

KHARKIV INSTITUTE FOR SOCIAL RESEARCH
KHARKIV HUMAN RIGHTS PROTECTION GROUP

PROBLEMS OF DISCRIMINATION AND VIOLENCE BY LAW ENFORCEMENT BODIES AGAINST LGBT PEOPLE

The results of a qualitative research

KHARKIV
«HUMAN RIGHTS PUBLISHER»
2021



Embassy of Norway

The research has been made
with the financial assistance of the
Embassy of the Kingdom of Norway
in Ukraine



Ця публікація здійснена за фінансової підтримки
Європейського Союзу.
За зміст публікації відповідає лише
Харківська правозахисна група, і його ні за яких обставин
не можна вважати таким,
що відбиває позицію Європейського Союзу

This document has been produced with the financial
assistance of the European Union.
The contents of this document are the sole responsibility of
Kharkiv Human Rights Protection Group and can under
no circumstances be regarded as reflecting the position
of the European Union

Authors:
D. Kobzin, S. Scherban

**Problems of discrimination and violence by law enforcement
bodies against LGBT people. The results of a qualitative research /**
K65 **D. Kobzin, S. Scherban; Kharkiv Institute for Social Research; Kharkiv Hu-
man Rights Protection Group. — Kharkiv: LLC «Human Rights Publisher»,
2021. — 60 p.**

ISBN 978-617-7391-95-0

The report contains results of a study on the vulnerability of LGBT people while
contacting law enforcement agencies. Not only the forms of discrimination against LGBT
people were studied, but also reasons for the high latency of this phenomenon, as well
as the extent to which stereotypes and homophobic ideas are ingrained in the practice
of law enforcement agencies (police and penitentiary service).

The report will be useful for law enforcement officials, the Ministry of Justice, other
government agencies, the media and NGOs working in the field.

УДК 351.74.083.1:316.367.7](477)=111

© D. Kobzin, S. Scherban, 2021
© Kharkiv Institute
for Social Research, 2021
© Kharkiv Human Rights
Protection Group, 2021

THE TABLE OF CONTENTS

GLOSSARY AND ACRONYMS	4
INTRODUCTION	6
FINDINGS	8
LGBT PEOPLE AND POLICE	13
LGBT PEOPLE AND PENITENTIARY SERVICE	25
CAUSES FOR DISCRIMINATION OF LGBT PEOPLE IN LAW ENFORCEMENT BODIES	38
WAYS TO OVERCOME THE DISCRIMINATION OF LGBT PEOPLE IN LAW ENFORCEMENT BODIES	44
PRIVACY OF PERSONAL DATA OF LGBT PEOPLE IN LAW ENFORCEMENT BODIES	50

GLOSSARY AND ACRONYMS

Asexuality is the lack of sexual attraction to any people, which does not exclude the possibility of romantic or emotional attraction.

Bisexuality is the sexual orientation of a man or a woman, which consists in the presence of psycho-emotional, erotic (sensual) and sexual attraction to persons of one's own and opposite sex, simultaneous or alternating and not necessarily equally.

Bullying is a type of violence; intentional, not in the nature of self-defense and not authorized by state regulations, long-term (repeated) physical or psychological violence by an individual or a group that has certain advantages (physical, psychological, administrative, etc.) over the individual, and that occurs mainly in organized groups with a certain personal purpose (for example, the desire to earn the authority of the desired persons).

Coming-out is the process of disclosing one's sexual orientation or gender identity to others.

ECHR — European Convention on Human Rights.

ECtHR — European Court of Human Rights.

Gay is a man who has sexual, romantic or emotional attraction towards other men.

Gender is a society-modeled and supported by social institutions system of values, norms and characteristics of male and female behaviour, lifestyle and way of thinking, roles and relationships of women and men acquired by them as individuals in the process of socialization, primarily determined by social, political, economic and cultural contexts and capturing the idea of a woman and a man depending on their gender.

GULAG — in USSR in 1934–1956 a subdivision of the People's Commissariat of Internal Affairs, which managed the system of correctional labour camps.

Heterosexuality is a sexual orientation of a man or a woman, which consists in the presence of a stable psycho-emotional, erotic (sensual) and sexual attraction exclusively to persons of the opposite gender.

HIV is the human immunodeficiency virus, which causes the development of socially dangerous infectious diseases.

Homophobia is the emotional disgust, fear, anger or other negative feelings or manifestations directed against homosexual people or those perceived as such.

Homosexuality is a sexual orientation of a man or woman, which consists in the presence of a stable romantic, erotic (sensual) and sexual attraction exclusively or almost exclusively to persons of the same gender.

Lesbian is a woman who has sexual, romantic or emotional attraction to other women.

LGBT — lesbian, gay, bisexual and transgender people.

Outing is the process during which the sexual orientation or gender identity of a person is uncovered before others without that person giving consent for that.

Pre-trial detention centre (SIZO) is a penitentiary institution of the State Penitentiary Service, which is designed to detain persons for whom a measure of restraint in the form of detention has been chosen at any stage of criminal proceedings.

Pride is a public demonstration of solidarity with members of the LGBT community united by a sense of self-worth. In Ukraine it is held in the form of the Equality March.

SBI — State Bureau of Investigations.

Transgenderism is a collective term to refer to cases in which a person's gender identity does not coincide with the gender assigned to him or her at birth, or when a person changes or seeks to change his or her gender and gender characteristics to bring them into a state that better matches his or her gender identity.

UNHCR — Office of the United Nations High Commissioner for Refugees.

