexual orientation and gender identity

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Eastern European Coalition for LGBT+ Equality is a coalition of human rights NGOs, registered in Moldova and established by six organizations from the Eastern European region, namely - [Insight Public organization](#) (Ukraine), [UPO Gay Alliance Ukraine](#) (Ukraine), [GENDERDOC-M Information Centre](#) (Moldova), [Pink human rights defender NGO](#) (Armenia), [Sphere Foundation](#) and [Women's Initiatives Supporting Group](#) (Georgia). The Coalition's overall mission dwells in ensuring security, supporting resilience and sustainable development of local LGBT+ communities and in building bridges for solidarity in the Eastern European region. This input is the result of each member organization's work in their respective countries.

Introduction

This report aims to demonstrate commonalities and peculiarities of the state of such human rights as freedom of expression, assembly and association, as they relate to protection against violence and discrimination based on SOGI, across the Eastern European region in recent years, based on the analysis of the situation in countries represented within the Coalition.

Country-level Overview

I. Ukraine

The war of the Russian state against Ukraine becoming full-scale has affected all people in Ukraine, including LGBT+ people; however, the latter experience additional challenges as their human rights related to SOGI are not respected as they should be due to two factors, institutional (the state not ensuring proper functioning of legal norms) and social (homophobia and transphobia widespread in society).

As for LGBT+ people under Russian occupation, the institutional factors come down to the fact that **no laws are effective in these territories**. International organizations (UN, Red Cross, etc.) can call for adherence to the Geneva Conventions and other humane approaches, but they lack the tools to enforce them in practice. In terms of freedom of expression, in known cases, LGBT+ people under the occupation tried **not to disclose their sexual orientation or gender identity**, because such disclosure can carry not only the risk of negative attitudes but also a lethal danger.

Some LGBT+ people serve in the Armed Forces of Ukraine. In terms of social factors, **the military environment in Ukraine remains quite homophobic, so people often avoid revealing their sexual orientation at the place of service, or do so only to close acquaintances**. There are some exceptions mainly among public gays and lesbians. With this, according to some evidence, the attitude toward homosexual women is more often calm than toward men, while the former face sexism and sexual harassment more often.

When it comes to freedom of association, **the war also affected public LGBT+ organizations and initiatives**. Some of them have practically ceased operations because most of their members and employees were forced to evacuate. This especially applies to organizations that were based in territories now occupied, like NGO Insha from Kherson.

Mass events are prohibited during martial law, which made it impossible in 2023 to hold marches that became regular, such as the Women's March, the Equality March, the Trans-March in Kyiv, as well as similar actions in other cities. However, under these conditions, such events would hardly be appropriate in their usual format. At the same time, the KyivPride organization agreed with the organizers of the Warsaw Pride to [hold a march](#) there focused specifically on supporting Ukraine. Also in September in Kharkiv, KharkivPride held [several events](#), including a march that took place in the subway for security reasons.

Even though the situation is not favorable for public activism, there are signs that **public opinion about LGBT+ in Ukraine is changing for the better**. In particular, [a sociological survey](#) conducted in May showed a significant improvement in the attitude towards LGBT people in society compared to 2016. This includes that almost two-thirds believe that LGBT people should have the same rights as other citizens of Ukraine.

It is worth mentioning that Ukraine received the status of a candidate country to the EU. This has already contributed to the [ratification of the Istanbul Convention](#), which had not been possible to achieve for several years before. Ukraine's movement from candidacy to full membership must be accompanied by reforms, including in the field of human rights – which, albeit indirectly, involves improvement of the protection of the rights of LGBT+ people too.

II. Russia

In 2013, administrative liability was established for "propaganda of same-sex relations among minors". The measure was applied selectively in 2013-2021, mainly used as a basis for banning or dispersing **public LGBTQ+ events or protests**.

In 2014, a bill was adopted establishing criminal responsibility for repeated violation of the established procedure for organizing or holding a meeting, rally, demonstration, procession or picket. Passed in 2020, COVID-19's restrictions on holding mass events, including protests and even individual pickets, remained in force in 2024 despite the lifting of all other pandemic regulations.

