

RESEARCH ON DISCRIMINATION, HATE SPEECH AND HATE CRIMES IN UKRAINE



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**RESEARCH ON DISCRIMINATION,
HATE SPEECH AND HATE CRIMES
IN UKRAINE**

Ukrainian edition:
**Дослідження дискримінації, мови
ворожнечі та злочинів на ґрунті
ненависті в Україні**

This document has been produced in the framework of the project “Strengthening the access to justice through non-judiciary redress mechanisms for victims of discrimination, hate crime and hate speech in Eastern Partnership countries”, funded by the European Union and the Council of Europe and implemented by the Council of Europe in their Partnership for Good Governance II, 2019-2022. Its contents are the sole responsibility of the authors. Views expressed herein can in no way be taken to reflect the official opinion of the European Union or the Council of Europe.

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Executive summary

In September-October 2021, the Info Sapiens research agency was engaged to conduct national research in Ukraine within the framework of the European Union – Council of Europe project “Strengthening access to justice through non-judicial redress mechanisms for victims of discrimination, hate crime and hate speech in Eastern Partnership countries”. The research aimed to produce an analysis on:

- Public understanding of the concepts of discrimination, hate speech, and hate crimes and their perception of these phenomena in their direct surroundings.
- The perception of specific target groups of the concepts of discrimination, hate speech, and hate crimes and their perception of these phenomena in their direct surroundings; specifically, the groups targeted will be identified on the grounds of “race,” ethnic/national origin, colour, citizenship, religion, language, sexual orientation, gender identity, sex characteristics, gender, and disability.
- Majority and specific groups’ perception of diversity and “living together”.
- Understanding and perception of both the general public and specific groups of the effectiveness of the institutions in charge for combating discrimination, hate speech, and hate crimes in Ukraine; of the existing measures/remedies and identification of new measures and remedies.

Overall, 20 focus group discussions were conducted with representatives of 10 target groups who are likely to be exposed to hate speech and/or discrimination: Lesbian, Gay, Bisexual, Transgender and Intersex (LGBTI); Roma; people of Asian origin and Black people; Muslims except for Crimean Tatars; Crimean Tatars; Jewish people; people of different citizenship (immigrants); persons with disabilities; women and people speaking Russian who don’t know Ukrainian well. These groups are those allegedly suffering from discrimination on the abovementioned grounds.

Roma community is in 13th place by size among Ukrainian national minorities.

Muslims are the largest non-Christian religious group in Ukraine. Crimean Tatars (who are also Muslims) were surveyed separately as, according to the Census of 2001, they are the most significant non-Christian ethnic minority in Ukraine. Most Crimean Tatars interviewed for this research are now internally displaced people.

Jewish people are the second most significant non-Christian minority in Ukraine.

The Russian language is the second most widespread language after Ukrainian; presumably, all Ukrainian citizens understand Russian. At the same time, some Ukrainians can be hostile towards people speaking Russian because Russia is perceived as an aggressor by most Ukrainians. It was decided to include in this research the analysis whether the speakers of the Russian language primarily experience any forms of hostility in the Ukrainian society.

A quantitative survey was carried out among the general population to identify and analyse their perception related to the same groups as above. Besides, men were added as the control group for women, and Ukrainian-speaking people were added as the control group for Russian speaking.

The nationally representative sample for the survey constituted 2000 respondents. The key findings of this research are the following:

- **Low awareness of the concepts and remedies related to discrimination, hate speech and hate crimes and low trust in law enforcement organisations and courts are observed among the**

total population and the target groups involved in the focus groups. Most respondents to the survey (62%) and even participants of focus groups (except for LGBTI persons and Roma) consider that discrimination is not very present in the society. This belief can be explained by the relative homogeneity of the Ukrainian society (majority of respondents to the survey never communicate with people of Asian origin, Black people, Crimean Tatars or other Muslims, Roma and LGBTI persons) and lack of awareness of the concepts (specifically, 9%-22% of respondents cannot say whether the specific group is discriminated or not). Some respondents perceive legislative restrictions as discrimination (for example, legislative restrictions for foreigners, mandatory usage of the Ukrainian language in service and public sectors, etc.). The awareness of existing measures and remedies for discrimination and hate speech is shallow: only 8% of respondents to the survey are aware of the laws protecting from discrimination, 13% know their rights in case of becoming a victim of discrimination, and 24% know their rights if government officials use derogatory terms against the groups they belong to. Most often, respondents would address the police (37%) or the legal aid (31%) in the situation of discrimination. Only 18% would apply to courts, and about one-third answered that it makes no sense to address any organisation. Besides, 9% would address the Ombudsperson's office in case of becoming the victim of discrimination and 6% - if government officials use derogatory terms against the groups they belong to.

– **Hate speech is present in the private and public discourse, but to different degrees.** Most respondents have heard derogatory terms towards at least one of the targeted groups in the last 12 months. Derogatory statements were made in 83% of cases by common people and in 17% of cases by public figures, officials, journalists.

– **The most visible discrimination is in the field of employment** (40% of respondents have mentioned it). Participants in the focus groups also, most of all, worry about discrimination in this area. At the same time, many respondents feel discriminated against in the job market not because of belonging to their respective groups but because of their age.

– **The highest levels of intolerance and discrimination are perceived against the LGBTI and Roma communities.** Members of the Roma community feel heavily discriminated against in all facets of public life: health, education, employment, social security. LGBTI persons, beside the public sphere, suffer from hate speech even in their families. LGBTI persons choose to hide from discrimination by refraining from coming out. Openly declared LGBTI persons are the most active in protecting their rights among all target groups, but they complain that law enforcement agencies often refuse to classify cases according to Article 161 of the Criminal Code. The Roma suffer from hate speech and discrimination from early childhood – about one-third of survey respondents would not accept Roma children as schoolmates for their children. The same share of the general population would not accept LGBTI children as schoolmates for their children, but in most cases, their LGBTI status is hidden.

– **Most respondents are aware of the existence of discrimination against persons with disabilities, but most also show readiness to support them, unlike LGBTI and Roma.**

– **Awareness of gender-based discrimination is low.** 33% of respondents admit that there is discrimination against women (specifically, it was mentioned by 35% of women and 30% of men). At the same time, 24% recognise that there is discrimination against men (no gender differences in estimates). Based on other surveys, the report's authors assume that this is because in a traditional societal context most respondents support gender stereotypes and therefore do not "notice" gender-based discrimination.

– **In relation to discrimination based on the ground of language, Russian-speaking respondents mainly brought up cases where usage of Ukrainian is regulated by law** (- for example, the law requires the usage of the Ukrainian language in the service sector and, therefore, refusal to employ people who do not know or do not want to use Ukrainian cannot be perceived as discrimination. At the same time, there can be situations of mockery or derogatory speech towards Russian-

speaking people in Ukrainian-speaking environments or towards Ukrainian-speaking people in Russian-speaking environments. Specifically, 23% of respondents heard hate speech against Russian-speaking and 17% - against Ukrainian-speaking people in the last 12 months.

The recommended actions to reduce discrimination, hate speech, and hate crimes are the following:

- improvement of the regulatory framework and its effectiveness through:
 - adding sexual orientation and gender identity criteria to articles 67 and 161 the Criminal Code of Ukraine,
 - organisation of training for the law enforcement agencies (first of all, police) to decrease the level of prejudice and increase their awareness of discrimination, hate speech and hate crime,
 - popularization of success stories when the victims of hate speech, hate crimes and discrimination defended their rights;
- launching public campaigns to raise the awareness of the public about what hate speech, hate crime and discrimination are and what to do in such situations;
- more public information about entities/organisations which provide advice and support in case of hate speech, hate crimes and discrimination, and about helplines;
- development of anti-discrimination programmes for different settings, both in the formal education system and outside;
- support for intercultural activities (to teach people to respect other cultures);
- breaking stereotypes about different groups through the development and implementation of the large-scale information campaigns; provision of information about prominent people from these groups.

1. Research objectives and methodology

The project “Strengthening access to justice for victims of discrimination, hate speech, and hate crimes in the Eastern Partnership, funded by the European Union and the Council of Europe and implemented by the Council of Europe in their Partnership for Good Governance II, 2019-2022 includes country-specific and regional activities for Armenia, Azerbaijan, Georgia, the Republic of Moldova, and Ukraine. The project aims to:

- improve access to justice for victims of discrimination, hate crime and hate speech through non-judicial redress mechanisms;
- strengthen the capacity and co-operation of Equality bodies/ Ombud offices with NGO partners on redress mechanisms to discrimination, hate speech, and hate crime;
- raise awareness towards non-discrimination and increase the visibility of national redress mechanisms;
- identify comprehensive ways of combating hate speech through the reinforcement of national responses.

In that context, LLC “Info Sapiens” was contracted to conduct a national-level research in Ukraine to produce an analysis on:

- the public understanding of the concepts of discrimination, hate speech, and hate crimes and their perception of these phenomena in their direct surroundings;
- the perception of specific target groups of the concepts of discrimination, hate speech, and hate crimes and their perception of these phenomena in their direct surroundings; specifically, the groups targeted will be identified on the grounds of “race”, ethnic/national origin, colour, citizenship, religion, language, sexual orientation, gender identity, sex characteristics, gender, and disability;
- majority and specific groups’ perception of diversity and “living together”;
- the understanding and perception of both the general public and specific groups of the effectiveness of the institutions in charge for combating discrimination, hate speech, and hate crimes in Ukraine; of the existing measures/remedies and identification of new measures and remedies.

The research was conducted from September to October 2021 and included focus group discussions and a national survey.

The focus groups were used to collect data specifically from the groups targeted by discrimination, hate speech, and hate crimes on the grounds of “race” (notably people of Asian origin and Black people), ethnic/national origin, colour, citizenship, religion, language, sexual orientation, gender identity, sex characteristics, gender, and disability. All focus groups were conducted online via conference calls except for Roma groups to ensure a better outreach. Within all focus groups, the participants were gathered from different regions and settlement sizes except for the Roma groups, which were conducted in Zakarpattia region.

Overall, 20 focus group discussions were conducted with representatives of 10 target groups who suffered from hate speech and/or discrimination. Each group included 6 participants. 2 focus group discussions were conducted with each group (specifically, with respondents aged 18-35 and 36-60): LGBTI; Roma; People of Asian origin and Black people; Muslims except for Crimean Tatars; Crimean Tatars; Jewish people; people of different citizenship (immigrants); persons with disabilities; women, and people speaking Russian who don’t know Ukrainian well.

