

SECRETARIAT / SECRÉTARIAT

SECRETARIAT OF THE COMMITTEE OF MINISTERS
SECRÉTARIAT DU COMITÉ DES MINISTRES



Contact: Ireneusz Kondak
Tel: 03.90.21.59.86

Date: 01/10/2024

DH-DD(2024)1102

Documents distributed at the request of a Representative shall be under the sole responsibility of the said Representative, without prejudice to the legal or political position of the Committee of Ministers.

Meeting: 1514th meeting (December 2024) (DH)

Item reference: Action Plan (01/10/2024)

Communication from Ukraine concerning the case of Maymulakhin and Markiv v. Ukraine (Application No. 75135/14)

Les documents distribués à la demande d'un/e Représentant/e le sont sous la seule responsabilité dudit/de ladite Représentant/e, sans préjuger de la position juridique ou politique du Comité des Ministres.

Réunion : 1514^e réunion (décembre 2024) (DH)

Référence du point : Plan d'action (01/10/2024)

Communication de l'Ukraine concernant l'affaire Maymulakhin et Markiv c. Ukraine (requête n° 75135/14)
(anglais uniquement)

Execution of Judgment of the European Court of Human Rights Updated and Consolidated Action Plan

on measures to comply with the European Court of Human Rights' judgment in the case of *Maymulakhin and Markiv v. Ukraine*

(Application no. 75135/14, final on 01/09/2023)

DGI

01 OCT. 2024

SERVICE DE L'EXECUTION
DES ARRETS DE LA CEDH

CASE SUMMARY

This case concerns the violation of the applicants' right to family life on account of failure to comply with a positive obligation to secure their right to have their same-sex relationships adequately recognized and protected by law (violation of Article 14 of the Convention taken in conjunction with Article 8).

INDIVIDUAL MEASURES

Just satisfaction

Applicant's name	Pecuniary damage	Non-pecuniary damage	Costs and expenses	Total	Information on payment
Mr Andriy Yuriyovich Maymulakhin	EUR 32	EUR 5,000	-	EUR 5,032	The awarded sum in the amount of UAH 192,857.94 was transferred to the applicant's bank account under payment order No. 330 of 04 October 2023.
Mr Andriy Mykhaylovych Markiv	EUR 32	EUR 5, 000	-	EUR 5,032	The awarded sum in the amount of UAH 192,857.94 was transferred to the applicant's bank account under payment order No. 331 of 04 October 2023.
Mr Tarakhkalo	-	-	EUR 4, 000	EUR 4, 000	The awarded sum in the amount of UAH 153,305.20 was transferred to the lawyer's bank account under payment order No. 332 of 04 October 2023.

Restitutio in integrum

The Government would like to inform the Committee of Ministers, that there is no legal framework allowing same sex couples to be granted adequate recognition and protection of their relationship. However, the Government acknowledge their international obligations, particularly regarding the implementation of the Court's judgments, as well as in light of the EU Commission's conclusions regarding Ukraine's accession to the European Union, the Government is working on developing a corresponding legislative mechanism. Aware of the importance of this issue and the key role of the Convention in ensuring human rights in Ukraine, the Government continue taking all feasible actions to fulfil its obligations in this regard and is of the belief that the adoption of the relevant legislation is only a matter of time, which is necessary to properly analyse all features of the institution of civil partnership and adopt a law that will best meet the interests of all representatives of Ukrainian society.

GENERAL MEASURES

Current situation in Ukraine

For more than 2 years Russia continues to intimidate and terrorise Ukrainian civilians by attacking the critical infrastructure and residential areas with missiles, MLRS, guided aerial bombs and attack drones resulting in significant casualties and destruction.

Russia's armed forces are deliberately targeting Ukraine's energy infrastructure. Almost all of Ukraine's thermal power generation have been destroyed. 80 % of Ukraine's thermal generation and a third of our hydroelectric generation have also been destroyed. Russian troops continue to shell energy infrastructure facilities on a daily basis.

Such circumstances significantly complicate the process of communication between public authorities and the performance of their functions in general. Nevertheless, the work on the observance and protection of human rights in Ukraine is constantly ongoing, in particular, it concerns the development of legislation that would allow to recognise relations of the same-sex couples. This process, among other things, is developing under the influence of an increase of the number of Ukrainians who have neutral or positive position on the introduction of civil partnerships for same-sex couples and ensuring equal rights to them.

As stated by the European Commission in its report of 08 November 2023¹ at the start of the full-scale invasion, Ukraine introduced martial law, which led to some restrictions of rights and freedoms, but these have so far remained largely in proportion to the actual needs and have been applied with caution. The number of reported discrimination against minorities, including against LGBTIQ persons and national minorities as well as antisemitic acts, has strongly decreased.

The EU Commission also stated that overall, during the reporting period the general trend of increasing tolerance and acceptance of lesbian, gay, bisexual, transgender, intersex and queer (LGBTIQ) persons in Ukrainian society over the last decade was sustained. The trend towards a decrease in the number of attacks and hate crimes against LGBTIQ persons continues (– 44% since 2020). Surveys conducted in 2022 show that a majority is in favour of same-sex partnerships and equal

¹ https://neighbourhood-enlargement.ec.europa.eu/system/files/2023-11/SWD_2023_699%20Ukraine%20report.pdf

rights for LGBTIQ persons. The government clearly communicates its support for the rights of LGBTIQ persons and against hate crimes and discrimination.

Additionally, in order to implement the initiative of the European Union “Ukraine Facility”, introduced by Regulation (EU) 2024/792 of the European Parliament and of the Council of 29 February 2024 establishing the Ukraine Facility², on 18 March 2024, the Cabinet of Ministers of Ukraine has approved the Plan for the Ukraine Facility³, which serves as the basis for implementing the financial support program for Ukraine from the European Union during 2024-2027. Implementation of the Plan will contribute to Ukraine’s European integration and further sustainable economic development.

Chapter 7 of the Plan for the Ukraine Facility is named “Human capital” as Ukraine’s recovery and future is closely linked to the support and investment in its people. According to it, the war has demonstrated the importance of a strong healthcare system, a resilient and flexible education system, and social protection programmes that aid those in need while encouraging decent employment for all. Improving the social system, as mentioned in the Plan for the Ukraine Facility, will help ensure protection of the most vulnerable groups, including veterans, IDPs, single parents, widows and widowers, children, persons with disabilities, *minorities*, young and elderly people. It is also stated that Ukraine will continue to be committed to international conventions and treaties and adhering to international standards for the design and implementation of reforms, including for the conventions on human rights and fundamental freedoms, children’s rights, and the *elimination of all forms of discrimination*.