INTRODUCTION

Although this is not often reflected in the public sphere, LGBT people in Ukraine continue to suffer from various forms of discrimination by society. This is happening in the labour sphere, as well as in the medical and social ones. However, the members of the community are most vulnerable when interacting with law enforcement bodies. Unfortunately, when it comes to the usual, unprepared, not carried out in the planned interaction or preparation for an event contact of LGBT people with law enforcement, much of such contact remains quite traumatic (psychologically and physically) for this category of citizens, and therefore most often this experience is hidden and is not made public.

Representatives of the LGBT community do not complain to the SBI (previously — to the prosecutor's office), do not go to medical facilities to record injuries, do not defend their rights in court. However, it is very important to understand the reasons for their actions, why they do not complain about the actions of the police, how ingrained are stereotypes and homophobic ideas in the practice of law enforcement bodies. The answers to these questions require constant monitoring and updating of this topic in society.

Thanks to the support of the Kharkiv Human Rights Protection Group and the Norwegian Embassy in Ukraine, this year the Kharkiv Institute for Social Research was able to analyse the problems of discrimination and violence against LGBT people by law enforcement bodies. Individual in-depth interviews with members of the LGBT community who had contacts with law enforcement bodies, as well as interviews with experts (law enforcement officials, prison officials and NGOs working on human rights issues in the police and penitentiary institutions) were selected as the research method.

The choice of method was due to the specificity of the research topic, as well as the difficult availability of selected respondents. At the same time, in-depth interviews provided detailed information on the logic and motives of LGBT behaviour in contact with law enforcement officials, to gain a deeper

understanding of discrimination and violence in the police and prisons against this category of people.

20 interviews with members of the LGBT community and 15 with experts were conducted within the research. The snowball method was used to search for respondents. Data collection took place in August-September 2021.

FINDINGS

- The research has shown that LGBT people have much more additional risks when in contact with the police than ordinary citizens. LGBT status is just one of many additional factors that makes a person more vulnerable. Opinions on whether the attitude of the police towards LGBT people has changed vary greatly depending on the personal experience of the respondents in recent years. Most indicate that little has changed and that LGBT people are often discriminated against, humiliated, verbally and physically abused, extorted or ignored by the police.
- The LGBT community has the hardest time when they are involved in a conflict or an ambiguous situation, especially if they are detained or taken to the police station. At the moment when they come under the full control of law enforcement officers and become extremely vulnerable, this is often used by the police, which already creates conditions for both illegal deprivation of liberty and verbal or illegal physical violence. The research found that LGBT people in the police continue to face violations of Article 5 “Right to liberty and security” and Article 3 “Prohibition of torture” of the ECHR. Also, a person is immediately deprived of basic rights — the right to be able to notify a third party of the location (their phone is taken away); the right not to be subjected to torture and ill-treatment.
- The whole arsenal of police violence is applied to LGBT people, and it is accompanied with a sort of educational work — apparently many police officers see their mission in “cleaning” the streets not only from criminals but also from LGBT people, or do not see the difference between the two categories. or consider it an additional aggravating circumstance. Sometimes, even if no physical violence is used, the police use psychological violence, which also causes significant damage to the dignity and psychological condition of the victims.
- Another factor that negatively affects the state of LGBT people in the police is that the laws of the criminal world, which place such people in the “lower caste”, are already coming into force there. This poses

additional threats to them if they are found in the same premises with other detainees or prisoners — up to attacks.

- LGBT vulnerabilities can also be exploited by police for blackmail or extortion when victims are threatened with outing or prosecution in exchange for money or necessary testimony. For this purpose the whole arsenal of improvised means is used, ranging between banal threats and extortion with use of applications for acquaintances on the Internet.
- Victims are in no hurry to file complaints with other government bodies — after the experience of communicating with the police, they perceive it as a risky idea, the consequences of which can only hurt. Some help is provided by NGOs, but not everyone has heard of them.
- Once in penitentiaries, LGBT people are immediately confronted with a system of discrimination that has existed for many years — the criminal subculture has long been an informal institution that sets the framework for social relations and relies heavily on humiliation and caste system. This system of relationships places LGBT people at the lowest step in the hierarchy, the caste of the “offended”. The caste of the “offended” includes not only LGBT people, but also other people who have committed offences under the informal code of the criminal world. However, it is LGBT people who are stigmatized as “offended” by default, they are the most severely treated.
- Restrictions for the “offended” primarily concern the minimization of physical contact with other prisoners. The hardest time for such people comes in the pre-trial detention centre — because people spend almost all the time there with each other in a closed space. They are recognized as “disadvantaged”, their status in case of contact can “pass” to another person, and therefore they are treated as carriers of a contagious disease. Such prisoners cannot eat, wash, play sports or touch other prisoners at all, they sleep in the most uncomfortable places. They have to do all the rough and unpleasant work — for example, cleaning toilets, dumps. In addition, LGBT status is often used for blackmail and extortion, making their stay there even more difficult. They are constantly seen as sources of income or objects to meet the needs of other prisoners with higher prison status.
- Openly violating Article 14 of the ECHR and Articles 22, 24 and 28 of the Constitution of Ukraine, most employees of correctional facilities

and pre-trial detention centres support these rules, and themselves constantly demonstrate their rejection of LGBT as a sign of their “traditionalism” and to consolidate their status. Options for working with this category of prisoners are often based on isolation, which, on the one hand, protects against threats from other prisoners, and on the other — increases the stigma and creates additional leverage on the person.