Between 2015 and 2023, 42 cases were documented by Sphere Foundation covering the incidents of disruptions **to the private gatherings**, such as film screenings, festivals, sport events, LGBT+ rights initiatives' events, including conferences and seminars, and even meetings with an LGBT+ friendly priest.

The full-scale war of the Russian state against Ukraine signaled simultaneous rise to an unprecedented wave of in-country repressions and cementing of the “traditional values” rhetoric in policymaking at all levels. Protection of such values is explained away by the state **as protection of national security**. This was followed by [expansion of the ban on “gay propaganda” law in November 2022](#), which prohibited any LGBT+ content offline and online to anyone, not only minors, and imposed high administrative fines for breaking the law.

When it comes to **freedom of assembly**, if in 2012 the law on foreign agents applied to NGOs receiving funds and grants from abroad, in 2022 - the new 'foreign agents' law was tightened to include people or organisations as 'foreign agents' if they are 'under foreign influence'. The main Russian federal and regional LGBT+ and feminist organisations and some LGBT+ and feminist activists are personally included in the Registry of Foreign Agents.

Then the anti-transgender law was introduced in July 2023. Finally, by the end of 2023 the [decision of Russia's Supreme Court](#) constituting the “international LGBT movement” as an “extremist organization” was made. The decision of the Supreme Court **equates any activities associated with LGBTQ+ movement as extremism** under the [Federal Law “On countering extremist activities”](#). Sphere Foundation is the only organization outright mentioned in the court decision but it also refers to **40 organizations and 281 people belonging to “the movement”, their identities undisclosed**. The Court ruling proclaimed that “**propaganda of destruction of the ideology of traditional family values**” and “**inciting social discord by criticizing anti-LGBT laws in Russia**” are several reasons to acknowledge the movement as extremist. Thus, anyone either not fitting the “ideology of traditional family values” (still undefined within the Russian legislature) or criticizing passed legislature going against human rights standards might be persecuted as “extremist” on this basis.

The court ruling states **submitting alternative reports to international organizations and**

calls for protests and negative evaluations of laws as grounds for being recognized as “extremist”.

Nowadays, Russia is **an unfortunate “trendsetter”** when it comes to limitations of human rights of LGBT+ community. The invasion of Russia to Ukraine in 2022 heralded the new era of anti-LGBT legislation and rhetoric within the state, as the regime decided to use “the other” and hatred towards “the other”, in this case LGBT+ people and human rights defenders working with LGBT+ people, among others, to switch the focus from the war, political and economic isolation to the hatred towards vulnerable groups.

III. Armenia

There are **no legislative obstacles for LGBT+ people or community-based organizations to implement their freedom of expression or freedom of assembly and association in Armenia**. Accordingly, the violations of these rights that accrue in practice are unlawful inter alia according to the national legislation. Yet, Pink Armenia **recorded cases of abuse of the freedom of expression by the State**, as well as hate speech incidents inciting discrimination and violence on the grounds of SOGI periodically displayed by [different public figures and State officials](#) also.

In 2017, Pink Armenia commissioned social ads on billboards in Yerevan advocating tolerance towards LGBT+ people. Soon thereafter, however, the ads were removed at the instruction of the city municipality explaining that decision due to lack of permission from them for such an ad, because they were not asked for permission, although the ad agency insisted they had never had to follow such a procedure previously.

In 2017, Pink Armenia approached the Ministry of Culture with a request to recognize the billboard posters and video clips promoting tolerance towards LGBT+ persons as public service announcements. The Ministry of Culture rejected the proposal with the justification that the public is already aware of the existence of persons with a “nontraditional” sexual orientation and that the ads do not address any issue of social importance and do not contain any element of public awareness raising.