Furthermore, the issues raised by the Court in this judgment were also the subject of close attention from the European community during the bilateral meeting between Ukraine and the European Commission on the official screening of Ukraine’s legislation for compliance with EU law under negotiation chapter 23 “Judiciary and Fundamental Rights,” which took place on 17-19 September 2024⁴. In particular, one of the areas that was assessed was the area 3.11 Discrimination against lesbian, gay, bisexual, transgender, intersex, and queer (LGBTIQ+) persons⁵.

Thus, the Government assure that it is aware of the necessity and importance of observing the principle of equality and, despite the ongoing war, is making all possible efforts to prevent and combat discrimination in Ukraine.

Legislation

The Constitution of Ukraine by its Article 3 proclaims that a person, his or her life and health, honor and dignity, inviolability and security are recognized in Ukraine as the highest social value. Article 21 of the Constitution stipulates that all persons are free and equal in dignity and rights. Human rights and freedoms are inalienable and inviolable. Moreover, by Article 24 of the Constitution it is enshrined that citizens shall have equal constitutional rights and freedoms and shall be equal before the law.

² https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=OJ:L_202400792

³ <https://www.kmu.gov.ua/npas/pro-skhhvalennia-planu-t180324>

⁴ <https://minjust.gov.ua/news/ministry/rezultati-dvostoronnoi-zustrichi-ukraini-ta-evropeyskoi-komisii-z-pitan-skriningu-rozdilu-23-sudova-vlada-ta-osnovopolojni-prava>

⁵ <https://minjust.gov.ua/news/ministry/progres-ukraini-v-implementatsii-evropeyskih-standartiv-rezultati-drugogo-dnya-peregovoriv-ukraina-es>

In general, the principles of equality and non-discrimination are embedded in various legislative acts. The Government would like to highlight the following examples.

The principle of non-discrimination on the basis of sexual orientation is not directly enshrined in the Law of Ukraine “On Vocational (Vocational and Technical) Education”⁶. However, Article 5 of this Law proclaims that citizens of Ukraine shall have equal rights to receive professional (vocational) education in accordance with their abilities and inclinations. Restrictions are allowed for medical and age reasons, as well as for indicators of professional aptitude determined by the Cabinet of Ministers of Ukraine.

Thus, even though “sexual orientation” is not explicitly mentioned, the Constitution of Ukraine contains an open-ended list of grounds for protection of constitutional rights and freedoms from restriction and the right to vocational training is guaranteed under equal conditions as stipulated by the Law of Ukraine “On Vocational (Vocational and Technical) Education”.

The Law of Ukraine “On Advertising”⁷ provides that it shall be prohibited in advertising to make statements and/or picture that are discriminatory and/or incite hatred, hostility or cruelty towards individuals or groups of individuals on ground such as origin, social or property status, age, race, ethnic or nationality, sex, *sexual orientation*, education, disability, political opinion, religion, language, occupation, place of residence as well as those discrediting goods of other individuals (Article 8 § 1.2).

Article 24¹ § 1 requires that it shall be prohibited in advertising job vacancies (recruitment) to indicate the race, colour, age, sex, state of health, disability, suspicion or presence of HIV/AIDS, *sexual orientation*, political, religious and other beliefs, membership in professional unions or other associations of citizens, ethnic and social origin, family or property status, place of residence, language and other grounds, that are not related to the work and conditions of its performance.

Article 2¹ of the Labour Code of Ukraine⁸ prohibits any discrimination in the sphere of work, in particular violation of the principle of equality of rights and opportunities, direct or indirect restriction of rights of employees depending on race, skin colour, political, religious and other beliefs, gender, gender identity, *sexual orientation*, ethnic, social and foreign origin, age, health status, disability, suspicion or presence of HIV/AIDS, family and property status, family responsibilities, place of residence, membership in a trades union or other citizens’ association, participation in a strike, appeal or intention to apply to a court or other authorities to protect their rights or provide support to other employees in protection of their rights, notification of possible facts of corruption or corruption-related offenses, other violations of the Law of Ukraine “On Prevention of Corruption”, as well as assistance to a person in the implementation of such notification, on language or other grounds not related to the nature of work or conditions of its performance.

The Law of Ukraine “On Media”⁹ adopted in December 2022 prohibits dissemination in the media and on platforms of shared access to videos of statements that incite hatred towards people and groups based on their national, racial or religious characteristics, as well as statements that incite discrimination based on their ethnic and social origin, citizenship, race, religion and beliefs, age, gender, *sexual orientation*, gender identity, disability or any other characteristic. The National Council of Ukraine for Television and Radio Broadcasting formalises the criteria for identifying such

⁶ <https://zakon.rada.gov.ua/laws/show/103/98-%D0%B2%D1%80#Text>

⁷ <https://zakon.rada.gov.ua/laws/show/270/96-%D0%B2%D1%80#Text>

⁸ <https://zakon.rada.gov.ua/laws/show/322-08#Text>

⁹ <https://zakon.rada.gov.ua/laws/show/2849-20#Text>

violations and has the authority to take response measures against any media outlets that commit such violations.

On 29 March 2024, the Law of Ukraine “On Amendments to Certain Legislative Acts of Ukraine Regarding the Appointment and Payment of One-time Financial Aid” No. 3515-IX¹⁰ (the “Law No. 3515-IX”) entered into force. This Law amends the Code of Civil Protection of Ukraine, specifically Article 118¹ §4, which now stipulates that woman (man), with whom the deceased person lived as a family, but was not married and they were not in any other marriage, if this fact is established by a court decision that has entered into force, is a family member. Therefore, such a person will have the right to receive a one-time financial aid in the event of the death of a private or senior member of the Civil Protection Service during the period of service, performance of official duties or as a result of an injury (concussion, trauma or mutilation), illness received during the performance of official duties.

In this regard it is worth noting that according to Article 3 §2 of the Family Code of Ukraine¹¹, the family is composed of persons living together, sharing a joint household and having mutual rights and obligations. Thus, the gender of the individuals is not decisive for the courts when establishing the fact of living as a family.

The Law No. 3515-IX also amended the Law of Ukraine “On Social and Legal Protection of Servicemen and Members of Their Families”¹² (the “Law “On Protection”). Article 16 of the Law “On Protection” has been supplemented by § 4, which, among other things, now allows military personnel, conscripts or reservists (the “military person”) who are called to training (or inspection) and special meetings or to serve in the military reserve to submit a personal order in written free form specifying the payment of one-time financial aid in the event of their death to a person (or persons) of their choice, determining the percentage of the share allocated to each of them.

In accordance with Article 16³ §1 of the Law “On Protection”, in the absence of a personal order and in the event of the death of military person (these cases are provided by Article 16 §2.1- 2.3 of the Law “On Protection”) one-time financial aid is assigned and paid in equal shares to all persons entitled to receive it, based on their personal statement or application of their legal representatives.