- The right to an effective remedy is only formal and does not work in real life. The only body that can really provide assistance in places of imprisonment is the administration of the institution (if it is in good faith). There are almost no opportunities to complain about the actions of the administration itself — such attempts will inevitably lead to an even greater deterioration of the prisoner’s situation.
- According to LGBT people, the key cause of violence in law enforcement bodies is the lack of proper education and ingrained stereotypes about them. First of all, it concerns the fact that the authorities consider homosexual and transgender orientations to be mental disorders, and the public manifestations of LGBT couples’ relations — the promotion of “unhealthy behaviour” among young people. The latter most often motivates government officials to initiate communication, and later the detention of such citizens.
- Some LGBT people also point out that there are quite a few police officers who have certain mental inclinations that prevent them from doing their job professionally, such as a tendency to violence and a desire for power over others. Experts note that the procedures of selection, training and work with law enforcement personnel are imperfect, which can directly affect the professionalism of their duties. This is manifested in intolerance of various categories of the population, in the excessive use of force against detainees and in the fact that a person with a low level of humanity and prone to cruelty can indeed be admitted to the service.
- Respondents also raised the issue of the lack of comprehensive changes in the national legal regulation of law enforcement agencies in accordance with the modern perception of the concept of human rights. This is especially true of penitentiary institutions, which continue to exist according to the norms of the Soviet era, having a barracks type of accommodation, lack of real psychological work with

prisoners, support for the division of castes among convicts. All this prevents the reduction of subculture among those who are there.

- The entrenched subcultural system of relationships in the colonies also affects the professional deformation of staff. Following an informal culture of communication, working in accordance with the established rules of conduct between prisoners, on the one hand, greatly facilitates the activities and control of order in the institution, and on the other hand, leads to violations of ethical and moral principles of their profession.
- Both members of the LGBT community and experts agree that overcoming or at least reducing discrimination in law enforcement bodies is a rather complex and long process, and is primarily related to changing the worldview of citizens, the development of tolerance and human rights values in society. There is an urgent need to review the norms of raising children in schools, which should include an understanding of gender equality and equal treatment of each other.
- The education and training of law enforcement officers, who must have international and national standards of professional ethics, be aware of the moral and value priorities of their profession, is a separate issue. The training of law enforcement officers is generally considered by respondents to be inappropriate and superficial, especially in terms of a culture of respect for diversity and non-discriminatory behaviour in the performance of official duties.
- LGBT people also emphasize the need to monitor the psychological state of law enforcement officers, especially during employment. Regular work of a psychologist with police and penitentiary staff can be a possible way to reduce discrimination.
- Ensuring the inevitability of punishment for illegal actions committed by a police officer or a penitentiary officer is also an important safeguard against discrimination and violence in law enforcement bodies. This requires the introduction of an effective system of criminal investigations, as well as wide publicity of such cases. In this regard, LGBT people appreciate the work of public organizations that undertake to protect them from illegal actions of law enforcement bodies. The most effective way now is to conduct high-profile cases, which are widely covered in the media. According to respondents, in the

long run this can help reduce cases of discrimination due to the real possibility of winning such cases in court.

- Another area of work, according to experts, is to create a mechanism to protect and guarantee human safety when entering the law enforcement bodies. The implementation of such a mechanism can vary — ranging between the creation of a separate body to the imposition of responsibilities on existing government bodies.
- Reforms are also needed in the penitentiary system, especially in the area of overcoming the existing subculture among prisoners in correctional facilities and pre-trial detention centres, and in monitoring the legality of the actions of prison staff.

LGBT PEOPLE AND POLICE

Long-term studies of illegal violence in the police, conducted by KHISR and KHPG since 2004, show that the scale of this phenomenon remains significant, and anyone in Ukraine can fall victim to insults, physical violence or degrading behaviour by the police in Ukraine. Even the police themselves said in an interview that the risk of becoming a victim of police violence remains high for anyone in their field of vision.

I don't think they are any different from general violence. It can be any violence that we see, in particular, it is not necessary to take 20 years here, it is enough to take the last 5 years, 7 years after the Revolution of Dignity. It can be rape in the regional department, and it does not concern gender, it can be robbery, it can be blackmail, it happens all the time, it is the norm for the Ukrainian police system.

From an interview with an expert

However, research has shown that LGBT people have much more additional risks when in contact with the police. LGBT status is just one of many additional factors that makes a person more vulnerable. Opinions on whether the attitude of the police towards LGBT people has changed vary greatly depending on the personal experience of the respondents in recent years. Most indicate that little has changed and that LGBT people are often discriminated against, humiliated, verbally and physically abused, extorted or ignored by the police.

It changed for the worse. Young people came to the police, they became much worse. If you take the old police officers, they are more loyal, understanding, and they do not understand the brutal attitude, I'm even scared to mention some moments.

The attitude of the police to LGBT people, to "boyfriend with boyfriend", "girl with girl", to representatives of communities is below zero, it is such an attitude as to animals, as to incomprehensible creatures.

From interviews with LGBT respondents

Demonstrating personal relationships that are considered “unconventional” can be dangerous for a couple — it causes aggression and rejection in both ordinary people and the police. In the event of a conflict with “indifferent” citizens, who consider it their duty to show their rejection of LGBT people and often resort to insults and threats, the police often take the side of “traditional values” and either ignore what is happening or punish the LGBT couple. As “scandal authors”.