The fourteenth Golden Apricot International Film Festival included “Listen to Me”, documentary film about LGBT+ persons, and “Apricot Groves”, feature film about transgender persons in its out-of-competition section. A public outcry erupted in social media and several media outlets around the films a few days before the opening of the festival. Ultimately, their screening was denied. Afterwards Pink Armenia learned that the Armenian Apostolic Church had urged the Golden Apricot to remove the films from the festival, which eventually was executed.

The International Christian LGBT Forum was planned to be held in November of 2018 in Armenia. Days before the forum, a manipulative wave of disinformation stormed, and certain homophobic groups started declaring that the new government of Armenia is supporting organizing an LGBT pride in Yerevan. [These groups, as well as the Armenian Apostolic Church](#), organized protests against holding such an event in Armenia. [These protests soon turned into assemblies demanding adoption of a “law banning propaganda of homosexuality”](#). Eventually, the police had to address the question of security measures, and the head of police [stated](#) the event would not take place because they could not ensure the safety of all.

Unlike the former authorities who were shunning the topic of LGBT issues at any public level, the new government had to make a public position after the 2018 Velvet Revolution. **The issue was brought onto the public agenda by the former authorities manipulatively with a clear aim to discredit the new government.** A question was raised at the Parliament by Prosperous Armenia’s Gevorg Petrosyan on the LGBT forum to which Nikol Pashinyan responded with a controversial answer, both, inter alia, appealing to the possibility of introducing measures keeping the LGBT+ community from “**propagating for enlargement**” and stating there is a certain percentage of LGBT+ persons in any given population which needs to be considered.

IV. Moldova

There are no explicit obstacles for LGBT+ people or civil society organizations and activists to implement their freedom of expression or freedom of assembly and association in Moldova. However, the state of societal repudiation remains high.

According to the study ["Prejudices and Marginalization in Moldova in 2022"](#), a significant

part of the citizens of the Republic of Moldova show a low level of acceptance and tolerance.

Over the years, numerous anti-LGBT statements by public figures and politicians rooted in the supposed idea of protection of the country's values.

For instance, most recently, in January 2023 the Grand Chamber of the European Court expressed itself and asked the member states of the Council of Europe to adopt legislation that allows same-sex couples to officially register their relationship in the state of residence. Following the ECHR decision, statements were made online by the former President of the Republic of Moldova, Igor Dodon. In them, he [proclaims](#) such a decision would strongly impact the values of the country's people, as "Moldova is an Orthodox country"; he then [criticizes](#) Maia Sandu as the President for, inter alia, "Russophobia" and "marriage rights for homosexuals" in process. The Orthodox Church of Moldova [released a rejectionary statement](#) as well.

In February 2023, Alexandr Nesterovschi, a deputy from the Communist and Socialist Bloc, proposed including in the agenda of the Parliament's plenary session a [bill that bans "LGBTI propaganda" in schools](#). The parliamentary majority rejected the initiative.

In July, 2023, the government agent Dumitru Obadă sent the government's Written Submissions in response to the requests for just satisfaction referring to the case Application no. 40235/15 Genderdoc-M v. the Republic of Moldova, **related to the violation of the freedom of assembly filed in 2013**. The position can be summed up as denying the State's responsibility, accusing the complainant of "self-victimization", and refusing to pay compensation.

On June 18, 2023, the annual [Moldova Pride march](#) took place as usual, with police protection and about 500 participants in attendance. Shortly prior, the Ombudsman, Ceslav Panico, published a [statement](#) expressing concern about the hate speech and prejudice of some deputies in Parliament towards the LGBTQ+ community in the Republic of Moldova, as well as the intention of the Mayor of Chişinău not to authorize the march on June 18.

In terms of the Transnistrian region, freedom of expression is somewhat limited. In 2019, the law ["On the Protection of Children Against Information Harmful to Their Health and Development"](#) came into force. The law contains *Article 5. Types of Harmful Information: Among the information prohibited for dissemination among children are those “that deny family values, propagate non-traditional sexual relations, and foster disrespect towards parents and (or) other family members”*.