These groups are those allegedly suffering from discrimination on the abovementioned grounds. Most of them (except for women and people speaking Russian) constitute low shares within the general population and therefore are not represented within the national survey in enough number for reliable separate analysis.

Muslims are the largest non-Christian religious group in Ukraine. Crimean Tatars (who are also Muslims) were surveyed separately as, according to the Census of 2001, they are the largest non-Christian ethnic minority in Ukraine. Most Crimean Tatars interviewed for this research are now internally displaced people. The Jewish are the second largest non-Christian minority in Ukraine. Roma community is in 13th place by size among Ukrainian national minorities.

The Russian language is the second most widespread language after Ukrainian; presumably, all Ukrainian citizens understand Russian. At the same time, some Ukrainian citizens can be hostile towards people speaking Russian because Russia is perceived as aggressor by most Ukrainian citizens. It was decided to include in this research the analysis whether the speakers of Russian language primarily experience any forms of hostility in the Ukrainian society.

A quantitative survey was carried out among the general population to identify and analyse their perception related to the same groups as above. Besides, men were added as the control group for women, and Ukrainian-speaking people were added as the control group for Russian speaking.

The nationally representative sample¹ for the survey constituted 2000 respondents. The survey method was computer-assisted personal interviews at the respondent's home. The margin of the error (including design effect) is 3,2% for the indicators close to 50%, 2,9% for the indicators close to 25%, 2,2% for the indicators close to 12%, 1,5% for the indicators close to 5%.

1. The parts of the territory of Ukraine which are temporarily not under the effective control of the Ukrainian government, notably the Autonomous Republic of Crimea and the city of Sevastopol as well as the non-government-controlled areas of the Donetsk and Luhansk regions are excluded from the sample

2. National standards on discrimination, hate speech, and hate crimes

International anti-discrimination framework in Ukraine

Ukraine is a member of international conventions such as:

- European Convention on Human Rights,
- International Convention on the Elimination of All Forms of Racial Discrimination,
- Convention on the Elimination of All Forms of Discrimination against Women,
- Framework Convention for the Protection of National Minorities,
- Discrimination (Employment and Occupation) Convention (No. 111),
- Universal Declaration of Human Rights,
- International Covenant on Civil and Political Rights,
- International Covenant on Economic, Social and Cultural Rights.

The EU – Ukraine Association Agreement and its related Action Plan has had a very important support effect in the adoption of the legislation on combating discrimination in Ukraine.

Ukrainian legislative framework for prevention and combating discrimination

Ukraine's legislative framework for preventing and combating discrimination includes the following:

- the provisions of the Constitution of Ukraine,
- the laws of Ukraine "On the Commissioner of the Verkhovna Rada of Ukraine on Human Rights", "On the Principles of Prevention and Combating Discrimination in Ukraine", "On Ensuring Equal Rights and Opportunities for Women and Men", "On Freedom of Conscience and Religious Organisations", "On the National Minorities in Ukraine", "On native peoples of Ukraine", "On the National Police",
- provisions in the Civil Code of Ukraine (Articles 26, 1166 and 1167), Civil Procedure Code of Ukraine (Article 60), Labour Code of Ukraine (Articles 2, 22), Criminal Code of Ukraine (Articles 67, 115, 121, 122, 126, 127, 129, 161), Criminal Procedure Code of Ukraine and Code of Ukraine on Administrative Offences.

The Constitution of Ukraine of 1996² includes the provisions about the equality principle in all spheres and between different stakeholders. Article 24 of The Constitution says that citizens have equal constitutional rights and freedoms. No privileges or restrictions could be by "race", skin colour, political, religious, and other beliefs, sex, ethnic and social origin, language and other criteria. The list of the criteria is open; it does not specify citizenship, disability, sexual orientation and gender identity, but these criteria may be interpreted as being covered within the "other" category.

The Commissioner of the Verkhovna Rada of Ukraine on Human Rights (hereinafter the Ombudsperson) is the major state entity in the sphere of preventing and combating discrimination. The Ombudsperson is the independent national human rights institution, according to the Law of Ukraine "On the Parliament's Commissioner on Human Rights"³. The powers of the Ombudsperson to prevent and combat discrimination are stated in the Law of Ukraine "On the Principles of Preventing and Combating Discrimination

2. The Constitution of Ukraine of 1996. URL: <https://rm.coe.int/constitution-of-ukraine/168071f58b>

3. The Law of Ukraine "On the Parliament's Commissioner on Human Rights". URL: <https://zakon.rada.gov.ua/laws/show/776/97-%D0%B2%D1%80#Text>

in Ukraine” of 2012⁴ (hereinafter the Law on Discrimination). According to the Law, the Ombudsperson prevents all forms of discrimination and implements measures to combat discrimination, namely:

- monitors compliance with the principle of non-discrimination in various spheres of public relations, in particular in the private sphere;
- applies to the court with allegations of discrimination in order to protect the public interest; participates (personally or through his representative) in the proceedings in cases and in the manner prescribed by law;
- monitors and summarises the results of non-discrimination principles in various areas of relations;
- considers appeals of persons and / or groups of persons on discrimination issues;
- keeps records and summarises cases of discrimination in various areas of relations;
- makes proposals for improving the legislation on preventing and combating discrimination, applying and stopping positive actions;
- provides the opinion in cases of discrimination at the request of the court;
- covers the issues of preventing and combating discrimination and adherence to the principle of non-discrimination in the annual report;
- cooperates with international organisations, relevant bodies of foreign countries on compliance with international standards of non-discrimination;
- exercises other powers determined by the Constitution and laws of Ukraine.

According to the Law on Discrimination, discrimination is a situation in which a person and/or a group of persons on the ground of their “race”, colour, political, religious or other beliefs, sex, age, disability, ethnic or social origin, citizenship, family and property status, place of residence, linguistic or other characteristics are restricted in the recognition, implementation or use of rights and freedoms, except when such limitation is defined by the law. The list of the criteria is more detailed than the one in the Constitution of Ukraine and includes citizenship and disability but does not refer specifically to sexual orientation and gender identity. Similar to the constitutional provisions, the list is open, so these criteria refer to the “other” category.

This Law applies in such fields as socio-political activities, civil service and service in local self-government bodies, justice, labour relations, health care, education, social protection, housing relations, access to goods and services, and other areas of public relations.

The Law defines the following terms: “indirect discrimination”, “incitement to discrimination”, “aiding in discrimination”, “direct discrimination”, “oppression”, and “positive actions”.

In particular, “indirect discrimination” is qualified as a situation in which, there are less favourable conditions for a person and/or group of persons, caused by their specific grounds, due to the implementation or application of formally neutral legal norms, assessment criteria, rules, requirements or practices in comparison with those provided for other persons and/or groups of persons; except when their implementation or application has a legitimate, objectively justified goal, the means of achieving which are appropriate and necessary.

4. On Principles of Preventing and Combating Discrimination in Ukraine (No. 5207-VI). URL: <https://zakon.rada.gov.ua/laws/show/5207-17/#Text>

“Incitement to discrimination” is defined as instructions or calls for discrimination in relation to a person and / or group of persons according to their specific features. “Aiding in discrimination” is described as any conscious help in committing acts or inactivity aimed at the occurrence of discrimination.

The Law stipulates that the Cabinet of Ministers of Ukraine:

- ensures the implementation of a unified state policy aimed at compliance with the principle of non-discrimination in all spheres of society;
- directs and coordinates the work of ministries, other central and local executive bodies to ensure the prevention and combating of discrimination;
- takes into account the principle of non-discrimination when adopting regulations;
- approves the procedure for conducting anti-discrimination examination of draft normative legal acts by executive bodies;
- exercises other powers in the field of prevention and counteraction of discrimination provided by law.

Also, the Law states that state bodies, authorities of the Autonomous Republic of Crimea and local self-government bodies within their powers:

- prepare proposals to improve legislation on preventing and combating discrimination;
- take positive action;
- adhere to the principle of non-discrimination in their activities;
- cooperate with public organisations on compliance with the principle of non-discrimination;
- promote research in the field of preventing and combating discrimination;
- conduct educational activities on preventing and combating discrimination.

Part III of the Law on Discrimination states that the people have a right to an effective remedy for when their rights are violated (see more details below).

The Law of Ukraine “*On Ensuring Equal Rights and Opportunities for Women and Men*”⁵ of 2005 describes a range of legal terms, such as “equal rights of women and men”, “gender equality”, “sexual discrimination”, etc. The aim of this law is to establish the equality of women and men in all the spheres of social life.

The recently adopted Law of Ukraine “*On native peoples of Ukraine*” of 2021⁶ defines the term “native peoples” to Ukrainian legislation and underlines the rights of members of the native peoples of Ukraine. By adopting this Law, Ukraine takes responsibility for protecting, assisting in cultural development and representation in governmental bodies of the representatives of the native peoples of Ukraine. The Law prohibits discrimination against native people and incitement for racial, ethnic or religious hatred against them (Article 3).

Recently, the Verkhovna Rada adopted the first reading of amendments to the Law of Ukraine “*On Advertising*”⁷. In particular, the amendments include terms “discriminatory advertising” and “gender-based discriminatory advertising”.

5. The Law of Ukraine “On Ensuring Equal Rights and Opportunities for Women and Men”. URL: <https://zakon.rada.gov.ua/laws/show/2866-15#Text>

6. The Law of Ukraine “On native peoples of Ukraine” of 2021. URL: <https://zakon.rada.gov.ua/laws/show/1616-20#Text>

7. The Law of Ukraine “On Advertising” of 2021. URL: <https://zakon.rada.gov.ua/laws/show/1750-IX#Text>

The Law of Ukraine “On the National Police” of 2015⁸ contains provisions related to the role of the National Police in guaranteeing a non-discriminatory approach – in the activity of the Police any privileges or restrictions on the grounds of “race”, political, religious or other opinion, sex, ethnic or social origin, property status, place of residence, language or other grounds are prohibited (Article 7). Similarly to the constitutional provisions, the list does not include citizenship, disability, sexual orientation and gender identity, but it is open. National Police has to take measures to prevent and combat domestic violence or gender-based violence (Article 23).

Strategies for combating discrimination

The following strategies that are being implemented are fully or partially aimed at combating discrimination:

- The National Strategy on Human Rights of 2021,
- The Strategy on Facilitation of Realisation of Rights and Opportunities for Persons of Roma Nationality in Ukraine by 2030,
- The Presidential decree “On Ukrainian sustainable development goals by 2030”.