We walked with my girlfriend in the park and decided to go to a cafe. Went to the cafe, ordered, sat, did not touch anyone, in the end the order was not brought, but we are told “you have to pay the bill and leave the institution.” They did not name the reason. Of course, we refused to pay because we did not receive our order. We also did not understand what their claims were. We were not given an answer, we called the police. Eventually, the police told us to pay and get “lost”. My girlfriend was handcuffed, accusing her of being indignant and wanting to leave “without paying”. We didn’t want to pay, but the police forced us to pay the bill, and my girlfriend had handcuff marks and bruises.

My friend had a birthday, and we both decided to celebrate it. She came to the club earlier after work and was waiting for me. I stopped by for flowers and when I arrived, I began to greet her, accordingly, I showed tenderness, we hugged and kissed. Three hours passed, we danced, everything was fine, and the next table was very well drunk, they started to be rude to us, and we had a verbal conflict. I asked to call the police in the hope that they would protect us, because the company was very drunk, I was already afraid for myself and my girlfriend. And the police arrived, they took us and the culprit of the scandal to the department, and everyone else was released. We arrived at the district department, they quickly took the perpetrator’s testimony, released him, and released my girlfriend, and left me until morning. Well, by morning I was dealt with “properly” — I was insulted and beaten.

From the interviews with LGBT respondents

This attitude is a clear violation of Article 14 “Prohibition of Discrimination” of the European Convention on Human Rights, which states that *“the enjoyment of rights and freedoms... shall be secured without discrimination on any grounds — sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status”*. But very often the first reaction of police officers to the information

that a person is LGBT is a demonstrative rejection. And it does not matter in what status this person is — the victim who came with the problems, or the suspect.

The police arrived. I wrote a statement, and the policeman starts giggling and filming me. I ask him, “Why are you filming me?”. He tells me: “So that the whole city would know the weirdo”. He began to ask strange questions, “how are you doing there”, “how do you live like that”? And all because I’m gay and I had my hair dyed red. He called me “inhuman” and even touched me.

The policeman called an acquaintance of his, he came, they started laughing at me. The policeman hit me, started filming me, started insulting me. Regarding my situation, they said: “take off your earrings, repaint your hair so that you are not beaten, because you look like a faggot. He told me: “If you want to live well — change, and if you do not like it — get lost”, that is, he put some ultimatums.

From an interview with an LGBT person

However, this is not always just a reaction, quite often the police themselves are looking for opportunities to “mess up” LGBT people, to explain to them the “right way” to behave or look. This may remain within the framework of verbal discrimination or insult, but sometimes to “strengthen” their “arguments” police officers are not ashamed to use their powers or force.

We sat on a bench, hugged, and we were reprimanded by patrol officers who passed by. We answered something, then the conversation came out. And then they drew up a report, we paid the fine. This is very humiliating. Why, I say, someone on the next bench can hug — it’s okay and kiss, and I cannot hug and kiss my girlfriend.

Below us lived a neighbour who is a representative of law enforcement bodies. And there was a lot of aggression from him, attempts to make us leave. It seems to me that he was afraid that his child would see “it” and follow in our footsteps. And we did not react to the insults from the neighbour for a long time, but at some point we just couldn’t stand the nervous stress — we answered. As a result, we were detained on the grounds that we had “quarrelled with a law enforcement official” and he accused us of hooliganism. “Sit for two days, think about your behaviour”.

From interviews with LGBT people

LGBT people have the hardest time when they are involved in a conflict or an ambiguous situation, especially if they are detained or taken to the police station. At the moment when they come under the full control of law enforcement officers and become extremely vulnerable, this is often used by the police, which already creates conditions for both illegal deprivation of liberty and verbal or illegal physical violence. The research found that LGBT people in the police continue to face violations of Article 5 “Right to liberty and security of person” and Article 3 “Prohibition of torture” of the ECHR.

You are publicly insulted, humiliated, this is exactly the words and such, you know, as if provoking you — “Well, answer, say something”. It’s hard to say, “This is my personal life, and you have nothing to do with it”. This is immediately followed by an appropriate reaction. Aggressive ... very, very aggressive. And you understand that it is better to leave this conversation when you understand that the force is on their side, and secondly, that you will not prove anything to them.

Those who are younger are more mocking, and those who are older are more aggressive. They believe that they have the right to ask any questions. Well, that is, you have no right not to answer them. Especially if they are people who have been working in the police for a long time, they feel confident and well.

Our last visit to the police was miserable for me. I underwent both physical and moral violence there, even while we were being transported. I can’t say that most of the police also support this, but quite a number of people who were present when we were taken to the district department were negative. There were insults and humiliation, and then when I could not stand it, I began to be rude in response to tell people that this is my personal life and my personal decision was, my arguments were not accepted. I suffered for it — I was beaten with a stick.

From an interview with an LGBT person

Article 3 is formulated in a very simple manner: *“No one shall be subjected to torture or to inhuman or degrading treatment or punishment”*. Although torture is officially prohibited and condemned, there are many cases that have been won in the ECtHR by Ukrainian citizens under Article 3 (for example, **AN v. Ukraine, Zhyzitskyy v. Ukraine, Kulik v. Ukraine**), the practice of unlawful police violence continues. LGBT men have a particularly difficult time because police officers are more intolerant towards them than women.

They have a worse attitude to love “man to man”, but they may have some desire that works for women. That is, a woman, regardless of what community she belongs to — “hetero” or “trans”, “bi” and so on, will be treated more loyally. Concerning men there is at once disgust as they said: “it causes a gag reflex”.