Article 16¹ § 4 of the Law “On Protection” determines the right of a woman (man), with whom the deceased person lived as a family, but was not married and they were not in any other marriage, if this fact is established by a court decision that has entered into force, for receiving a one-time financial aid.

The Law No. 3515-IX also amends the Law of Ukraine “On the National Police”¹³ and “On One-Time Financial Aid for Damage to Life and Health Caused to Employees of Critical Infrastructure Facilities, Civil Servants, Officials of Local Self-Government as a Result of the Military Aggression of the Russian Federation against Ukraine”¹⁴ to ensure the possibility of payment of one-time financial aid to a women (men) with whom the deceased person, whose activities were covered by the relevant laws, lived as a family, but was not married and they were not in any other marriage, if this fact is established by a court decision that has entered into force.

¹⁰ <https://zakon.rada.gov.ua/laws/show/3515-20#Text>

¹¹ <https://zakon.rada.gov.ua/laws/show/2947-14#Text>

¹² <https://zakon.rada.gov.ua/laws/show/2011-12#n306>

¹³ <https://zakon.rada.gov.ua/laws/show/580-19>

¹⁴ <https://zakon.rada.gov.ua/laws/show/2980-20>

This demonstrates that the legislation has been updated to safeguard the rights of military personnel and their families, including same-sex partners.

In the case of *Maymulakhin and Markiv v. Ukraine* the Court stated that “*While the Court has to date not interpreted Article 8 of the Convention as imposing a positive obligation on the States Parties to make marriage available to same-sex couples, it has confirmed that in accordance with their positive obligations under that provision, the member States are required to provide a legal framework allowing same-sex couples to be granted adequate recognition and protection of their relationship*” (paragraph 65).

Thus, the Government would like to inform that on 13 March 2023 the Draft Law “On Institute of Registered Partnerships” initiated by the group of MPs was registered in the Parliament of Ukraine under No. 9103¹⁵ (the “Draft Law No. 9103”).

The Draft Law No. 9103 was developed with the aim of enshrining in the legislation the new institute of registered partnerships.

It defines the legal and organizational principles of registered partnerships, legal status, personal non-property and property rights and duties of registered partners, the procedure and consequences of state registration and the procedure for termination of registered partnership.

The Draft Law No. 9103 consists of five Sections:

- Section I “General provisions” defines the concept of registered partnership, establishes the basic principles of its regulation, enshrines provisions on the registered partnership agreement, defines the principles of regulation of registered partnerships made in accordance with the law of a foreign state.

- Section II “Legal status, rights and duties of registered partners”, establishes personal non-property rights and duties of registered partners, in particular, the rights of partner in the event of death or disappearance of another of the registered partners, provisions on the legal regime of property of registered partners, defines the rules of inheritance by law and by will for registered partners, establishes the principles of social protection of registered partners.

- Section III “Procedure and legal consequences of state registration of registered partnerships” defines the subjects of state registration of a registered partnership, which documents are submitted for registration, in which order registration is carried out, the place and terms of registration and the legal consequences of state registration of a partnership.

- Section IV “Procedure for invalidating and terminating registered partnerships” defines the grounds and procedure for invalidating partnerships, both by the state registration body of civil status acts and by the court, the legal consequences of invalidity, as well as the procedure for terminating a registered partnership, including its dissolution.

- Section V “Final provisions” establishes the terms of entry into force of the Law, and amends a number of other laws to harmonize their provisions with the text of this Law.

Article 1 of the Draft Law No. 9103 establishes that:

¹⁵ <https://itd.rada.gov.ua/billInfo/Bills/Card/41497>

1. Registered partnership is a voluntary family union of two adults, of the same or different sex, registered in compliance with the procedure established by this law, based on mutual respect, mutual understanding, mutual support, mutual rights and duties.

2. A registered partnership is not a marriage and is not an obstacle to marriage between registered partners, subject to compliance with other requirements established by the legislation of Ukraine. Marriage between registered partners results in termination of the registered partnership between them.

3. Registered partners are considered close relatives to each other.

4. Living together as a family is not a registered partnership, if the relevant union is not registered in compliance with the procedure established by this law.

5. State registration of a registered partnership is carried out in order to ensure the realisation of the rights of registered partners and official recognition and confirmation by the state of the fact of their registered partnership.

The partnership is registered after 10 days from the date of submission of the relevant application, and termination is possible both by joint application and at the will of one of the parties (by the court in the order of separate proceedings, while measures for reconciliation or establishing the reasons for termination are not carried out).

According to para. 33 of the judgment, in the report on his visit to Ukraine from 30 April to 10 May 2019, the United Nations' Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity noted, *inter alia*, that as a result of the lack of legal protections, same-sex couples face numerous problems, such as the impossibility of acquiring or registering joint ownership of property, resolving property disputes, making vital decisions on behalf of their partner, disposing of joint property and inheriting after the death of a partner.

In para. 69 of the judgment the Court stated “*the Government have admitted in substance that the applicants are denied any opportunity to regulate fundamental aspects of life as a couple except certain property-related aspects, and then only as private individuals entering into contracts under the ordinary law (see paragraph 49 above). The Court has already held that such private contractual agreements cannot be considered to give recognition and the requisite protection to a couple, given that they are of limited scope and fail to provide for some basic needs which are fundamental to the regulation of a relationship between a couple in a stable and committed relationship, such as, inter alia, the mutual rights and obligations they have towards each other, including moral and material support (see Oliari and Others v. Italy, nos. 18766/11 and 36030/11, § 169, 21 July 2015). The Court also takes note of the absence of any possibility for the applicants to rely on the existence of their relationship in dealings with the judicial or administrative authorities*”.

In this regard the Government would like to inform that Section II of the Draft Law No. 9103 “Legal Status, Rights and Duties of Registered Partners,” includes Article 6, “Property Regime of Registered Partners”. According to the proposed provisions of this article:

1. Property acquired by registered partners during their time in the registered partnership belongs to them as joint co-ownership, unless otherwise specified in their agreement.

2. The provisions of the Family Code of Ukraine and other regulatory acts regarding the rights of joint co-ownership of spouses apply to registered partnerships with a joint co-ownership regime (to the extent that they do not contradict the essence of registered partnerships).

3. Registered partners or individuals intending to register a partnership may establish in the registered partnership agreement that all property acquired during their time in the registered partnership is their personal private property, belongs to them as joint partial ownership, and define ownership rights regarding specific items, etc.

4. Registered partners have the right to divide property that belongs to them as joint co-ownership, regardless of the dissolution of the registered partnership.

The Draft Law No. 9103 also provides the possibility of registering a partnership in the absence of one person or outside the State civil status registry (for example, when a person is a military serviceman).