Each of them is, in fact, a continuation of the earlier strategies, in particular:

- The National Strategy on Human Rights of 2015,
- The Strategy of Protection and Integration into the Ukrainian Society of the Roma National Minority by 2020,
- The National Strategy of Sustainable Development “UKRAINE – 2020”.

Particularly, *the National Strategy on Human Rights of 2015*⁹ was the first effort at developing a comprehensive framework for human rights in Ukraine. Its part on “Prevention and Combating Discrimination” indicated the necessity to fill gaps in legislation, insufficient coordination of actions of state authorities and local authorities, the ineffectiveness of the legal mechanisms to suppress discrimination, lack of information and educational activities to avoid stereotypes, intolerance and bias in society.

*The National Strategy on Human Rights of 2020*¹⁰ was created as a new version of the Strategy of 2015. Thus, it is rather similar to the previous version and reflects changes that have taken place due to the Strategy of 2015. It also includes the section on “Prevention and Combating Discrimination” and declares the goal of creating an effective system of prevention and combating discrimination in Ukraine, indicating inconsistencies of the legal framework in this sphere. The Strategy is supplemented by new sections (such as “Ensuring environmental rights”, “Ensuring respect for human rights in the course of economic activity”) and additions as a response to new challenges. In particular, it articulates more clearly the needs for the protection of human rights against armed aggression. Also, the Strategy has become a “measurable” document: in addition to the expected results in the thematic areas, the indicators will

8. The Law of Ukraine “On the National Police” of 2015. URL: https://www.rightofassembly.info/assets/downloads/2015_Law_on_the_National_Police.docx

9. The National Strategy for Human Rights of 28.08.2015. URL: <https://www.kmu.gov.ua/en/news/248442367>

10. The National Strategy for Human Rights of 24.03.2021. URL: <https://minjust.gov.ua/files/general/2021/04/06/20210406204133-62.pdf>

be used to assess the implementation of the Strategy. In particular, key indicators for preventing and combating discrimination include, but are not limited to the following:

- number of criminal proceedings for criminal offenses committed on the grounds of intolerance, which are considered with the verdict;
- share of administrative service centres accessible to persons with disabilities and other low mobility groups;
- proportion of persons who indicated that they had experienced discrimination, etc.

*The Strategy of Protection and Integration into the Ukrainian Society Persons of the Roma National Minority by 2020*¹¹ of 2013 prioritised creating “conditions for the implementation of recommendations on visa liberalisation by the European Union for Ukraine” before ensuring the integration of Roma national minority into the Ukrainian society. It declares the goal to guarantee legal protection of Roma and actions to prevent discrimination against Roma, but it lacked measurable indicators of progress.

*The Strategy on Facilitation of Realisation of Rights and Opportunities for Persons of Roma Nationality in Ukraine by 2030*¹² of 2020 is more detailed comparing to the previous document. It outlines two main types of goals aiming to:

- 1) prevent discrimination against Roma nationality specifically,
- 2) prevent ethnicity-based discrimination in general.

*The National Strategy of Sustainable Development “UKRAINE – 2020”*¹³ describes 4 main vectors including a “vector of responsibility”, which proclaimed the Programme of National Unity and Support to National Minorities.

The Presidential decree *“On Ukrainian sustainable development goals by 2030”*¹⁴ is basically a statement of Ukraine’s willingness to accept UN Sustainable Development Goals.

Remedies for discrimination, hate speech and hate crimes

Part III of the Law on Discrimination stipulates the following responsibility for violations of law:

- A person who believes that he or she has been discriminated against has the right to file a complaint with state bodies, authorities of the Autonomous Republic of Crimea, local governments and their officials, the Ombudsperson and / or the court in the manner prescribed by law.
- A person has the right to compensation for material damage and moral damage caused to him as a result of discrimination. The procedure for compensation for material damage and moral damage is determined by the Civil Code of Ukraine and other laws.
- Persons guilty of violating the requirements of the law on preventing and combating discrimination are subject to civil, administrative and criminal liability.

11. The Strategy of Protection and Integration into the Ukrainian Society Persons of the Roma National Minority by 2020. URL: <https://en.unesco.org/creativity/policy-monitoring-platform/implementation-action-plan>

12. The Strategy on Facilitation of Realization of Rights and Opportunities for Persons of Roma Nationality in Ukraine by 2030.

13. The National Strategy of Sustainable Development “UKRAINE – 2020”. URL: <https://me.gov.ua/Documents/Download?id=05822f66-290b-4b51-a392-347e76eb5f>

14. URL: <https://www.kmu.gov.ua/en/cili-stalogo-rozvitku-ta-ukrayina-eu>

There are no explicit definitions of “hate speech” and “hate crime” in the Ukrainian legislation. At the same time, the Criminal Code of Ukraine (CCU)¹⁵ stipulates remedies for the hate speech and hate crime, in particular:

- Article 161 of the Criminal Code specifies the punishments (from a fine of 200 to 500 tax-free minimum incomes to imprisonment for three years) for intentional acts aimed at incitement to national, racial or religious hatred or at the humiliation of national honour and dignity or the insult of feelings of citizens in connection with their religious beliefs, as well as the direct or indirect restriction of rights or the establishment of direct or indirect privileges towards citizens on the grounds of “race”, colour, religious and other beliefs, sex, disability, ethnic or social origin, place of residence, language and other criteria. So, the punishment for hate speech refers only to national, racial and religious grounds. If these actions are accompanied by violence, deception or threats the punishment is a fine of 500 to 1000 tax-free minimum incomes or imprisonment maximum for five years. If these actions are performed by organised group or caused hard consequences the punishment is imprisonment maximum for eight years.
- Article 67 of the Criminal Code qualifies the commission of a criminal offense on the grounds of racial, national, religious hatred or discord or on the grounds of gender as an aggravating circumstance. That is, any crime committed for such reasons will be punished more severely.

15. Criminal Code of Ukraine. URL: <https://zakon.rada.gov.ua/laws/show/2341-14#Text>

3. Perception of diversity, discrimination, hate speech, and hate crimes: qualitative survey results

Out of the ten groups selected for the focus groups discussions to analyse their perception of the prevalence of discrimination, hate speech and hate crimes, it results that LGBTI persons and Roma community members are the ones facing most hostility, discrimination and hatred. Specifically,

- LGBTI persons mention that they have difficulties in interacting with other members of the community as they avoid disclosing their status publicly, not to suffer stigmatisation.
- Roma representatives are both perceived to be very difficult to live together from the point of view of almost all respondents and tend to isolate themselves from the wider society.

“I think that the appearance of a person can also be a point of discrimination. If there is a situation when a person does not identify himself with any of the genders, and, accordingly, very often such people look in a special way. They dress in a special way. Their whole appearance is special. And I often met such people, for example, in Kyiv. In my opinion, such a person will be subject to discrimination wherever he goes. I don't know, in a public toilet, in a store, in a cafe, in a restaurant” (participant, LGBTI group, 36-60)

“You see a lot of gays on the streets abroad. In other words, in Ukraine, there is approximately the same number of them, but you will not meet them just accidentally because they are disadvantaged as much as possible” (participant, Jewish group, 18-35)

“Roma people are the only nationality that I do not really like” (participant, Crimean Tatars group, 18-35)

Most respondents of the focus groups support the diversity and “living together” concepts but make an exception for the members of the Roma community which they would not like to meet in their surroundings.

Talking about discrimination, first of all, respondents mentioned rights impairment, inequality, attitudes based on prejudice, humiliation, and violence. Respondents aged 36 to 60 from several target groups mentioned problems with employment/promotions as specific forms of discrimination.

According to the respondents, the most common discrimination experiences are:

- verbal abuse,
- mockery, misplaced jokes,
- psychological harassment,
- physical abuse (LGBTI persons were the only group who mentioned such cases).

Young Muslims and LGBTI persons mentioned abuses on the Internet and social media, linked to bullying, focused on these groups; they also added appearance/look disapproval.

Discrimination in Ukraine is not perceived as a mass phenomenon, but rather as individual cases and there is no typical portrait of the discrimination offender. However, the majority of respondents mentioned that discrimination, hatred and hostility usually come from less educated people, people with a low level of culture. The main reasons why people are hostile have to do with their low level of education, their rejection of differences and fear, and the prevalence of stigmatisation, existing stereotypes and phobias.

Respondents consider the following grounds as the most common for discrimination: sexual orientation and gender identity, nationality, “race”, disability, age, and gender.

Almost all groups mentioned that there is a quite high level of discrimination in employment, but different groups mentioned different reasons for it: almost all older respondents (except for the Roma) talked about discrimination on the grounds of age, nationality, and “race”. Russian-speaking people who don’t know Ukrainian well mentioned discrimination on the ground of language.

Roma participants mentioned only one type of discrimination – the one based on nationality and consider that it is focused on Roma community only.

Groups that suffer most from discrimination in Ukraine, according to the majority of the respondents, are:

- LGBTI persons, who suffer from all forms of discrimination, including hate speech and hate crime.
- Roma community, who are perceived by respondents as the social group which generates social tension in terms of neighbourhood.
- People aged 45+ in terms of employment discrimination, which was mentioned by respondents from all focus groups within the age range of 36 to 60.
- Persons with disabilities, who experience problems in employment. Generally speaking, urban/rural facilities are poorly adapted for their needs. Also, persons with disabilities (both children and adults) often become victims of inappropriate/offensive comments.
- Women - first of all, in terms of employment discrimination. Respondents from several groups mentioned that women are also treated worse than men in everyday life: they have more duties, their opinion is considered to be less important.

LGBTI persons

LGBTI persons are perceived to be one of the most discriminated groups, who experience different types of discrimination and hate speech:

- Domestic hate speech – LGBTI persons refer to verbal abuses or offensive jokes even from the members of their family. They try to hide their sexual orientation for not being abused both verbally and physically in public places or at work.
- Discrimination at work – several respondents mentioned that their acquaintances had to resign from their jobs, when their sexual orientation was disclosed.
- Public hate speech – in case of large LGBTI public events, known personalities and organisations that are hostile to LGBTI persons (for example, some religious public figures, members of ultra-right organisations) perform verbal abuses and physically abuse LGBTI persons.
- Rights impairment – inability to jointly own property, formalise a relationship, such as a civil partnership, or use a mortgage programme for young families and so on.
- Identification problem – this problem is typical for transgender individuals, when they show their documents, they also experience problems while obtaining medical services and often have to go to the private medical establishments.