Boys are treated worse than girls. The attitude is calmer towards girls, because as one policeman told us — “boys have a fantasy — like it is allowed with two girls”, and boys are generally treated badly, they are beaten. We had a couple, they were at the fair, and there was a conflict with the other guys. They began to insult them, and a fight broke out between them. They tried to detain them. Eventually, when the police arrived, although the fight was started by other guys, the naturals, so to speak, they handcuffed our acquaintances and broke them there and beat them with batons.

From an interview with an LGBT person

However, violence is not uncommon towards LGBT women either — they are also insulted and beaten. Sometimes gender can be an additional factor of vulnerability — the situation depends entirely on the desire and willingness of the police officers to go further. If, in addition, an LGBT woman is a drug addict or previously convicted, she will be treated without ceremonies at all.

Of course, they humiliate us, they call names, they insult, they don’t look like you’re a woman. At them at once — “probe” and all, at once “do not sit down on a chair”.

They then came to her home and did her as much as they wanted. She was treated very harshly later. They know that they can use you and do to you what they want. 2–3 people wanted it, they took you to the bath, and they had everything they wanted. You don’t want to — you pay. No money — give some information.

From an interview with an LGBT person

The most difficult situations are when the police find out about the LGBT status of a person who is in the police status of a suspect, detainee or delivered, with whom they “work” in a case or who has already had convictions or detentions. Such information immediately puts a person in a very vulnerable position, as police officers not only use it for psychological pressure and threats, but also do not hesitate to verbally and physically show their disapproval of LGBT people. In this case, the person is immediately deprived of

basic rights — the right to notify a third party of the location (their phone is taken away); the right not to be subjected to torture and ill-treatment.

They beat and said the word “faggot”, “leaking faggot bitch”, “here’s a rope for you, go hang yourself”. They beat, kicked very hard. The difference is when they know or when they don’t know. They beat with their hands and try not to cause serious injuries. And when they already know, they kick, and they no longer care what they do, what they injure. There was one case when they beat in the area of the kidneys, the liver. I couldn’t walk for a week, I was lying at home.

Here they bring me, take out a baton and say: “and now you will become passive, now we will make you passive”, “you are nothing, you do not understand that you are not a person that no one sees or perceives you at all”, “You are no one, you’ve got no name”, “scum, bastard”.

From an interview with an LGBT person

The whole arsenal of police violence is used, and it is accompanied with a kind of educational work — apparently many police officers see their mission in “cleaning” the streets not only from criminals but also from LGBT people, or do not see the difference between the two categories, or believe this is an additional aggravating circumstance. Sometimes, even if no physical violence is used, the police use psychological violence, which also causes significant damage to the dignity and psychological condition of the victims.

When they brought me to the district department, they announced my arrival, and the guys there were professionals and went about their business. They are men, after all. As they see it, there were even threats when I was brought in the evening, they were drinking in the office in the company... They try to inflict injuries on vital organs. They strike the kidneys, liver, head. They try not to hit in the face. One even jumped with both feet on my head, I do not know what saved me, that the skull did not crack.

It was evening, and more than once we heard obscene remarks from the officer on duty addressed to us, and he told us about what insignificant abominations we were. Someone else from the staff came in and supported him, it was ... just a nightmare. To break us so that we would give up the fact that we are lesbians, yes. We love each other and we are not ashamed of it. None of us walks trying to hide it. They probably just want to force us in the corner so that it would all be as before...

From interviews with LGBT persons

The traditional violation in this situation is a violation of Article 13 of the ECHR “Right to an effective remedy”, which states that “*Everyone whose rights and freedoms ... are violated shall have an effective remedy before a national authority notwithstanding that the violation has been committed by persons acting in an official capacity*”. The European Court of Human Rights in its judgements (for example, *Tikhonov v. Ukraine*) numerous times indicated that the key action of the state to implement that right is that the state must provide the citizens with unrestricted access to lawyer, the ability to contact him or her and use legal assistance. However, in practice, people who find themselves in the police are deprived of funds and communication channels, and in this case the situation becomes hopeless for them — they are deprived of contact with the outside world, and the police officers who do not participate in violence do not stop their violent colleagues and do not openly condemn them, but often are either passive observers or treat what is happening as an attraction.

I was sitting in a cage, I felt like a beast in a zoo, people came to look at me, smile, grin. I did not feel protected there, on the contrary. The officer on duty addressed such prickly phrases at me, he used obscene language. I was silent for a long time, then somehow tried to talk to him intelligently, and then, of course, also addressed him obscenely. And after midnight, when there were very few people in the department, I asked to go to the toilet, and on the way back I got hit 6 times with a truncheon on my back, body, legs. And it was with insults, in public. 4 people in the duty part stood, and here this next beat me. But no one stood up. On the contrary! Everyone just stood, silent and watching.

From an interview with an LGBT person

Another factor that negatively affects the state of LGBT people in the police is that the laws of the criminal world, which place such people in the “lower caste”, are already coming into force there. This poses additional threats to them if they are found in the same premises with other detainees or prisoners — up to attacks.

They do not want to be put together with “them”, for example, taken in a car, or held in a cell together with “such” people. We, accordingly, place them separately. If not, they can even revolt and beat the person. And in order to prevent such situations, we usually divide them. Because you will not say to a person who has served many years that “this is not possible”.

They have their own concepts, they have always had their old rules, this is the situation they have.