The Draft Law No. 9103 stipulates social protection of partners, the issue in case of disappearance or death of one of the partners has been resolved (including the issue of inheritance). Relevant provisions on the specific rights of registered partners are provided for and in the relevant final provisions of the Draft Law No. 9103, which make amendments to more than 40 legislative acts.

The Government would like to note that the Draft Law No. 9103 has a concept that should be seen as the first progressive step towards a constructive dialogue with society, and the introduction of a new civil partnership institution as recognition by the state of the needs of modern individual and the creation of a real legal mechanism aimed to protect rights and fundamental freedoms.

Based on the results of the consideration of the Draft Law No. 9103, the Committee on Youth and Sports, the Committee on Digital Transformation, the Committee on Social Policy and the Protection of Veterans' Rights, the Committee on Public Health, Medical Assistance and Medical Insurance and the Committee on Ukraine's Integration into the European Union submitted their conclusions. The Committee on Public Health, Medical Assistance and Medical Insurance, the Committee on Digital Transformation and the Committee on Ukraine's Integration into the European Union emphasized the need to revise the Draft Law No. 9103 and proposed to take into account recommendations provided by them, which are mostly aimed at the need to bring certain provisions of the Draft Law No. 9103 into compliance with the current legislation. Other Committees recommended to the Verkhovna Rada to take this Draft Law as a basis for examination and adoption.

The Government would also like to inform the Committee of Ministers that Ukrainian criminal legislation provides for punishment of hate crimes and hate speech based on three characteristics – race, nationality and religious beliefs – but does not cover *sexual orientation* and gender identity, which is recommended by the European Commission against Racism and Intolerance as a matter of priority.

A Draft Law “On Amendments to the Code of Ukraine on Administrative Offenses and the Criminal Code of Ukraine Regarding the Combating Discrimination Manifestations” registered under No. 5488¹⁶ (the “Draft Law No. 5488”) should correct this omission.

The Draft Law No. 5488 introduces the definition of “intolerance” into the national legislation.

¹⁶ https://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=71891

Intolerance is defined as an open, prejudiced, negative attitude towards a category of individuals who differ on grounds such as race, skin colour, political, religious and other beliefs, sex, age, disability, ethnic or social origin, nationality, marital and property status, *sexual orientation*, gender identity, place of residence, language or other grounds.

The Draft Law No. 5488 also introduces administrative responsibility for violation of legislation in preventing and combating discrimination.

Direct or indirect restriction of rights or establishment of direct or indirect privileges of citizens on grounds such as race, skin colour, political, religious and other beliefs, sex, age, disability, ethnic or social origin, nationality, marital and property status, *sexual orientation*, gender identity, place of residence, language or other grounds – shall be the reason for imposing a fine in the amount of two hundred up to three hundred minimum tax-free personal incomes on citizens, and from three hundred up to five hundred minimum tax-free personal incomes on state officials and citizens – enterprise officials.

The Draft Law No. 5488 proposes to provide that the commission of a criminal offense on the ground of intolerance will be a circumstance that aggravates the punishment.

The Draft Law No. 5488 also proposes to vest the Ukrainian Parliament Commissioner for Human Rights (the “Commissioner”), authorised persons of the Office of the Commissioner, or representatives of the Commissioner with the power to prevent and combat discrimination.

What is decisive in the Draft Law No. 5488 is that *sexual orientation* is one of indications linked to intolerance.

The Draft Law No. 5488 was taken as a basis by the Parliament, and on 06 February 2024 was included in the agenda of its session in accordance with Resolution of the Verkhovna Rada No. 3562-IX of 06 February 2024¹⁷. This Draft Law continues to be processed by the MPs.

Another draft law related to the status of registered partnerships in Ukraine is the Draft Law “On Amendments to the Law of Ukraine “On Private International Law” Regarding the Introduction of Conflict-of-Law Rules for De Facto Marital Relations and Registered Partnerships” registered by the Verkhovna Rada of Ukraine on 26 August 2024 under No. 11523¹⁸ (the “Draft Law No. 11523”).

By Article 58² of the Draft Law No. 11523 it is proposed to recognize registered partnerships that are registered under the laws of foreign states between foreigners, between a foreigner and a stateless person, and between stateless persons as valid in Ukraine.

It is also suggested by the Article 60² of the Draft Law No. 11523 to determine the legal consequences of a registered partnership according to the law of the state where such a partnership was registered.

Furthermore, partners will be allowed to independently choose the law that will apply to the property effects of the partnership. If the parties do not select the applicable law, the law of the state of registration will apply (Article 61²). It is anticipated that the form of choice of law for legal effects of registered partnership is written (Article 62²).

¹⁷ <https://zakon.rada.gov.ua/laws/show/3562-IX#Text>

¹⁸ <https://itd.rada.gov.ua/BILLINFO/Bills/Card/44746>

The termination of a registered partnership and the legal effect of such termination will be governed by the law applicable at the time to the legal effect of the registered partnership (Article 63²).

The Government keep working on the adoption of legislation that will contribute to the prevention and coping with discrimination in Ukraine and ensure the possibility for same-sex couples to be legally recognized. The Government recognize the need for a responsible approach to incorporating the best practices and standards of the Council of Europe into the Draft Law No. 9103, considering that this issue has also received close attention from the European community during the bilateral meeting between Ukraine and the European Commission on 17-19 September 2024 (see above).

The Government also would like to underline that the above draft laws that regulate the same area are not alternative, rather, they complement each other and aim to regulate the registered partnership in a comprehensive and coherent manner. Each one addresses different aspects and issues, providing a comprehensive approach to the problem identified in by the Court in the case of *Maymulakhin and Markiv v. Ukraine*. This will create a more effective legal framework that takes into account all important nuances and contributes to achieving the goals of legislative regulation in this area. The Government will keep the Committee of Ministers informed of any changes regarding the status of these draft laws in its subsequent submissions.

Evolution of Ukrainians' attitude towards LGBTIQ people

As it was stated in the case of *Maymulakhin and Markiv v. Ukraine* the level of support of Ukrainian society in the issues of full equality of LGBT people and the introduction of the institution of a registered civil partnership for same-sex couples has increased significantly in recent years. Such a radical change also occurred in connection with Russia's full-scale invasion. Society has become more tolerant and progressive in matters of ensuring equality of human rights (paragraphs 26, 31).

The Government would like to emphasize that the level of such support is constantly increasing. Among the factors affecting the change in attitude towards the LGBTIQ community is the fact that with the introduction of martial law representatives of this community joined Armed Forces of Ukraine. It is worth noting that in Ukraine operates the NGO "Ukrainian LGBTIQ Military for Equal Rights", which actively share stories from the front and inform about the importance of legal recognition of same-sex relations.