Respondents said that they make maximum efforts not to disclose their status. In most cases, they remain closed, do not speak openly, feel internally conflicted and always check what they say. Some may not even come out towards their family. Therefore, they try, based on life experience, to clearly select their environment. For young members of the group, interaction with others is even more difficult, as they do not have the appropriate experience and developed networks.

"Probably LGBTI people... are discriminated against the whole day. Well, we wake up in the morning, and even in a family, not all LGBTI people have parents who accept their sexual orientation. A person goes out into the street, he cannot take his partner by the hand.... Speaking about work, if I come and say, 'This is the way I am, hire me', most likely, they won't hire me. They will find some reason and I will not be hired. And speaking globally, we cannot do anything at the legislative level. We face discrimination, basically, 24 hours a day" (participant, LGBTI group, 36-60)

"Physical violence: we had a very difficult situation in Zhytomyr, maybe someone heard about the beating and raping of a transgender guy. As far as I remember, it is Sasha, 20 years old. He was beaten by four, let's say, athletes, he met one of them on the Internet – it is a long story, but everything was there, theft, rape, and beating" (participant, LGBTI group, 18-35)

"Our group also suffers a lot from discrimination, because LGBTI organisations are attacked in every region. Gays, lesbians are attacked in every region, and even if they don't like the colour of your hair – you are a lesbian and you are beaten. There was the case in Kyiv. There are all sorts of "Tradition and Order", right-wing radical organisations that catch activists" (participant, LGBTI group, 18-35)

"The parades are organised... We constantly have them in Odesa. The opponents come, and there are four times more of them, and attack those participating in the parade. The police come, the police pack them up. Clashes happen all the time" (participant, people of different citizenship group, 18-35)

Roma community

Roma representatives feel they are heavily discriminated against in all facets of life: health care, education, employment, social security. Their opinion is supported by other target groups respondents, who either consider Roma to be heavily discriminated against or perceive them as the group they would not like to live nearby.

"Well, she was looking for a job 2 years ago. She has a higher education, she graduated from everywhere, she can read and write. She will be told that she is Roma because she is dark. If you are a Roma, then you are stupid... They said that "you are neat, smart, but you are of a different nationality then we are. In other words, we cannot put you at the cash register, for example, to count money or provide services." If you work with people or with money, it is uncomfortable. If it is the money, [everyone begins to say] immediately that the Roma are stealing. It was written in the e-mail that "you do not fit, because you have the wrong skin", although the passport says 'Ukrainian'" (participant, Roma group, 18-35)

"There is discrimination in all areas. For example, let's take the education. This is when children are not admitted to school, it's number one. In the health care, when people are not admitted by a doctor, it is number two. Regarding work, when you are not hired, this is number three. Communication, transport... Kindergartens. Social benefits. There is discrimination in all areas." (participant, Roma group, 36-60)

"I was walking to the store in the evening... and [a man] said to his friend, "Who should be beaten? A German, a Russian, a gypsy – it's no problem." And I was standing next to him: "If you are looking for a gypsy, let's deal with that," and they just left." (participant, Roma group, 18-35)

"Because in general people are suspicious of them and sometimes extremely biased. A priori, they are considered criminals, tramps, leading an asocial lifestyle, people do not want to deal with them. If the neighbours are Roma, it generally considered, "I won't even rent an apartment, the neighbours are Roma." Roma people are constant discrimination" (participant, Jewish group, 36-60)

"I have remembered right away. We have a lot of gypsies, Roma nationality in the city. For some reason, they still evoke distrust for me. And the feeling that it is best to keep away from them" (participant, persons with disabilities group, 18-35)

People discriminated against on the grounds of “race”

People of Asian origin and Black people, especially the younger ones, perceive discrimination against them as a kind of norm, that exists in all countries and is unavoidable, even though they may consider Ukraine not being worse than other countries. The following types of discrimination are experienced:

- Public hate speech – verbal comments due to differences in the physical appearance, for example skin colour. These comments are directed to Black people to a greater extent than to the Asian ones;
- Discrimination at work – respondents mentioned that they have problems with employment due to their skin colour, but they think that age is a much more serious problem;
- Some respondents mentioned that they have difficulties with the access to state education or medical facilities and use private ones;
- Some respondent had problems with premises for living/business lease.

Respondents mentioned that they do not feel much pressure or discrimination displays in the communities where they live and noted that the situation in Ukraine improved significantly during recent years.

“Well, I think that actually there is no discrimination as such anymore. Because, actually, the population, like, Ukraine have already accustomed to other nations, they have already accepted it. In other words, they are already, actually, treated normally” (participant, groups discriminated against on the grounds of “race”, 18-35)

“I don’t think it’s very common... I think it exists in all countries, well, it sometimes happens” (participant, groups discriminated against on the grounds of “race”, 18-35)

“When I arrived, it was very difficult to go outside even at night. You should have taken at least two friends with you. And now, well, you can safely go out. Well, go to the pub alone, go to the cafe alone. Everything is changing little by little. Look, in the past, when we arrived, remember, there were cars that drove through the cities, stopped any foreigners, asked for a passport, when there was yet no police, but there was militia. And now everything is changing. When I walk down the street, and I don’t know where I need to go, I can stop the police and say that, excuse me, I don’t know where to go, they can safely take me there. This was not the case in the past. If you asked for help, they just sent you somewhere far away, and so on” (participant, groups discriminated against on the grounds of “race”, 18-35)

“It’s clear about the skin colour. We cannot get by without this problem. This will always be a big problem for us. There are always people who do not understand that the colour has nothing to do with it. We are Africans and we have this colour. And our skin is this way, it is dark. It is the same way for Asia, they have their own skin. But the problem of colour, now it... It has always existed, and it exists. Now there is new discrimination, which is such latent discrimination. It is not very visible. And you either see it, or you do not see it. Well, this is what is happening in Ukraine now. But there is no aggression. This aggression was in the very old days, and now there is new discrimination... It is so, very hidden” (participant, groups discriminated against on the grounds of “race”, 36-60)

“There are situations when the parents of my friends, even not young people, come up to us and say: ‘You see, I would like my daughter-in-law to be fair’” (participant, groups discriminated against on the grounds of “race”, 36-60)

Muslims

Muslims mentioned that they experience discrimination, but the majority of them, especially the younger age groups, attribute it rather to appearance/nationality than to religion. Muslims experience:

- public hate speech – verbal comments due to their skin colour, their clothes, the language they use or their alleged proximity to Islamic extremists;
- discrimination at work – respondents mentioned that they have problems with employment, but rather because they are perceived as non-residents with unfamiliar names/surnames, than as people with another religion;
- male respondents mentioned that there is a perception that if a woman marries a Muslim, then she will find herself in the position of house slave.

Respondents mentioned that sometimes they feel uncomfortable in the communities where they live, when people look at them as if they are terrorists.

“In other words, someone laughs at the fact that somebody has dark skin, someone said something in their own language, another laughed. Well, it’s also regarding the religion. People don’t understand that everyone has their own religion, and that’s okay.” (participant, Muslims group, 18-35)

“I’ve met a lot of people who don’t like dark-skinned... in general, a lot of people don’t like Arabic language, they start laughing at it” (participant, Muslims group, 18-35)

“Everyone believes if a woman got married to a Muslim, she is like a cook, a housewife, some kind of slave there” (participant, Muslims group, 36-60)

“I was born and grew up in Ukraine, but even when looking for a job or when looking for housing, everyone often sees a non-Ukrainian name – a surname, and everyone immediately thinks that I am a foreigner, and, accordingly, they do not want, let’s say, to hire me, or somehow, they do not want to rent out accommodation, somehow they initially have it right away, and no, without knowing me. Well, basically, I would say, what I often encounter is the [] appearance” (participant, Muslims group, 18-35)

“They mainly write in advertisements that only Slavic nationalities can rent out” (participant, Muslims group, 36-60)

Crimean Tatars

Crimean Tatars do not consider themselves a discriminated group, they identify discrimination just in isolated cases. Those who talk about discrimination, mainly refer to their life before being internally displaced, for example when they used to go to school in Crimea. They mention that they do not experience discrimination in the mainland Ukraine, rather the opposite; in some cases, it is beneficial to be Crimean Tatar.

Nowadays, respondents mentioned that they feel quite comfortable in the communities where they live, and, if some misunderstandings occur, these are not based on nationality or religion.

“I’ve lived only in Lviv. I have not lived in other cities of Ukraine. I do not know how it is there. I have lived here for three years. I did not encounter [discrimination]. It is the opposite. For example, at school or at work, when people find out that I am from the Crimea, they show more interest. Teachers at the university are always understanding. Even my classmates are often discriminated against because I can be even forgiven something and getting higher grades. In other words, on the contrary, they help me, it works.” (participant, Crimean Tatars group, 18-35)

“When the history teacher (this is why I’ve been hating history until now), it was 6-7th grade, she said that the Tatars were traitors. It was a real-life story there. Well, and then there were such phrases at the school, at the university.” (participant, Crimean Tatars group, 36-60)

“Discrimination in the education system. Until now, in the history, Crimean Tatars are traitors, Crimean Tatars are bandits, Crimean Tatars are etc. And the heads of the children, who study now, are junked with the stuff that was junked in Soviet times and earlier.” (participant, Crimean Tatars group, 18-35)

“There is children’s bullying at school. In particular, the Crimean Tatars are still treated like this, they are pressured, one might say so. Then, anyway, everything seems to be fine, we communicate, everything is fine. But it is still: “And here you are! Your ancestors did such things 400 years ago.” I would like to say: “And your ancestors 70 years ago, being part of the NKVD, participated in the deportation of the Crimean people. You forgot.” (participant, Crimean Tatars group, 36-60)

Jewish people

Representatives of the Jewish community do not assess themselves as a group experiencing vast discrimination and they say that things have improved a lot during the last fifteen years. The majority of younger Jewish people spontaneously say that they do not experience discrimination, but after prompting, recall discrimination cases. Older Jewish people say discrimination exists, but its displays are quite rare. Types of discrimination experienced by Jewish are the following:

Domestic discrimination – representatives of the Jewish community refer to verbal abuses or misplaced jokes, at an early age by other children, and as adults, by neighbours or colleagues. Such displays are not very common, and respondents consider that the reasons for them are poor education and peculiarities of particular individuals.