From an interview with an expert

LGBT vulnerabilities can also be exploited by police for blackmail or extortion when victims are threatened with outing or prosecution in exchange for money or necessary testimony. For this purpose the whole arsenal of improvised means is used — ranging between banal threats and complicated schemes with use of applications for dating on the Internet.

Personally, I had a rather unpleasant story when I met a person in a special dating app. We exchanged intimate photos and talked. And we arranged a meeting. And we met, and he came in uniform, showed his police ID and started blackmailing me with a fact that I was sending erotic photos. He wanted me to pay him to keep these photos from going further and not to give the case a go as “spreading pornography”. He said, “I can find where you live, hang these photos in your doorway and everyone will see.” So he asked me for money so I could put it on his card.

From an interview with an LGBT person

Police officers also have a certain degree of criminal subculture, so to speak. Therefore, I think the information about it will also carry a negative charge for the person and may be used to obtain any confessions, or information, or anything else. It can be used for some purposes — to achieve results in the detection of a criminal offence. It just adds a chance to break a person.

From an interview with an expert

However, most victims do not seek medical help — they suggest that this may create additional problems.

My friend, as far as I know, did not go to the hospital because there was no cut, just a bruise and blood from his nose. The blood stopped, he smeared the bruise, it passed. Of course, if something was broken or he had to put stitches, he would turn to the doctor, there would be no other options. But he did not reach the hospital. I did not turn to psychologists either, but the trace remained.

From an interview with an LGBT person

Victims are also in no hurry to file complaints with other government bodies — after the experience of communicating with the police, they perceive this as a risky idea, the consequences of which can only harm. Some help is provided by NGOs, but not everyone has heard of them.

For any person, it seems to me, this has psychological consequences. It seems so to me. I did not complain, nothing would have changed, I just concluded for myself that such cases should simply be avoided, that’s all. Due to the fact that I do not believe in justice in our country. I do not believe in it.

I was very scared. I turned to a civil organization, and we found a way out of the situation, but I was advised that if I sent the money, he would still ask and still ask, and for now I just have to ignore him. That is, it does not always make sense to contact the police, because it is not a fact that I will be helped, because it is a police officer.

Because the fear of that same thing happening again — I will not be heard, will not be understood and I will not receive protection, but will only harm myself.

From an interview with an LGBT person

Victims are often extremely disappointed in the work of government agencies, traumatized and prefer to deal with the consequences on their own — any new contact with government officials is perceived by many as a threat.

The consequences were initially, when they found out, pressured on it. The psychological imprint remained. Then I gathered my will in my fist — say what you want. I did not take into account what they were saying there.

We now try not to hug or kiss in the cafe, that is, how friends behave, so that the next time this situation does not happen again.

You generally understand that sometimes it is dangerous to meet, and when you went somewhere, it happened that even, you know, you were shaking. And I had this tremor for a long time. It was a very unpleasant thing, and, in fact, I wanted to forget about it for a long time. I was afraid for a long time, for about a year I was afraid that they would still look for me and find me, ...but, thank God, everything worked out.

I am very angry with them. It was not so long ago, it was only 4 months ago. I have a very strong anger at our law enforcement bodies, distrust,

because I do not believe that I can get protection there. If the conflict started with people who were just resting, and I tried to find help from law enforcement bodies, but it turned out the other way around, I was even more humiliated, insulted, beaten. I can't even find normal words, how much it hurts and annoys me because of it.

From an interview with an LGBT person

Some respondents, however, noted some positive changes in police behaviour towards LGBT people. Although the police have not been more proactive in responding to discrimination or aggression, there has been some shift towards minorities themselves.

People are different, but mostly this attitude persists lately, I would not call it biased. It is either indifferent or mostly human. We are perceived as normal people. There is no such thing, you know, as it was before, to take even 5–6 years ago, when I was called, I would not repeat these words, but they were mainly humiliating, offensive. If you saw, if there was even a hint or suspicion that a person is of non-traditional sexual orientation, then there were insults and they tried to somehow humiliate that person. Now it is somehow less felt.

Attitudes have changed. They have become, so to speak, more neat. Not to say that they have changed enormously in their attitude, but they have already become afraid. In 3 years, they still probably understand that they are being fired, that they are still being held accountable. And thanks to this, it has become a little easier for us to live now than it was before.

From an interview with an LGBT person

This is partly due to the fact that LGBT people have appeared, who do not always behave exclusively as victims, but are also ready to stand up for themselves, know their rights and laws. In addition, the police themselves are occasionally involved in protecting mass events related to the protection of LGBT people, such as pride. However, the progress made in this direction should not be overestimated — most police officers do not see LGBT people as equals or “full-fledged” Ukrainians.

In principle, such situations, by and large, for the last 2–3 years, did not occur. This is not only because I belong to the LGBT community, but also because I am a journalist, I am a journalist when I am in Ukraine. I am a member of various human rights organizations, and I also know the laws well. I know what I need to do in a situation where my rights are being violated.

I don't think anything has changed over the years, except that the police have become more careful about protecting them during mass events. But individual work, individual protection, complaints of discrimination, including on sexual orientation and race, and so on, unfortunately, goes at a very slow pace. Steps are very uncertain in Ukraine, unfortunately, uncertain.

During the pride, the police who were defending us at first, and then when there was a little commotion and we parted, some police officers began to express their dissatisfaction, to say in the form of “thank us that we protect you at all”, it was humiliating. I believe that it is wrong to insult and humiliate people. In the end, the police accused us of the fact that they “have to guard you, the underdeveloped” instead of “doing business”.