The poll conducted by the National Democratic Institute nationwide from 14 – 22 November 2023 shows that 72 % of Ukrainians want LGBT individuals to enjoy the same rights as everyone else and in 59 % of cases respondents answered that LGBT people should have the right to enter into a civil partnership^{19 20}.

Also, during 26 May – 01 June 2024, the Kyiv International Institute of Sociology conducted an all-Ukrainian public opinion poll using computer-assisted telephone interviews based on a random sample of mobile phone numbers²¹. Among the researched issues there were those related to the attitude of Ukrainian society to LGBT. 2011 respondents, who live in the territories controlled by the Government of Ukraine, were interviewed. The results demonstrate that the opinion of Ukrainian society towards LGBT consistently improving.

¹⁹ <https://www.ndi.org/our-stories/ukraines-views-war-and-its-future>

²⁰ <https://www.ndi.org/publications/opportunities-and-challenges-facing-ukraine-s-democratic-transition-1>

²¹ <https://www.kiis.com.ua/?lang=ukr&cat=reports&id=1417&page=1>

Among the majority of Ukrainians, a neutral or positive approach towards LGBT people remains, and the indicators have not changed since 2023 (all differences are within statistical error). Thus, 14.2 % have a positive attitude to LGBT people (in 2023 it was 15.5 %), 47.3 % – indifferent, and another 6.4 % have not decided on their position. That is, in general, those who have indifferent/indefinite/positive attitude, now make up 67.9 % (in 2023 it was 66.1 %). As before, primarily younger, more educated, wealthier respondents and residents of larger settlements tend to have a better attitude towards LGBT people.

The majority of respondents – 70.4 % – hold the opinion that LGBT residents of Ukraine should have the same rights as other citizens of the country, and from May 2023 to May 2024 the figure increased from 67.3 % to 70.4 %. At the same time, 19.2 % of the population of the country believes that there should be some restrictions (the indicator decreased from 25.9 % to 19.2 %).

The introduction of registered partnership for same-sex couples without the right to joint adoption is supported by 28.7 % (in 2023 – 28 %), while 35.7 % do not support such an initiative (a decrease from 38.9 % in 2023). At the same time, for other 25.6 %, this issue is indifferent. However, if combined, a total of 54 % support the answers “yes” and “I don't care”, which is just over half of the population. In addition, there are another 10 % of those who have an indefinite attitude, meaning they do not have a pronounced rejection of the initiative.

Among those who generally have a positive attitude towards LGBT people, 64% support the idea of a registered partnership, 17% do not support it (another 13% indicated that they do not care).

It is also worth noting that organizing of events, the purpose of which is, among other things, to call for the protection of the right to equality for LGBTIQ people contributes to the increasing the tolerance of Ukrainians to this community. The holding of mass public events aimed at drawing attention to the problems of the LGBTIQ community began in 2013, long before the decision of the Court in the *Maymulakhin and Markiv* case was adopted. The authorities granted authorisation for organization of such events, and the police ensures proper conduct of them.

In 2013 a march of the LGBT community with 70 participants took place and in 2015 it was 300 participants in the same march.

The Ukrainian NGO “KyivPride” was founded in 2016 to raise awareness of the LGBTIQ community among Ukrainians. In addition to its activities throughout the year, the NGO organises an annual event called the Pride Week, which includes a number of cultural and educational events, aiming to talk about the life and problems of the LGBTIQ community in Ukraine. Discussions, trainings, workshops, exhibitions and film screenings take place during the week. One of the main activities is the Equality Parade, a traditional human rights parade.

Since 2016, the Equality Parade has been held every year. In 2020 the event was not held as the quarantine restrictions were imposed across the country due to the COVID-19 pandemic. Moreover, in 2017 a rally against discrimination towards the LGBT community was held and in 2021 the rally was conducted to draw the President’s attention to uninvestigated hate crimes against LGBT+ persons.

Due to Russian’s invasion in 2022 KyivPride united with Warsaw’s annual Equality Parade and marched through the streets of the Polish capital. In 2023 Liverpool hosted KyivPride on its streets. Participants used this opportunity to remind: the war is not over. Ukrainians protect not only their loved ones and their people at the battlefield, but also the entire civilized world, and therefore need

weapons, humanitarian aid, and comprehensive support. Ukrainian columns of KyivPride with the slogan “The war is not over” marched in 40 cities of Europe, the USA, Canada and Great Britain²².

On 9 June 2024, the charity educational festival “KyivPride” was held in Kyiv, program of which consisted of lectures, discussions, creative workshops, a fair of Ukrainian brands, psychological consultations, master classes and music program.

Also, on 16 June 2024, the Equality March was held in Kyiv for the first time since 2021.

Since 2019, events have been taking place in support of LGBTIQ rights in Kharkiv as well. In 2020 due to COVID-19 pandemic was held in format of “AutoPride” (rally). On 25 September 2022, the Equality March was organized in Kharkiv, which, due to the danger caused by the full-scale Russian invasion of Ukraine, was held in the metro of Kharkiv. In 2024, “KharkivPride” events were conducted from 07 September to 15 September. On 07 and 08 September, the “Charity PrideFest” was organized; on 13 September – the official opening of the PrideHub (a public centre for LGBTIQ events and friendly people, which was closed as a result of the full-scale invasion of Russia) was carried out; on 14 September – honouring the memory of the deceased LGBTIQ military was held, and on 15 September – Equality March “KharkivPride” in format of “AutoPride” (rally) took place.

The aforementioned shows that even in the face of a devastating war Ukrainians seek a fully consolidated democracy and a society based on human rights and the rule of law.

International cooperation and trainings for representatives of state authorities

At the outset, the Government emphatically acknowledges the unwavering cooperation with the Council of Europe and its projects in Ukraine. Furthermore, the Government appreciate the substantial assistance and steadfast support extended by international organizations and institutions. The Government would like to provide information as regards the cooperation with the Council of Europe projects, particularly, “Support for implementing European standards relating to anti-discrimination and rights of national minorities in Ukraine”, “Strengthening Ukrainian Law Enforcement Agencies During War and Post-War Period”, “Combating hate speech in Ukraine”, and “Enhanced social protection in Ukraine” which are operating within the framework of Council of Europe Action Plan for Ukraine “Resilience, Recovery and Reconstruction” 2023-2026.

These projects aim:

- at supporting Ukraine by aligning legislation and policy related to the protection from discrimination and rights of individuals belonging to LGBT community with European standards;
- to assist law enforcement authorities to create the necessary preconditions to better implement standards and apply practices that strengthen effectiveness of investigations of human rights violations,
- to reinforce national remedies against hate speech, continue the work initiated with state institutions to respond to discrimination and hate speech in line with European standards;
- to attain that vulnerable groups of people, including war-affected population in Ukraine, enjoy improved level of social rights and social protection.