Discrimination at work – one of the respondents mentioned that he was asked to resign from his job two times when the employer found out he was Jewish. Several respondents mentioned that it is hard to negotiate with employers to celebrate national Jewish holidays and to keep them as non-working days. Talking about employment discrimination, Jewish people rather refer to age or gender.

Public discrimination – in case of large Jewish meetings, e.g., within public events managed by Jewish organisations, “nationalists” gathered on the venues and performed verbal abuses, there are acts of vandalism focused on Jewish monuments. Respondents also mentioned hate speech displays on the Internet and in the social media during discussions about events related to Jewish history or even when they just involve Jewish people.

There were several mentions of misinterpretation or inaccurate presentation of the historical events by teachers in schools, which led to Jewish people being insulted by classmates.

Respondents mentioned that they feel quite comfortable in the communities where they live and do not see a difference in the attitude towards them from the majority of their neighbours, local authorities, people living around them generally.

“Now, over the past 15 years, no one has even mentioned to me, made any comments to me. But in childhood it was extremely difficult and very, you know, teenagers, were very cruel in the 90s.” (participant, Jewish group, 18-35)

"I encountered. First, my father was bullied all his life, simply because he is a Jew. Which made me feel like I belonged to the Jewish people. And now I am submitting documents to repatriate to Israel. And from my personal experience, I have also encountered more than once... Therefore, I very often encounter. I am not shy and proud that I belong to the Jewish people." (participant, Jewish group, 18-35)

"It is manifested in every possible way. There is constant discontent. There are some constant accusations against me and my family. Everything is wrong. It's not the way it should be. The slightest... There is such a negative at once and that's it. And there is denial of everything. It is concerning the neighbour." (participant, Jewish group, 36-50)

"Let's say, I also had that two times. Once they found out what nationality, what religion I belong to – that's all, they found an excuse and within a month: 'Write resignation'" (participant, Jewish group, 46-60)

"In another school, there was such a situation with the children that they would come and say: "And what is about the thing the teacher has told us that the Jews crucified Christ?" I called the teacher and said: "Who taught you that?" (participant, Jewish group, 36-60)

People of different citizenship (immigrants)

People of different citizenship experience discrimination because of other nationality or "race". Having another citizenship status in itself creates only bureaucratic burdens. For example, respondents mentioned that they had problems with receiving COVID certificates.

"Somewhere you need to run around more, collect certificates in order to enter. Somewhere, when my peers, classmates could submit the documents for the ZNO¹⁶ online, I had to go to every university, to which I apply, go, write a lot of papers by hand" (participant, people with different citizenship, 18-35)

"We are not integrated into society... For example, our forms of permanent residence are not registered in the Diya application, therefore we cannot receive COVID certificates – neither external nor internal. If there will be trips abroad using QR codes, then this will already be a problem. Because it is impossible to get it in paper form, because it will just be a paper from a doctor and that's it" (participant, people with different citizenship, 36-60)

Persons with disabilities

Although persons with disabilities state that they do not suffer from discrimination a lot, they are perceived as one of the most target groups by others. They named the following situations:

- Public hate speech – comments about appearance, often from children and the respondents are upset that adults do not correct this behaviour.
- Discrimination at work – in case of recent disability, people often lose their job. On the other hand, state protection of the persons with disabilities, such as mandatory employment quotas, works well according to the respondents.
- The most concerning point is education of children with disabilities, who are perceived to be a burden by schools and experience abusive verbal comments from other children and, sometimes, teachers. Children with disabilities are also often excluded from the communication with other children, they do not want to play or spend time with them, and adults do not correct such behaviours.

16. ZNO is abbreviation for Ukrainian "Зовнішнє незалежне оцінювання", External independent evaluation

Respondents mentioned that the physical environment in the settlements where they live is not very friendly – it is hard for them to move through high pavements without ramps, to reach buildings/public transportation, although some of them mentioned that the situation is gradually improving.

“I, at least I, encountered with help from the people on the street more, than with discrimination, for example, giving the place, helping to stand up. In this regard, people are somehow more responsive” (participant, persons with disabilities group, 36-60)

“I have a child with a disability, with mental disorders. He is currently studying at a specialized school. Every child in our country has the right to education. But it turns out that not everyone and not quite quality education. My son has Down syndrome. He has behaviour problems. And it is right away: “You want to ditch him. He is not subject to training.” I understand, I tell them, “You should create the conditions. – He is not for our school.” And what is he for? I have acquaintances who are actually denied access to specialized schools. Instead of creating conditions, these children are just being tossed. In this regard. They do not create normal programs, normal programs of rehabilitation and training. And everything is done for the record, on paper” (participant, persons with disabilities group, 18-35)

“People are more afraid of them, stay away from them. Even if a child with a disability walks with the rest of the children in the courtyard on the playground, the parents, I think, somehow try to stay away from him and take their children away. So that the child does not see the people who are not very pleasant in their opinion. They are afraid that the children will somehow perceive it, I do not know what it is all about... I do not belong to this group. I am tolerant of such people, just with sympathy, although here sympathy will not help in this sense” (participant, people with different citizenship group, 36-60)

Women

According to respondents, women in Ukraine are discriminated in terms of employment conditions and wages. Employers are more reluctant to hire younger women, because they are afraid that they will go on maternity leave or spend a lot of time on sick leaves with little children. Older women feel insecure about their employment, but they rather talk about age than gender discrimination. Sexual harassment piles up to the forms of discrimination women suffer.

“Regarding the wages, in Ukraine, in particular, men usually receive higher wages than women for the same work. This is discrimination in family relations, when a woman has to work, raise children and do housework” (participant, women group, 18-35)

“If a woman earns little and mainly takes care of children, then, of course, she will be discriminated against” (participant, women group, 36-60)

Russian-speaking people who don't know Ukrainian well

While talking about language discrimination, respondents mostly refer to the cases where the usage of Ukrainian is regulated by law, such as the service sector, employment by public authorities that officially requires knowledge of Ukrainian. Apart from such situations, there were only several mentions of mockery because of Russian language:

“Well, she speaks pure Russian. It certainly sounds nice.” And anyway, it seems to be... People make fun of her and precisely for the Russian language” (participant, Russian-speaking people who don't know Ukrainian well, 18-35)

4. Perception of the effectiveness of measures and institutions responsible for combating discrimination, hate speech, and hate crimes: qualitative survey results

Most of the people who are discriminated against do not seek help because they do not see the results of such appeals, or do not even know who to approach in such cases. It should also be noted that the majority of people simply do not know their rights. LGBTI people are more united and eager to fight for their rights, than other target groups, they approach the authorities, actively use the Ombudsperson office and lawyers to support discrimination victims and claim their rights.

“...we all have mentioned here the fact that we encounter discrimination – where and to whom we turn, who does not turn, who does not know where to turn. Let’s say that we have a poorly developed legal aid institute, as they say, this is where a person can turn, he will be provided with the consultation on what to do next, what is the algorithm of actions, and so on. It’s just that in our country recently such a thing has started to take place as to achieve something through the courts” (participant, people of different citizenship group, 36-60)

“Since we have good connections with our Ombudsperson, Commissioner for Human Rights, we contacted her, she wrote, applied there. Of course, the girl did not go to work then, this is understandable, but they [employers], let’s say, were not patted on the head. And then, as a result, a week later they called her and just apologized” (participant, LGBTI group, 18-35)

According to respondents, the main reasons for not asking for help in cases of discrimination and hate crimes are:

- lack of knowledge of what discrimination and hate crime are;
- lack of evidence;
- lack of awareness of the laws which guarantee remedies;
- lack of punishment even when the case is brought to court (e.g., requalification of cases from hate crimes to hooliganism if the crime is not severe);
- lack of information about public organisations that can provide assistance;
- prejudice, corruption and inaction of the authorities and law enforcement agencies in general – they do not fulfil their duties properly.

“We would turn, we would go, but where to go? Tell us. You go to the police, you have no words, you go to the mayor, you also have no words there. Where to go, to whom to go?!?” (participant, Roma group, 36-60)

“Here, even a citizen has no right to defend himself. What to say about foreigners?” (participant, groups discriminated against on the grounds of “race”, 18-35)

“Here, if you are ready to pay money, they will help you. If not, then nothing will happen” (participant, groups discriminated against on the grounds of “race”, 18-35)

“I think it’s no secret that everything is corrupt” (participant, LGBTI group, 36-60)

“People who do not know anything at all, go to the police. They are given a badge and a video camera, and go ahead” (participant, Muslims group, 36-60)

“If it is a serious crime, it turns out that they react, of course. And if for example, they are of an administrative nature, it seems to me that no” (participant, people of different citizenship group, 18-35)

“... they (the police) do not want to make Article 161 on hate crimes... Now a very cool lawyer is working on this, who works specifically with LGBTI topics, and at the moment, as far as I understand it, they have this pre-trial investigation. God grant, that there is at least any article, they still want hooliganism and so on, but I think that she can achieve something” (participant, LGBTI group, 18-35)

Talking about diminishing discrimination effects, respondents recommend ignoring them, not paying attention to the others and being self-sufficient. They also perceive that it is useful to contact media and human right defenders to make cases of discrimination public.

“I decided for myself that I will remain the way I am, I will work responsibly, so that later I would not be ashamed of myself, of my work” (participant, Jewish group, 36-60)

“The best thing is to ignore it. Because you will not convince anyone of anything. It seems to me that time should pass. And anyway, I believe that the younger generation is more tolerant, and, probably, it will come to this too, that they will react normally to this, it will just take some time” (participant, LGBTI group, 36-60)

“When the television activates, the police, the SSU, and the prosecutor’s office immediately joins” (participant, Muslims group, 36-60)

Respondents believe that the following actions can help to reduce discrimination, hate speech and hate crimes:

- **improvement of the regulatory framework and its effectiveness** through:
 - organisation of training for the law enforcement agencies (first of all, police) to decrease the level of prejudice and increase their awareness of discrimination, hate speech and hate crime;
 - development of control mechanisms, possibilities for complaints in case of ignoring the applications of the victims of discrimination;
 - popularization of success stories when the victims of hate speech, hate crimes and discrimination defended their rights;
- **launching public campaigns to raise the awareness of the public about what hate speech, hate crime and discrimination is and what to do in such situations;**
- **more public information about entities/organisations** which provide advice and support in case of hate speech, hate crimes and discrimination, and **about helplines;**
- **development of anti-discrimination programmes for formal and non-formal educational settings;**
- **support for intercultural activities** (to teach people to respect other cultures);
- **breaking stereotypes** about different groups through the development and implementation of the **large-scale information campaigns;** provision of information about prominent people from these groups.