From an interview with an LGBT person

LGBT respondents note that society as a whole is intolerant of minorities, and police officers are no exception. However, in this case, intolerance is repeatedly exacerbated by additional opportunities to demonstrate it, which provide the status and powers originally devised for other purposes. As a result, a police officer can use his resource not to fight crime and create a safe space, but to fight personally with people whose behavior he considers wrong. And this is supported not only by impunity, but also by the general attitude in police teams — among the police themselves there are also LGBT people, they are forced to hide their status so as not to be persecuted or lose their jobs.

Because they can't take it. If you take the situation in other countries, they have already accepted it, I do not know the correct term, gave up, they already treat it normally, loyally, it is already developing. And here they can't accept it and treat it normally, they are against it. There is only their opinion. I explained to them that no one suffers from it, your children do not see it if you are worried about it. It is enough for them that they use Internet and watch TV. I say, “You worry about it! Take the gadgets from them and they won't see it all”. Nobody knows what is happening to me, it is not spread anywhere, it is not advertised.

Here they gave him power, and he has his own opinion. He was given power, and with the help of this power he defends his opinion. Due to the fact that he has power, he can afford a lot. I did not understand how they are selected there, how they are brought up, the police character, I did not

look into it. This attitude has already been developed, he goes there with this attitude. I would even say more, if they were given the power to kill, they would kill LGBT people on the spot in the first place. They would kill on the spot without thinking about anything.

Well, here I think that if it's something new for a person, he or she's afraid of it, they don't like it. And that's why it's such an aggression that we're wrong. Although I even have an acquaintance, she works in the police, she is from the LGBT community, she has a girlfriend, she has been living with her for more than a year, but nobody knows about her at work. And God forbid that she posted something like that somewhere, even on social networks.

From an interview with an LGBT person

LGBT PEOPLE AND PENITENTIARY SERVICE

Although the prison system in Ukraine spares no one, it is difficult to imagine a category more vulnerable within it than LGBT men. Once behind bars, they are immediately confronted with a system of discrimination that has existed for many years — the criminal subculture has long been an informal institution that sets the framework for social relations and relies heavily on humiliation and caste. This system of relationships puts LGBT people at the lowest step in the hierarchy — in the caste of “offended”.

The so-called penitentiary system is the Gulag system, it has not changed in its attitude to LGBT people, I'm talking about gay men here. In the pre-trial detention centre, in particular, and with all the current advanced democratic government, with such an original Minister of Justice, in the same Lukyanovka, as in any other pre-trial detention centre, and in prisons, there is a system of torture and stigmatization, system of social humiliation.

The attitude to such people is manifested in complete isolation, if we take the official language, then such people are on the professional list of persons as rejected by the general mass. That is rejection. Rejection by the general mass of convicts, the consequences for them are usually deplorable, because they immediately become the object of sexual violence, as well as, in general, physical violence, aggression.

From interviews with the experts

The caste of the “offended” includes not only LGBT people, but also other people who have committed offences under the informal code of the criminal world (lost and failed to pay debts or, for example, told too intimate details about their personal lives). However, it is LGBT people who are stigmatized as “offended” by default, they are treated most severely.

And today, from the point of view of the situation, it is not even LGBT, there is also a substitution of the concept, we cannot talk about those who are called “buggered” in prison, that it is LGBT. It can be a person who is completely heterosexual, it can be an asexual who has been abused and who has received the appropriate status.

You see, it's "buggered", it's not just physically. There are even buggered, you know, he didn't do something there, they spat at him, said: "It's done, you're buggered" or hit in the ass, or verbally, that's what it's called — buggered.

From interviews with the experts

You can also join the "offended" caste after being raped by other prisoners. And although experts point out that this is a rarity today, such cases still occur. One of the reasons for this is the desire to "pressure" a person, to force him to take some action — cooperation, the need to pay. The threat of "rape", "insult", "contact" can also be used to put psychological pressure on prisoners.

I know of cases, in particular, of rape, we are talking about pre-trial detention, but the rapes that take place, they usually happen, in particular to put pressure on a prisoner, they happen to some extent with the consent or even direct organization of administration of the relevant institution. This is done in order to obtain from him either the necessary behaviour or an appropriate, even procedural position. This is quite a common phenomenon and, as far as I know, it still exists.

From interviews with the experts

Although it is a direct violation of Articles 10 (*Freedom of expression*), 8 (*Right to respect for private and family life*) and 14 (*Prohibition of discrimination*) of the European Convention on Human Rights, the subculture formed during the Gulag has become such an integral part of life behind bars that the administrations of the institutions have completely come to terms with it and prefer to adapt to it rather than to rectify the situation. Options for working with this category of prisoners are often based on isolation, which, on the one hand, protects against threats from other prisoners, and on the other — increases the stigma and creates additional leverage against the person.

At one time they tried to fight, for example, they, these people, usually have a separate table, always somewhere near the exit from the dining room, and they take food from the marked dishes. At one time they tried to put them all together with the general masses, it led to conflicts, and so to speak, the administration had to take tough measures, because as far as this subculture is from the Soviet Gulag, it is so entrenched that nothing can be changed.

Of course, the administration knows everything, although, well, before, I know, for example, in the Bucha colony, representatives of the lower informal caste, they lived in a separate room, called, I do not remember whether a dovecote or a chicken coop, relatively speaking, it's somewhere in a non-residential area, so to speak, not where the place of residence of this person is determined. That is, they lived there, and the administration turned a blind eye to it.