²²<https://www.facebook.com/kyivpride/posts/pfbid02d9pAVngDDbQ3vbVNpsFDbQDBtcKMjNcujeTtDZfsVVQyTvN4JKsXuxRhN9w6nVSEl>

These projects work closely with state authorities and are involved in trainings, organized for police officers.

As the central executive authority responsible for protecting human rights and freedoms, the National Police of Ukraine is the first to respond to reports of offenses or crimes.

A significant number of seminars, trainings and educational events were held for police officers of all categories to improve their skills in protecting vulnerable part of the population, in particular LGBTIQ community:

- on 10 March 2023, online seminar “General principles of gender equality and the formation of zero tolerance to gender-based violence and discrimination” was held;

- on 28 April, 05 May, 26 May and 28 June 2023, series of online webinars “Gender equality: basic concepts”, “Discrimination: basic concepts and mechanisms of discrimination”, “Gender mainstreaming in the work of the security and defence sector”, “Resistance to gender equality “, which took place within the framework of the EU4 Gender Equality Reform support service project, funded by the European Union were conducted;

- on 13 – 14 July 2023, a training for trainers on the topic: “Gender equality and the prohibition of discrimination through the prism of Article 14 of the Convention for the Protection of Human Rights and Fundamental Freedoms and Protocol 12 to the Convention” took place in Kyiv within the framework of the Council of Europe project “Strengthening Ukrainian Law Enforcement Agencies During War and Post-War Period”;

- on 4 – 5 October 2023, training on the topic: “Combating discrimination and hate speech against vulnerable groups” took place in Kyiv within the framework of the Council of Europe projects “Combating hate speech in Ukraine” and “Enhanced social protection in Ukraine”;

- on 4, 11, 17, 19 and 24 October 2023, trainings on the ZOOM platform to prevent discrimination against various population groups – ethnic minorities, LGBT+ and IDPs were held;

- on 01 – 02 November and 11 – 12 December 2023, two police trainings took place in Kyiv: focused on “Ensuring human rights and fundamental freedoms. Development of the Custody Records accounting system for detained persons”^{23 24}. These trainings brought together 30 human rights police inspectors from diverse regions across Ukraine.

The main emphasis during the events’ sessions was placed on issues related to diversity and the fight against discrimination, as well as preventing manifestations of hate speech – particularly in relation to the LGBTI community. Training participants had the opportunity to discuss these important topics and acquire practical skills necessary for an effective and sensitive interaction with representatives of various social and vulnerable groups.

During the training, inspectors also examined the psychological background of individuals during their detention, aiming to enhance communication with law enforcement. Additionally, the

²³ <https://www.coe.int/en/web/kyiv/-/improving-capacities-of-police-officers-in-the-field-of-anti-discrimination-and-operating-in-a-diverse-society>

²⁴ <https://www.coe.int/uk/web/kyiv/-/training-ensuring-human-rights-and-fundamental-freedoms.-development-of-the-custody-records-accounting-system-for-detained-persons-for-human-rights-inspectors>

police inspectors actively participated in a session on national and international frameworks related to the protection of the rights of the LGBTI community, joined by experts from the public administration.

These activities were organized in cooperation between the Department of the Main Inspection and Compliance with Human Rights of the National Police of Ukraine and the joint European Union and the Council of Europe project “Support for implementing European standards relating to anti-discrimination and rights of national minorities in Ukraine”;

- on 14 – 16 December 2023, the training aimed at improving the level of prevention and counteraction of hate crimes against LGBTIQ+ people in Ukraine was held;

- on 16 February and 19 April 2024, round tables were held on the topic “Cooperation in combating discrimination and improving communication between the National Police and public associations of national minorities in Ukraine”;

- on 21 – 27 May 2024, a visit of the delegation of the National Police of Ukraine to Tirana (Albania) was organized in order to exchange the experience of law enforcement bodies representatives from Ukraine, Albania and Kosovo on the development of cooperation between LGBTIQ+ community and police, in particular, during the planning and holding of Equality Marches;

- on 20 July 2024, police officers took part in the conference “Monitoring of hate incidents in Ukraine”, organised by the head of the representative office “Freedom House” in Ukraine. Among other things, the conference participants discussed the topic of harmonisation of Ukrainian legislation with European standards in the field of combating discrimination, hate crimes and hate speech;

- on 24 July 2024, The Department of the Main Inspection and Human Rights of the National Police of Ukraine together with the NGO “Gender Stream” developed and presented “Recommendations for the Protection of Rights and Safe Relocation of LGBTIQ+ People in the Conditions of Military Conflict”. These recommendations are designed to provide LGBTIQ+ community with effective tools to protect their rights, and police officers with knowledge of correct interaction with LGBTIQ+ people in different situations;

- on 30 July – 04 August 2024, a visit of the delegation of the National Police of Ukraine to Stockholm (Sweden) was organized in order to exchange the experience of representatives of law enforcement bodies on improving the trust of the LGBTIQ+ community to the police and protecting the rights of the LGBTIQ+ community.

The Government would also like to provide information as regards other events held in 2024:

- on 31 January 2024, the second meeting of the leading committee of the Council of Europe project “Strengthening Ukrainian Law Enforcement Agencies During War and Post-War Period” was held on the Zoom platform. The participants discussed the results of partnership in 2023, agreed on the work plan for 2024 and outlined strategically important areas of cooperation for the future with aim of better implementation of standards and application of practices that strengthen the effectiveness of investigations of human rights violations, particularly in conditions of ongoing war;

- on 05 February 2024, a strategic session was held in Kyiv in partnership with the UN Women in Ukraine project “Transformative Approaches to Achieving Gender Equality in Ukraine”, the Ukrainian Women’s Fund and the National Democratic Institute with the support of Sweden and the

American people provided through the U.S. Agency for International Development (USAID) within the framework of the program “Ukraine: Effective and Responsible Policy”;

– on 13 February 2024, the round table “Harmonization of Ukrainian legislation with European standards in the field of combating discrimination and ensuring diversity” was held at the Ministry of Foreign Affairs of Ukraine²⁵.

The event was organized by the Ministry of Foreign Affairs of Ukraine in partnership with the joint project of the European Union and the Council of Europe “Support for implementing European standards relating to anti-discrimination and rights of national minorities in Ukraine”.

The round table brought together members of the Parliament, representatives of civil society, in particular LGBT community, state authorities and international experts.

The participants of the meeting also discussed the European experience and possible modernity in ensuring diversity and combating discrimination in Ukraine. It was emphasized that interaction with civil society is important not only at the stage of introducing ideas and proposals to improve the legislation, but also at the stage of implementation, with the aim of its best practical application.