“The statutory instruments must be developed, which must be observed and controlled. And until there is no control, of course, they will not be observed, and, accordingly, there should be punishment. Because there must be a certain punishment for violation of any law. And then this whole mechanism will work, it will be accepted” (participant, Jewish group, 36-60)

“But where to turn if you are discriminated against for some characteristics, for instance, faith and skin colour, for example, I personally do not know. So, I can’t advise, but I would like to know, I would like some information, where to turn” (participant, Muslims group, 18-35)

“More, more of some social videos, I don’t know, maybe advertising, some short films” (participant, groups discriminated against on the grounds of “race”, 18-35)

“Actually, it is necessary to have some communities, because one person cannot even know the laws, especially if they are even everyday... And so that there is real support, where you can turn to for legal advice as well. It is difficult to knock on the doors of state institutions on your own” (participant, people of different citizenship group, 18-35)

“While everything is just on the paper, then there will be no sense” (participant, persons with disabilities group, 18-35)

“The only option I see is to teach children. I understand it won’t be soon. Maybe it will be in 30-40 years. But there is the only option, I think, the Ministry of Education is the most important in the management in each country. For example, this will take a long time, but it will still teach those people who will rule the country in the future” (participant, people of different citizenship group, 36-60)

The majority of respondents mentioned that tolerance towards the different people has to be cultivated within families from early ages.

“...now if the mother tells the child that this person is inferior, then this person grows and thinks so. And if at home the parents know how to bring up, so that the child has information that there are different peoples, different nations, it helps a lot” (participant, groups discriminated against on the grounds of “race”, 18-35)

“... to do something to unite children so that Ukrainian children do not call names...Roma ones, but it depends on the family, not on the government” (participant, Roma group, 18-35)

5. Perception of diversity, discrimination, hate speech, and hate crimes: quantitative survey

What follows are the results of the quantitative survey, divided by key themes.

Communication with different groups

According to the survey results, the vast majority of respondents communicate with women, men, Ukrainian- and Russian-speaking citizens on a daily basis. Around half of the respondents communicate with representatives of the Jewish community and persons with disabilities regularly on at least monthly basis. At the same time, the vast majority of respondents never communicate with people of Asian origin, Black people, Crimean Tatars or other Muslims, Roma and LGBTI persons.

Table 5.1
In everyday life, how often do you communicate with these groups of people?

	Daily	Weekly	Monthly	Annually or less often	Never	I do not know, I can not assess
Women	88%	3%	1%	1%	4%	3%
Men	87%	3%	1%	1%	5%	3%
Ukrainian-speaking people	82%	6%	2%	1%	6%	3%
Russian-speaking people	63%	14%	9%	3%	7%	4%
Jewish people	18%	14%	15%	11%	25%	17%
Persons with disabilities	8%	18%	26%	23%	15%	11%
Roma	1%	4%	7%	26%	56%	6%
People of Asian origin	1%	3%	7%	17%	64%	9%
Black people	1%	1%	3%	14%	75%	6%
Crimean Tatars	0%	1%	3%	14%	71%	11%
Muslims (except for Crimean Tatars)	0%	3%	6%	15%	67%	9%
LGBTI persons	0%	1%	2%	5%	72%	20%

Acceptance of children of different groups

The respondents' acceptance of children from various groups as schoolmates for their own children is related to the overall experience of communication among different groups. The highest intolerance level is recorded towards children of LGBTI persons and Roma – about one third of respondents would not accept them as their children's schoolmates. The acceptance of children from the other groups who the majority of respondents never communicate with is higher, but still from 9% to 14% would not accept them as schoolmates of their children. 3%-6% of the respondents would not accept children of the most "common" groups as Jewish and persons with disabilities.

The overall majority of respondents (61%) would accept their children to study with children of all discriminated groups mentioned in the survey.

Table 5.2
Would you accept children of these groups to study with your children?

	No	Yes	Don't know
LGBTI persons	30%	54%	16%
Roma	29%	59%	12%
Muslims (except for Crimean Tatars)	14%	78%	9%
Black people	12%	79%	9%
People of Asian origin	11%	80%	9%
Crimean Tatars	9%	85%	7%
Jewish people	6%	88%	6%
Russian-speaking people	5%	91%	4%
Persons with disabilities	5%	91%	5%
Ukrainian-speaking people	3%	94%	3%

Evaluation of advantaged and disadvantaged groups

Respondents perceive persons with disabilities (46%) and LGBTI persons (40%) as the most disadvantaged groups in the Ukrainian society. About one in three respondents (31%) believe that representatives of the Roma community are disadvantaged in the Ukrainian society, and one in four (24%) – that Black people have disadvantages. At the same time, from 56% to 70% of respondents consider Roma, Black people, Crimean Tatars, people of Asian origin, Muslims, and Jews as those who do not possess advantages or disadvantages in the Ukrainian society, which means that there is a rather low awareness or recognition of discrimination that these groups face in Ukraine. Ukrainian-speaking people and men are perceived as those who possess a rather advantageous position in society by 30% and 24% of respondents, respectively.

Table 5.3
Generally speaking, do you think that members of groups indicated below, have an advantages or lack of advantages in Ukrainian society?

	Disadvantages	Advantages	Nor advantages, nor disadvantages	I don't know
Persons with disabilities	46%	9%	39%	6%
LGBTI persons	40%	1%	43%	16%
Roma	31%	2%	56%	10%
Black people	24%	1%	62%	13%
Crimean Tatars	16%	2%	68%	14%
People of Asian origin	15%	1%	70%	15%
Muslims (except for Crimean Tatars)	14%	1%	70%	15%
Women	14%	19%	61%	6%
Russian-speaking people	13%	16%	64%	7%
Jewish people	10%	9%	69%	12%
Ukrainian-speaking people	7%	30%	58%	6%
Men	5%	26%	63%	6%

Prevalence of hate speech

The highest share of respondents heard derogatory terms against representatives of the Roma community (46%) and LGBTI persons (42%) rarely or often. Around one in four respondents have heard derogatory terms towards Black people, Jews, persons with disabilities (from 23% to 27%). Around one in five respondents heard such terms towards Muslims, and people of Asian origin (17%-18%). Respondents more often heard derogatory terms towards women than towards men (19% vs. 15%) and towards Russian-speaking people than towards Ukrainian-speaking people (23% vs. 17%)

Table 5.4

In everyday life, have you ever heard someone using derogatory terms towards specific groups of people in last 12 months. If yes, towards members of which group?

	Very often/ Often	Rarely	Never	I do not know, I cannot assess
LGBTI persons	20%	22%	45%	14%
Roma	15%	31%	44%	9%
Russian-speaking people	7%	16%	70%	7%
Jewish people	5%	18%	66%	11%
Black people	5%	22%	62%	11%
Women	5%	14%	73%	8%
Persons with disabilities	4%	20%	68%	8%
Men	4%	11%	77%	8%
Ukrainian-speaking people	4%	13%	75%	7%
People of Asian origin	3%	14%	71%	13%
Muslims (except for Crimean Tatars)	2%	16%	71%	11%
Crimean Tatars	2%	10%	77%	11%

Channels for spreading hate speech

The respondents who have heard derogatory terms about any group in the last 12 months report that they heard that mostly in private talks (66%) and in public spaces (52%). Around one in seven respondents recalled such terms from TV, and social media. Press and radio were mentioned the least as the sources of derogatory terms towards any group.

Table 5.5
Where have you heard these derogatory terms?
(% of those who have heard hate speech in last 12 months, N = 1163)

In private talks	66%
In public spaces	52%
On TV	16%
In social media (Facebook, Youtube, Instagram)	14%
In Internet sites except for social media	4%
In radio	2%
In press	1%
Don't remember	5%

Sources of hate speech

The vast majority of respondents who have heard derogatory terms indicate that it was from common people (93%). In addition, 7% of participants heard such terms from public figures, 6% – from journalists, 3% – from central government officials and 3% – from local government officials. If we take general number of cases as 100%, then in 83% cases derogatory terms came from common people and in 17% – from public figures, officials, journalists.

Table 5.6
From whom have you heard these derogatory terms?
(% of those who have heard hate speech in last 12 months, N = 1163)

Common people	93%
Public figures	7%
Journalists	6%
Central government officials	3%
Local government officials	3%
Don't remember	5%

Prevalence of hate crimes

Respondents know the most about the cases of violence and the property destruction regarding Roma (9%), and LGBTI persons (7%) in the last 12 months. 5% of respondents also heard of such cases towards women. The cases of violence or property destruction of other target groups are less known: 4% heard about someone committing that towards Crimean Tatars, Russian-speaking people, Black people, and men. The cases of violence towards or property destruction of Jews, Muslims, or people Asian origin are the least known (mentioned by only 2% of respondents).

Table 5.7

In everyday life, have you ever heard someone committing violent acts or destruction of property of these groups in last 12 months. If yes, towards members of which group?

Roma	9%
LGBTI persons	7%
Women	5%
Crimean Tatars	4%
Russian-speaking people	4%
Black people	4%
Men	4%
Ukrainian-speaking people	3%
Persons with disabilities	3%
Jewish people	2%
Muslims (except for Crimean Tatars)	2%
People of Asian origin	2%

Prevalence of discrimination

38% of respondents consider that discrimination is very present or usually present in Ukraine, while 45% consider it generally not very present. And 17% believe that there is no discrimination at all.

The belief that there is no discrimination in Ukraine can possibly be explained by the relative homogeneity of the Ukrainian society (as we have seen above, the vast majority of respondents never communicate with people of Asian origin, Black people, Crimean Tatars or other Muslims, Roma and LGBTI persons) and lack of the awareness of the concept. Generally, 9%-22% of respondents cannot say whether a certain group is discriminated against or not (see Table 5.9). Only 8% of respondents are aware of the laws that protect them from discrimination (see Table 6.1).

Table 5.8

Generally speaking, to which extent, according to you, is discrimination in Ukraine present?

Discrimination is the unfair or prejudicial treatment of people and groups based on characteristics such as "race", sex, age, ethnic or national origin, citizenship, religion, language or sexual orientation.