V. Georgia

Within this submission, we intend to update the Independent Expert on protection against violence and discrimination based on SOGI regarding the decision of ECHR on the case of Women’s Initiatives Supporting Group and Others v. Georgia, and challenges of its national execution; additionally, the attempts in Georgia to shrink the freedom of assembly for LGBT+ persons should be emphasized.

The case of Women's Initiatives Supporting Group and Others v. Georgia (Application no. 73204/13 and 74959/13, judgment of 16 December 2021) concerned an attack by a mob on LGBT+ demonstrators on 17 May 2013 – the International Day Against Homophobia – in central Tbilisi. In its judgment, the Court found a violation of Article 3 (prohibition of inhuman or degrading treatment) in conjunction with Article 14 (prohibition of discrimination) of the ECHR both on account of the authorities' failure to protect the peaceful demonstrators from homophobic and transphobic aggression and of the ensuing inadequate investigation.

This judgment was published in December 2021, and since then WISG is making attempts to achieve full execution of the judgment. The investigation has spanned a decade and throughout this extensive period, despite the resources and time expended, there remains a significant and concerning lack of accountability. Disturbingly, not a single individual has been found criminally responsible or held to account in connection with the matters under investigation; for investigations under Article 332, the statute of limitations has already expired. Furthermore, the Prosecutor’s Office has declined requests for all victims of the crimes committed on 17 May 2023 to be acknowledged as victims following the ECHR judgment; the Office clearly misinterprets the norms of the Criminal Procedure Code of Georgia (CPCG), creating artificial barriers for victims to participate and observe the investigation, as, according to the CPCG, no evidentiary standard is needed to declare a

person as a victim. Therefore, with how things stand at the moment, the investigation is ongoing without the involvement of victims, which is one of the criteria for an effective investigation. No charges have been imposed on anyone.

Recommendations:

- The responsible authorities should carry out an effective, timely, independent investigation into the violent events of 17 May 2013 and punish all perpetrators; a crucial step in this process should be the recognition of victim status for those subjected to these violent events.
- Together with civil society actors, the State should establish the measures necessary to enable the safe and peaceful gatherings of LGBTQI activists and take preventive measures to deter violence, hatred and discriminatory attitudes and behavior.

Conclusions

Based on the analysis of five countries in the region, the following regional trends can be identified:

- Even when there are legislative decisions and mechanisms in place to protect freedoms in question, their execution in practice is left wanting, and there is concern about lack of accountability on the part of the government in a number of countries of the region.
- Although the countries in the region that have been included in this input in their majority do not have policies explicitly preventing from exercising freedom of expression, association or assembly, as they relate to SOGI, and yet it can be stated that the societies in these countries remain largely prejudiced against LGBT+ people, and ergo, implicitly, it remains challenging to be an openly LGBT+ person as well as to advocate for the rights of LGBT+ people in the region due to societal factors.
- In a number of countries in the region, the influence of faith institutions and their attempts to impact decisions regarding the rights of LGBT+ people and their expression do not cease.
- War and conflict persist in the region affecting all to varying degrees, including LGBT+ people.

- Politicians with conservative stances use “traditional”, “Orthodox” value rhetoric to oppose human rights related to the LGBT+ community in their respective countries in hopes of regaining ground.
- Russian state continuously attempts to use its “traditional values” ideology as an instrument of not only national, but **regional politics, appealing to conservative forces in other countries**. It weaponizes a far-right ideology with nationalism, fundamentalist Christianity, and patriarchal notions at its heart. Whereas the Russian state is the first ever to recognize LGBT+ movement **as extremist**, the scenario is envisionable wherein conservative governments could be influenced by such anti-LGBTQ+ ideology and initiate similar policymaking. Some of the most recent examples outside of the scope of the Coalition: in August 2023, [Kyrgyzstan passed similar anti-LGBTQ+ propaganda law among minors](#), in October 2023 a draft amendment to the Code of Administrative Offenses has been prepared to ban “LGBT propaganda, pedophilia and gender reassignment” in Belarus.