In particular, the Draft Law No. 9103 and amendments to other laws necessary to provide full equality of LGBT people were discussed;

– on 14 February 2024, a seminar on “Implementation of a comprehensive gender approach and principles of inclusion” was held;

– On 12 – 13 March 2024, exchange of experience on reforms in the field of equality and protection of LGBTI community took place in Podgorica, Montenegro²⁶;

– on 18 April 2024, the HELP course “Discrimination and Combating Racism, Xenophobia, Homophobia and Transphobia”²⁷ was launched. More than 120 participants, including civil servants of central bodies of executive power and military state administrations, lawyers of the free legal aid system from different regions of Ukraine took part in the launch of the course and registered for the tutoring course on the platform of the Council of Europe HELP;

– on 04 June 2024, a meeting was held between Hallvard Gorseth, Head of the Anti-Discrimination Department of the Council of Europe, and Liudmyla Suhak, Deputy Minister of Justice of Ukraine for European Integration²⁸. Development and future implementation of civil partnership legislation for same-sex couples in Ukraine were discussed among other important issues;

– on 05 June 2024, a meeting between representatives of NGOs, the Council of Europe Office in Ukraine and the Office of the Parliamentary Commissioner for Human Rights of Ukraine took place

²⁵ <https://www.coe.int/uk/web/kyiv/-/towards-a-stronger-partnership-and-larger-consensus-on-equality-for-everyone-in-the-ukrainian-society>

²⁶ <https://www.coe.int/uk/web/kyiv/-/advancing-regional-co-operation-to-bring-forward-equality-reforms-for-the-protection-of-lgbti-community>

²⁷ <https://www.coe.int/uk/web/kyiv/-/discrimination-and-fight-racism-xenophobia-homophobia-and-transphobia-council-of-europe-help-training-course-launched>

²⁸ <https://www.coe.int/uk/web/kyiv/-/working-meeting-safeguarding-rights-and-combating-discrimination-by-the-council-of-europe-and-the-ministry-of-justice-of-ukraine>

in Kyiv²⁹. During the meeting, advocacy efforts were discussed on Draft Laws No. 9103 (“On Institute of Registered Partnerships”) and No. 5488 (“On Amendments to the Code of Ukraine on Administrative Offenses and the Criminal Code of Ukraine Regarding the Combating Discrimination”), including the need to implement European standards in these Draft Laws. The interactive format of the dialogue allowed the participants of the meeting to understand the specific needs of the LGBTIQ+ community, contributing to effective communication and cooperation with the public;

– on 06 June 2024, Draft Laws No. 9103 and No. 5488 were also discussed at a joint meeting between Hallvard Gorseth and Oleksandr Kornienko, First Deputy Chairman of the Verkhovna Rada of Ukraine³⁰;

– on 05 September 2024, a meeting was held between Hallvard Gorseth, Denys Maslov, Chairman of the Committee of the Verkhovna Rada of Ukraine on legal policy and Volodymyr Vatrás, Chairman of the Subcommittee on the organization and activity of the advocacy and bodies providing legal aid, where such legislative initiatives as criminalization of hate crimes and establishment of the institute of civil partnership were also emphasized³¹.

Thus, representatives of law enforcement and other government bodies are actively involved in discussions and other activities aimed at combating discrimination in Ukraine. The Council of Europe Office in Ukraine continues to remain one of the key partners of the Government in ensuring the implementation of the principle of equality and provides essential support that contributes to the improvement of the situation of representatives of the LGBTIQ community in Ukraine, which is extremely important given the efforts of the Government in the context of working out mechanisms for recognition of same-sex couples.

The activities of specialized bodies, whose competence concerns the prevention and combating of discrimination

It should be mentioned that the programs of initial professional training for police officers (the Order of the Ministry of Education and Science of Ukraine No. 669 dated 21 June 2018), provided for the study of the subjects “Fundamentals of constitutional law. Ensuring human rights and freedoms. The practice of the European Court of Human Rights”, “Tolerance and non-discrimination in the work of the police officers”. During the study the issues of international standards of human rights and international mechanisms for the protection of human rights are considered; national and international standards of freedom from torture and the issues of preventing and combating discrimination, as well as studying the Convention, judgments of the Court, the practice of international organisations and judicial institutions in cases of discrimination of various social groups, in particular LGBT community, are also discussed.

²⁹ <https://www.coe.int/uk/web/kyiv/-/improving-dialogue-and-mutual-understanding-between-the-ukraine-s-ombudsperson-office-and-lgbtq-ngos>

³⁰ <https://www.coe.int/uk/web/kyiv/-/strengthening-legal-protection-for-vulnerable-groups-a-meeting-between-the-council-of-europe-and-the-ukrainian-parliament>

³¹ <https://www.coe.int/uk/web/kyiv/-/advancing-on-the-european-path-by-consolidating-the-legal-framework-on-equality>

This order was deemed null and void due to its replacement by the adoption of the order of the Ministry of Education and Science of Ukraine No. 299 of 08 March 2024 regarding the state educational standard for the profession 5162 “Policeman (by specializations)”³².

In addition, typical educational and thematic plans for professional development of all categories of police officers provide for the study of the following topics: “Human rights. Constitutional and legal mechanism for the protection of human rights. Decisions of the Constitutional Court of Ukraine. International standards in the field of human rights. Practice of the European Court of Human Rights. Formation of gender competence in accordance with UN and NATO standards”.

In 2022, 3,006 police officers appointed to the police service for the first time successfully completed initial professional training. In 2023, these numbers increased to 3,476, and in 2024 (as for August) to 2,964 police officers.

According to the Law of Ukraine “On the National Police”, the police take all necessary measures aimed at preventing violations of law and order during the Equality Marchs and other peaceful gatherings organised by the LGBTIQ community. Before conduction of such events, the police interact with their organisers and municipal authorities.

It should also be noted that employees of the National Police of Ukraine in order to improve communication and effective interaction with NGOs, representatives of national minorities and LGBTIQ+ communities organise and hold meetings at which, among other things, the issues of the rights of LGBTIQ+ people, equality and non-discrimination (how the community works on these issues, what was achieved, and what challenges remain), national and international legislation, strategies to overcome stereotypes and prejudices that can lead to violations of human rights, possible ways to improve the work and communication of the police in cooperation with public associations are discussed.

As a result of such meetings a communicative group was created, the purpose of which is the direct exchange of information between the National Police of Ukraine, public organisations/associations of national minorities and communities of LGBTIQ. There were also reached agreements on further cooperation on mutual exchange of information in order to timely solve the issues arising during the performance of police duties when communicating with representatives of national minorities.

The Government would also like to inform that the Ministry of Foreign Affairs of Ukraine by its Order of 29 December 2023 No. 582 established the Council on Human Rights, Gender Equality, and Diversity (the “Council”)³³.