Very present	4%
Usually present	34%
Generally not very present	45%
Not present at all	17%

Prevalence of discrimination by target groups

According to respondents, the most discriminated groups in Ukraine are Representatives of the Roma community (65% recognised discrimination of this group), LGBTI and persons with disabilities (56%). The discrimination of Russian-speaking people is recognised more often than discrimination of Ukrainian-speaking ones – 33% vs. 26%. Also, respondents more often recognise discrimination against women than against men – 33% (specifically, it was mentioned by 35% of women and 30% of men) vs. 24% (no gender differences in estimates).

Table 5.9

To which extent is discrimination in Ukraine oriented towards specific groups\criteria?

	Very present	Usually present	Generally not very present	Not present at all	I don't know, cannot give an answer
LGBTI persons	9%	27%	20%	24%	20%
Roma	6%	30%	29%	25%	10%
Persons with disabilities	3%	24%	29%	36%	9%
Women	3%	11%	19%	58%	9%
Black people	3%	16%	24%	40%	19%
Russian-speaking people	3%	11%	19%	59%	9%
Ukrainian-speaking people	2%	8%	16%	64%	10%
Men	2%	8%	14%	67%	9%
Jewish people	2%	10%	18%	54%	17%
People of Asian origin	2%	11%	17%	49%	22%
Muslims (except for Crimean Tatars)	1%	10%	18%	48%	22%
Crimean Tatars	1%	10%	16%	51%	22%

Prevalence of discrimination by spheres of life

40% of respondents indicate that the most visible discrimination is in the sphere of employment, one in four respondents consider discrimination to be present in daily life (27%), health protection (24%) and education (23%). The lowest shares of respondents indicate discrimination in the public life (18%) and in access to leisure and cultural life (15%). 14%-21% of the respondents were not able to identify the presence of discrimination in different areas which shows a rather low awareness of the concept.

Table 5.10

To which extent is discrimination visible in Ukrainian society, according to following areas:

	Very present	Usually present	Generally not very present	Not present at all	I don't know, I cannot give an answer
Employment	8%	32%	23%	22%	16%
Health protection	5%	19%	22%	38%	16%
Daily life situations	4%	23%	28%	31%	14%
Education	4%	19%	23%	37%	17%
Public life	3%	15%	17%	44%	21%
Access to leisure opportunities and cultural life	2%	13%	16%	48%	21%

Support towards discriminated groups

Respondents tend to express the highest support to the measures and actions of fighting discrimination regarding persons with disabilities and women (79% and 77%, respectively). Measures and actions directed towards fighting discrimination against LGBTI persons and representatives of the Roma community which are considered to be the most discriminated gained the lowest support (46% and 52%, respectively)

Table 5.11

Do you support measures and actions directed towards fighting discrimination of following groups?

Persons with disabilities	79%
Women	77%
Ukrainian-speaking people	75%
Men	75%
Russian-speaking people	70%
Crimean Tatars	68%
Jewish people	65%
Black people	63%
Muslims (except for Crimean Tatars)	62%
People of Asian origin	61%
Roma	52%
LGBTI persons	46%

6. Perception of the effectiveness of the existing measures and institutions in charge for combating discrimination, hate speech, and hate crimes: quantitative survey results

Awareness of the laws against discrimination

Only 8% of respondents are aware of the laws that protect them from discrimination, the vast majority is either not informed about any laws (52%) or suppose that there are certain laws but not informed enough about them (40%).

Table 6.1

Are you aware of any laws that protect you from discrimination?

Yes, of course	8%
I think there are certain laws, but I am not too well informed	40%
No, I do not know anything about those kind of laws	52%

Estimation of the efforts in the fight against discrimination

Only 8% of respondents consider that Ukraine puts enough efforts in fighting against discrimination. About half of the respondents suppose that Ukraine should put more effort. Notably, 42% of respondents do not have an opinion on whether Ukraine is making enough efforts to combat discrimination.

Table 6.2

According to you, is Ukraine putting enough effort in the fight against discrimination?

Yes, of course	8%
Ukraine puts some effort, but it needs a lot more	17%
Usually, not a lot of effort is put in the fight	16%
No, there is absolutely not enough effort	18%
I do not know, I do not have an opinion	42%

Estimation of the efforts of the institutions in the fight against discrimination

According to respondents, Ukrainian NGOs and activists, the media, the church¹⁷ (most respondents mean Orthodox or Greek-Catholic churches), and the Ombudsperson's Office contribute the most to the fight against discrimination (mentioned by 24%-32% of respondents). An ambivalent opinion is expressed most often about the police and the media – they are perceived as both fighting and facilitating discrimination by 23%-24% of respondents while other institutions gain such assessment by less than 20% of the respondents. Notably, the relative majority (42%) cannot evaluate the contribution of the Ombudsperson's Office towards either fight against or facilitation of discrimination.

Table 6.3
Do the following institutions contribute in the fight against discrimination, or facilitate discrimination, or both, or neither?

	Fight against	Facilitate	Both (in some case fight, in some case facilitate)	Neither	I do not know, I do not have an opinion
Ukrainian NGOs, activists	32%	5%	16%	18%	28%
Media	29%	7%	24%	16%	25%
Church	27%	6%	12%	24%	31%
Ombudsperson's Office	24%	3%	12%	19%	42%
Centres of social services	21%	5%	13%	26%	34%
Ministry of Social Policy of Ukraine	20%	5%	16%	28%	32%
Police	20%	8%	23%	26%	23%
Ministry of Education and Science of Ukraine	19%	5%	16%	29%	31%
Courts	18%	8%	18%	28%	28%
State Employment Service of Ukraine	15%	6%	16%	29%	35%
Parliament of Ukraine	14%	9%	19%	30%	29%
Political parties	11%	9%	19%	30%	31%

17. It may seem irrelevant to perceive the church in this role because the church in Ukraine stands for traditional gender roles and heterosexual orientation, but along with volunteers and the Army, the church is the most trusted institution in Ukraine.

Defining major institutions in the fight against discrimination

When evaluating the major contribution of institutions into fighting discrimination, respondents mentioned NGOs and activists most often (24%), followed by the media (19%). The Ombudsperson's Office gained the same share of answers as the church (15%) while police and courts were mentioned by only 11% and 7% of respondents possibly because of low trust towards these institutions¹⁸.

Around half of the respondents believe that none of the listed institutions contribute to fighting discrimination or cannot answer the question, which again proves lack of awareness of the issue.

Table 6.4
What institutions makes major contribution into fighting discrimination?

Ukrainian NGOs, activists	24%
Media	19%
Church	15%
Ombudsperson's Office	15%
Ministry of Social Policy of Ukraine	12%
Police	11%
Centres of social services	11%
Ministry of Education and Science of Ukraine	9%
Courts	7%
State Employment Service of Ukraine	5%
Parliament of Ukraine	5%
Political parties	4%
None \ Hard to say	48%

Trust in state protection

Only one in three respondents (37%) has full trust or a certain level of trust in the state as a protector against discrimination. On the contrary, two thirds of the respondents do not trust the state or hesitate about their trust in the state as their protector against discrimination.

Table 6.5
Do you believe that the state will protect you from discrimination?

Yes, I have full trust in the state	7%
I have somewhat trust in the state	30%
I would say I rather do not have, than I have trust in the state	32%
No, I do not have trust in the state	32%

18. Ukrainian Centre for European Policy (2020), Ukraine in World Values Survey 2020: Resume of the Analytical Report, Kyiv: Ukrainian Centre for European Policy, p. 23, http://ucep.org.ua/wp-content/uploads/2020/11/WVS_UA_2020_report_ENG_WEB.pdf

Awareness of the rights in cases of discrimination

Only 13% of the respondents are confident in their own awareness about their rights in the case of becoming victims of discrimination. About half of the respondents hesitate in their own awareness about the rights, and 40% indicate that they do not know their rights in such a situation.

Table 6.6
Do you know your rights if you are or were to become victim of discrimination?

Yes, of course	13%
I do, and I do not	48%
No, I do not know my rights	40%

Institutions to address in cases of discrimination

If becoming a victim of discrimination, respondents are most likely to ask for help from the police (37%) and the legal aid or lawyers (31%). Although respondents expressed higher confidence in NGOs and the Ombudsperson as those that fight discrimination, only 13% and 9%, respectively, would ask them for help in the case of facing discrimination.

Notably, almost one in three respondents would not ask for help from any of listed institutions because asking for help is not perceived as effective.

Table 6.7
If you were to become a victim of discrimination, where would you ask for help?

Police	37%
Legal aid, lawyers	31%
Court	18%
NGOs	13%
Media	10%
Ombudsperson's Office	9%
Political parties	3%
Someone else	1%
Don't know	11%
Nowhere as it has no sense	29%

Awareness of the rights in cases of hate speech

One in four respondents knows what to do if government officials use derogatory terms regarding them or their group, another 24% hesitate whether they are fully aware of their rights in such a situation. Half of the respondents (52%) do not know their rights in such situations.

Table 6.8
Do you know your rights if government officials are using derogatory terms towards you or other groups?

Yes, of course	24%
I do, and I do not	24%
No, I do not know my rights	52%

Institutions to complain to in cases of hate speech

If government officials use derogatory terms regarding them, respondents tend to ask for help from police officers (33%) and legal aid and lawyers (27%) most often. One in four respondents (21%) would file a complaint to the organisation where the person who used derogatory terms works. Only 16% would ask for help from the courts, and 11% would address NGOs. Moreover, one in three respondents (32%) would not ask for help from the listed institutions as this is perceived as ineffective.

Table 6.9 If government official was using derogatory terms toward you, where would you ask for help?	
Police	33%
Legal aid, lawyers	27%
Would write complain to organisation where he or she works	21%
Court	16%
NGOs	11%
Media	9%
Ombudsperson's Office	6%
Political parties	2%
Someone else	0%
Don't know	8%
Nowhere as it has no sense	32%

7. Key results

The majority of the quantitative survey respondents (61%) would accept their children to study with children of all discriminated groups mentioned in the survey, but about one third of respondents would not accept Roma and LGBTI children as their children's schoolmates. Most respondents of the focus groups also support diversity and "living together" concepts but make an exception for representatives of the Roma community who they would not like to meet in their surroundings. This shows a very high level of hostility towards, in particular, representatives of the Roma community.

Most respondents understand discrimination as rights impairment, inequality, attitudes based on prejudice, humiliation, and violence on the ground of belonging to a certain group. At the same time, some respondents perceive legislative restrictions as discrimination (for example, legislative restrictions for foreigners, mandatory usage of the Ukrainian language in service and public sectors, etc.).