The Council is a permanent consultative and advisory body to provide expert assistance, support the activities of the Ministry and foreign diplomatic missions of Ukraine, hold consultations on the topics of human rights, gender equality and diversity, as well as to promote the integration of issues of respect for human rights, gender equality, diversity and inclusiveness in the activities of the Ministry of Foreign Affairs and foreign diplomatic institutions of Ukraine.

³² <https://mon.gov.ua/static-objects/mon/sites/1/pto/standarty/2024/03/08/Nakaz.MON-299.vid.08.03.2024-Politseyskyy-za.spetsializatsiyamy.pdf>

³³ <https://mfa.gov.ua/events/rada-z-prav-lyudini-gendernoyi-rivnosti-ta-riznomanittya-pri-mzs-ogoloshuye-konkurs-proyektiv>

The Council exercises its powers on a public basis.

The Council in accordance with its tasks:

- provides proposals and recommendations regarding the fulfilment of Ukraine's international obligations on issues of human rights, gender equality, diversity and inclusiveness in the units of the Ministry of Foreign Affairs and foreign diplomatic institutions of Ukraine;
- monitors the state of affairs within its competence, summarizes the information received and submits materials for solving topical issues in the field of human rights, gender equality and diversity;
- organises and conducts awareness-raising activities on issues of human rights, gender equality, diversity and inclusiveness.

The Council has the right, in particular, to establish temporary and permanent working bodies, thematic working groups and commissions, which, according to the Council's decision, may include experts and invited persons (if necessary); to involve independent experts and consultants (with the consent) to work on issues that belong to the competence of the Council; to initiate public events.

Representatives of the Ministry of Foreign Affairs, representatives of other central and local executive authorities, scientific institutions, specialists of other state institutions, independent experts, specialists, and specialist consultants are involved in the work of the council (with their consent).

The main form of work of the Council is meetings, which are held as needed, but not less than twice a year.

The Council deals with a wide range of issues, including the protection of the rights of vulnerable segments of the population, in particular LGBT.

On 17 May 2024, the Council meeting took place in Kyiv. There where critical issues discussed, including the coping with discrimination and hate crimes, as well as the protection of LGBTIQ+ rights in Ukraine.

The discussions involved representatives of government bodies and non-government organizations, civil society, and the diplomatic corps. They focused on raising awareness among Ukrainian parliamentarians and government officials about the civil rights of vulnerable groups, particularly the LGBTIQ+ community. The main topic was the importance of the Draft Law No. 9103.

Additionally, within the framework of the Council's activities, two roundtable discussions were held on gender equality and the harmonization of Ukrainian legislation with EU standards in the field of combating discrimination.

Furthermore, the Order of the Parliamentary Commissioner for Human Rights of Ukraine of 30 April 2024 No. 6415/24³⁴, established the Expert Council on the Observance of Equal Rights, Prevention of Discrimination, Domestic Violence and Trafficking to the Representative of the Commissioner for Equal Rights and Freedoms, Rights of National Minorities, Political and Religious Views (the "Expert Council").

The main tasks of the Expert Council are:

³⁴ <https://ombudsman.gov.ua/storage/app/media/uploaded-files/64.1524.pdf>

- systematic analysis of the state of observance by public authorities, local self-government bodies, enterprises, institutions, organisations, regardless of ownership, and their officials of equal rights and freedoms of human and citizen and observance of the principle of non-discrimination, rights of persons affected by domestic violence and trafficking;
- preparation of proposals and recommendations on the observance of the principle of non-discrimination, prevention of violations of equality of rights, as well as in the field of protection of the rights and freedoms of persons affected by domestic violence and trafficking, or promotion of their renewal;
- providing proposals for improving legislation in the field of prevention and combating discrimination, as well as in the field of protection of the rights and freedoms of persons affected by domestic violence and trafficking;
- providing proposals for the implementation of international law in the field of prevention and combating discrimination, domestic violence and trafficking, taking into account international experience;
- provision of proposals to drafts of legal acts in the field of protection of equal rights and freedoms of human and citizen, observance of the principle of non-discrimination, prevention and combating domestic violence and trafficking;
- presentation of the results of research in the field of protection of equal rights and freedoms of human and citizen, observance of the principle of non-discrimination, prevention and combating domestic violence and trafficking.

The Government would like to assure the Committee of Ministers on their commitment to continue working towards coping with discrimination, including by establishing specialised bodies that contribute to a thorough examination of the issues faced by the LGBTQ+ community and the development of methods and mechanisms for their resolution. The activities of authorities demonstrate that prohibition of discrimination remains one of the most important issues on which the Government focus its attention.

Publication and dissemination

The Ukrainian translation of the judgment was put on the Ministry of Justice of Ukraine official website³⁵ and published in the official government's print outlet – Official Herald of Ukraine [*Ofitsiyni Visnyk Ukrainy*], No. 100 in December 2023.

The summary of the Court's judgment in Ukrainian language was published in the Government's Currier [*Uriadovyi Kurier*], no. 193 of 26 September 2023 and put on the website of the Supreme Court³⁶.

The translation is also available on the Verkhovna Rada of Ukraine official web-site³⁷, and HUDOC database³⁸ as well as on the legal portal *Liga Zakon*³⁹.

³⁵ <https://minjust.gov.ua/m/rishennya-schodo-suti-za-alfavitom>

³⁶ https://supreme.court.gov.ua/userfiles/media/new_folder_for_uploads/supreme/zakonodastvo/Maimylahin_Ukraine.pdf

³⁷ https://zakon.rada.gov.ua/laws/show/974_i96#Text

³⁸ <https://hudoc.echr.coe.int/eng#%7B%22fulltext%22:%5B%2275135/14%22%5D%22itemid%22:%5B%22001-230201%22%5D%7D>

³⁹ <https://ips.ligazakon.net/document/SOO01797>

CONCLUSIONS OF THE RESPONDENT STATE

The Government affirm that Ukraine is a European State which has given ample proof of its adherence to the values on which the European Union is founded.

The Government have paid just satisfaction to the applicants and their lawyer in full.

Also, the Government believe that despite the lack of relevant legislation granting legal recognition and protection to same-sex couples comparable to that afforded to different-sex couples, the State is actively taking measures to fulfil its international obligations. The adoption of the related law is only a matter of time. Nevertheless, the Government continue to adopt other legal framework with an aim to protect the rights of individuals from discrimination based on sexual orientation.

Representatives of law enforcement agencies, as well as other government bodies, actively participate in events aimed at improving the qualifications in the field of combating discrimination and addressing issues related to the LGBTIQ community.

Ukrainian society is founded on the principle of equal dignity for all individuals. Sexual orientation should not be an obstacle for a person to enjoy equal rights and freedoms. The growing support for the introduction of registered civil partnerships for same-sex couples is an example of this principle.

The Government of Ukraine will inform the Committee of Ministers about further developments in this case.