More than half of the respondents state that discrimination is "generally not very present" (45%) or "not present at all" in Ukraine (17%). The belief that there is almost no discrimination in Ukraine can possibly be explained by the relative homogeneity of Ukrainian society (the vast majority of respondents never communicate with people of Asian origin, Black people, Crimean Tatars or other Muslims, Roma and LGBTI persons) and a wide lack of the awareness of the concept (specifically, 9%-22% of respondents cannot say whether a certain group is discriminated or not; only 8% of respondents are aware of the laws that protect them from discrimination).

Most target groups (except for LGBTI and Roma) mentioned they feel rather comfortable living in their communities and do not experience problems interacting with people around. At the same time, 38% of respondents consider discrimination to be usually or very present in society.

Respondents most often think that discrimination is present in the employment area (40%). Focus groups participants also, most of all, worry about discrimination in this area. At the same time, many respondents feel that they are discriminated against in the job market not because of belonging to their respective group, but because of age.

As for hate speech, most respondents have heard derogatory terms towards at least one of the target groups in last 12 months, but in 83% cases from common people and in 17% - from public figures, officials, journalists.

According to the quantitative and qualitative research, *Roma* and LGBTI groups are the most hatred and discriminated groups in the Ukrainian society.

According to the quantitative survey, 65% and 56% of respondents recognised discrimination against Roma and LGBTI, respectively; 46% and 42% heard hate speech against them; 9% and 7% heard someone committing violent acts or destruction of property of them in the previous 12 months. Each third respondent would not accept their children to study with children of the listed groups.

Representatives of the Roma community feel heavily discriminated against in all spheres of public life: health, education, employment, social security.

LGBTI persons suffer from hate speech even in their families. They try to hide their sexual orientation for not being verbally and physically abused at public places, at work, and sometimes by their relatives. They were the only group within this research who told about hate crimes such as robbery, slaughter, and rape.

The figures for other target groups are much lower, as follows:

- *Persons with disabilities*: 56% of the respondents recognised discrimination against this group; 24% heard hate speech against this group in the last 12 months; 3% heard someone committing violent acts or destruction of property of these groups in the previous 12 months. 24% of the respondents would not accept their children to study with children of this group. Focus groups participants said that they rarely face discrimination themselves and value support from other people and the state, but they are very concerned with the issue of education of children with disabilities. Schools often refuse to accept these children; in case of inclusive education, children with disabilities may face hate speech from other children and even teachers.
- *Black people and people of Asian origin*: 43% and 30% of respondents, respectively, recognised discrimination against these groups; 27% and 17% heard hate speech against these groups in the last 12 months; 4% and 2% heard someone committing violent acts or destruction of property of these groups in previous 12 months. Each tenth respondent would not accept their children to study with children of these groups. Focus group participants perceive discrimination against them as a kind of norm, that exists in all countries and consider Ukraine to be more hospitable than the other countries. They mostly suffer from hate speech (especially Black people) and discrimination in the area of employment.
- *Women*: 33% of respondents recognised discrimination against this group (30% of men and 35% of women); 19% heard hate speech/sexist speech against this group in the last 12 months. During the focus groups gender discrimination was mentioned only in the economic area: employers are more reluctant to hire younger women, because they are afraid that they will go on maternity leave or spend a lot of time on sick leaves with little children; women have lower wages than men; if a woman is employed, she nevertheless has to take full responsibility for household chores and nurturing children, and it becomes very difficult to make a carrier in such a situation. For comparison, it is worth mentioning that 24% of respondents recognised discrimination against men.
- *People speaking Russian/people speaking Ukrainian*: 33% recognised discrimination against Russian-speaking and 26% – against Ukrainian-speaking; 23% of respondents heard hate speech against Russian-speaking and 17% – against Ukrainian-speaking people; 4% and 3% heard someone committing violent acts or destruction of property of these groups in the last 12 months. 5% of respondents would not accept their children to study with Russian-speaking children and 3% – with Ukrainian-speaking children. While talking about language discrimination, Russian-speaking respondents mostly refer to the cases, where the usage of Ukrainian is regulated by law, such as the service sector, employment to the public authorities and, therefore, cannot be perceived as discrimination. At the same time, there can be situations of mockery or hate speech towards Russian-speaking people in Ukrainian-speaking environments or towards Ukrainian-speaking people in Russian-speaking environments.
- *Jewish people*: 30% recognised discrimination against this group; 23% heard hate speech against this group in the last 12 months; 2% heard someone committing violent acts or destruction of property of these groups in the last 12 months. 6% of respondents would not accept their children to study with children of this group. Focus group participants do not consider themselves as a very discriminated group but mentioned hate speech and job discrimination experience.
- *Muslims except for Crimean Tatars*: 29% recognised discrimination against this group; 18% heard hate speech against this group in last 12 months; 2% heard someone committing violent acts or destruction of property of these groups during the previous 12 months. 14% of respondents would not accept their children to study with children of this group. Focus group participants mentioned that they suffer from hate speech because of their appearance – people sometimes look at them as if they are terrorists. Also, they experience discrimination in the area of employment.
- *Crimean Tatars*: 27% recognised discrimination against this group; 12% heard hate speech against this group in the last 12 months; 4% heard someone committing violent acts or destruction of

property of these groups in the last 12 months (this can refer to the crimes committed in occupied Crimea). 9% of respondents would not accept their children to study with children of this group. Focus group participants do not consider themselves a discriminated group. Those who talk about discrimination, mainly refer to their life in Crimea, mentioning that they do not experience discrimination in the mainland Ukraine.

As for the solidarity to these groups, more than 60% of respondents support measures towards fighting discrimination of all groups, except for Roma and LGBTI. Fighting discrimination affecting Roma is supported by 52% and fighting discrimination affecting LGBTI persons – by 46%.

National standards on combating discrimination, hate speech and hate crimes include prohibition of discrimination on the grounds of “race”, colour, political, religious or other beliefs, sex, age, disability, ethnic or social origin, citizenship, family and property status, place of residence, linguistic or other characteristics, but does not specify sexual orientation and gender identity. The list of the grounds is open, but there is no document that explicitly prohibits discrimination against LGBTI. At the same time, LGBTI persons are more united and eager to fight for their rights than other target groups: within this research, they were the only group that mentioned approaching the Ombudsperson’s office and lawyers in the situation of discrimination.

Concerning discrimination against representatives of the Roma community, Ukraine implements “The Strategy on Facilitation of Realization of Rights and Opportunities for Persons of Roma Nationality in Ukraine by 2030”.

There are no explicit definitions of “hate speech” and “hate crime” in the Ukrainian legislation. At the same time, Article 161 of the Criminal Code of Ukraine actually stipulates remedies for hate speech and hate crime. The punishment for hate speech refers only to national, racial and religious grounds. According to the target groups representatives, police often prefer requalification of cases from hate crimes to hooliganism.

The awareness of existing measures and remedies for discrimination and hate speech is very low: only 8% of respondents are aware of the laws protecting from discrimination, 13% know their rights in case of becoming a victim of discrimination, and 24% know their rights if government officials use derogatory terms against the groups they belong to. Most often respondents would address the police or the legal aid in these situations, about one third answered that it makes no sense to address any organisation. 9% would address the Ombudsperson’s office in case of becoming victim of discrimination and 6% – if government officials use derogatory terms against the groups they belong to.

All target groups except for the LGBTI also show low awareness of where to apply in case of discrimination, how to prove discrimination and do not believe that complaints can bring results. LGBTI persons believe that in case of severe crimes there is a chance to punish the offender while in case of hate speech or discrimination it is difficult to reach something more than an apology. Media attention facilitates the efficiency of the applications.

According to respondents, the main reasons for not asking for help in cases of discrimination and hate crimes are:

- lack of knowledge of what discrimination and hate crime are;
- lack of evidence;
- lack of awareness of the laws which guarantee remedies;
- prejudice of law enforcement officials;
- lack of punishment even when the case is brought to court (e.g., requalification of cases from hate crimes to hooliganism if the crime is not severe);

- lack of information about public organisations that can provide assistance;
- prejudice, corruption and inaction of the authorities and law enforcement agencies in general – they do not fulfil their duties properly.

The survey respondents as well as target groups participating in focus groups are sceptical regarding fighting discrimination: only 8% think that Ukraine is putting enough efforts in the fight against discrimination, 51% – that the efforts are not enough and 42% cannot answer the question. Generally, 37% of respondents trust that the state will protect them from discrimination and 64% do not have such trust.

Survey respondents identify the following organisations which combat discrimination: NGOs and activists (32%), the media (29%), the church (27%)¹⁹, the Ombudsperson's Office (24%), centres of social services (21%), Ministry of Social Policy of Ukraine (20%), Police (20%), Ministry of Education and Science of Ukraine (19%) and courts (18%). Parliament and political parties are least often associated with the fight against discrimination (14% and 11%, respectively).

The recommended actions to reduce discrimination, hate speech, and hate crimes are the following:

- improvement of the regulatory framework and its effectiveness through:
 - adding sexual orientation and gender identity criteria to articles 67 and 161 the Criminal Code of Ukraine;
 - organisation of training for the law enforcement agencies (first of all, police) to decrease the level of prejudice and increase their awareness of discrimination, hate speech and hate crime;
 - popularization of success stories when the victims of hate speech, hate crimes and discrimination defended their rights;
- launching public campaigns to raise the awareness of the public about what hate speech, hate crime and discrimination is and what to do in such situations;
- more public information about entities/organisations which provide advice and support in case of hate speech, hate crimes and discrimination, and about helplines;
- development of anti-discrimination programmes for formal and non-formal educational settings;
- support for intercultural activities (to teach people to respect other cultures);
- breaking stereotypes about different groups through the development and implementation of the large-scale information campaigns; provision of information about prominent people from these groups.

19. It may seem strange that church is perceived in this role, but along with volunteers and Army church is the most trusted institution in Ukraine.

The Research on discrimination, hate speech and hate crimes in Ukraine provides an analysis on public understanding of the concepts of discrimination, hate speech, hate crimes and the perception of these phenomena; perception of the concepts of discrimination, hate speech and hate crimes by specific target groups; majority and specific groups' perception of diversity and "living together". It also studies the understanding and perception of both the general public and specific groups of the effectiveness of the institutions in charge for combating discrimination, hate speech and hate crimes in Ukraine; of the existing measures/remedies and identification of new measures/remedies.

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