In other colonies, they are collected in a separate unit to prevent conflicts and, say, to protect them from, so to speak, violence or aggression. They do the dirtiest work there.

From the interviews with the experts

In addition, by openly violating Article 14 of the ECHR and Articles 22, 24 and 28 of the Constitution of Ukraine, most employees of the colonies and pre-trial detention centres support these rules (overtly or covertly) and constantly demonstrate their rejection of LGBT as a sign of status.

I will say this, if it is a conscious choice of a person, and he himself goes this way, it will probably happen, including bullying, and some rejection, and some restriction, perhaps in some way, some restrictions on the part of the administration. To the people who got to this caste against their will, there will be more loyal attitude from administration.

Of course, you understand that no matter how much you teach a lemon to speak, it will not speak, and an ensign or a sergeant, no matter how much you teach him to communicate correctly, he will not learn. These laws were written years before us. That's why you constantly hear from the workers — "Faggot maggot, come here", and they say it like that, that is, it is voiced in the crowd, well, I think it slightly breaks people psychologically. No one will address them there, "convicted Pupkin", there, or Vasechkin, just "faggot, come here." And physically, they don't beat them, but again, if you have to wash the ensign's toilet on watch or do the hardest work there, clean up a nursery somewhere, who will do it? They will call "such people". If he says — "I will not do it", he will be told — "yes, rooster, you will" and that's it, and nobody asks there, and the administration also presses in its own way.

The object of aggression, by the way, not only by convicts or detainees, but also by the administration, because the administration in such cases imposes on them all the dirty work that is not officially paid, often they do

not even have rates, although there are rates, for household services, but this is mostly not happening. In general, unpaid slave labour, violence and everything else.

From convicts mainly physical violence, and more psychological from convicts. But I say that I do not object that administration does it. If you take the ratio of discomfort, then it would be 85% from the convicts, around 15% from the administration, approximately, well, my calculations would be like this.

From the interviews with the experts

An informal code of conduct in accordance with “thieves’ notions” requires that an LGBT man declare himself and his status immediately upon arrival at a new place of imprisonment or restriction of liberty. This automatically entails the transfer of a person to the status of “offended” with all the consequences of discrimination and humiliation, but stops prisoners from violence against him “for hiding it”. However, this does not insure him from further violence — the status of “offended” involves a large number of restrictions on behaviour and almost no rights. However, how well he will be treated depends not only on strict adherence to these informal rules and the performance of various tasks, but also on the goodwill of other prisoners. For example, if a group of prisoners has built a system of relatively respectful relationships, their LGBT lives may be relatively safe (provided they adopt a discriminatory framework of behaviour and follow informal rules). Otherwise, he will always be the victim of attacks, insults and humiliation.

There were cases when convicts came and said, “Here, I’m gay”. Well, okay, gay it is then, no complaints from the administration, that’s for sure, he’s like everyone for us and for everyone, he’s like everyone. And on the part of the convicts, yes, he is automatically transferred to this caste of “buggered” and certain restrictions are imposed on his behaviour — what he can and can not do.

They get everything last. They eat separately, sleep separately, they eat the worst foods. It came to this, from our practice, that these people we are talking about, they ate, cooked food in the toilet. Right in the toilet they had a place, here the kettle is standing, I look, there is a place for cutting.

From interviews with the experts

Restrictions for the “offended” primarily concern the minimization of physical contact with other prisoners. The hardest thing for such people is in the

pre-trial detention centre — because people spend almost all the time there with each other in a closed space. They are recognized as “disadvantaged”, their status in case of contact can “pass” to another person, and therefore they are treated as carriers of a contagious disease. Such prisoners cannot eat, wash themselves, play sports or touch other prisoners at all, they sleep in the most uncomfortable places (near the entrance or near the toilet). They have to do all the rough and unpleasant work — for example, cleaning toilets, dumps.

If it is cell detention, then such people are usually in very difficult conditions, because, in fact, there is no one to stand up for them, and these rules are informal there, they are primarily for all convicts. That is, what is manifested: the fact that they can live near the door or near the toilet, they are not allowed, so to speak, in the general mass. Or in general if they sleep in the cell, then under bunks, there is even such term — “to drive under bunks”, yes, it is used in slang.

Restrictions — you can not eat at the same table, you can not use the same dishes and your bed is only at the entrance. For example, a residential section, and the bed of this convict will stand right at the entrance.

Cleaning of common areas and the square is transferred to him. He cannot shake hands with others. They communicate normally now, only these restrictions now operate — not to sit nearby, not to sit there, not to eat from one ware.

From the interviews with the experts

Also for this category of prisoners there are separate conditions when going to the bath — there they should not intersect with the general mass of prisoners, otherwise there is a risk of an outbreak of violence and riots. Therefore, the administration of institutions is trying to ensure compliance with these informal rules.

Again, they will be taken separately to the shower, to the bath. The administration, whether they like it or not, is forced to maintain this informal tradition in order to avoid any outbreaks of riots among their convicts, so they will go to the bath separately 99% of the time.

They have a separate shower. The stench is washed at the rate of, for example, 20 people, 4 of them are LGBT, roughly speaking, there are 5 “nipples”, funnels, then one, respectively, is for them. No one will wash with them, because it is possible to become “contacted”, that is, you may never

have such connections, but when you use the thing of such a person, you automatically also equate to them. The other mass refuses you as well.

From interviews with the experts

According to the judgements of the European Court of Human Rights under Article 3 of the ECHR (Prohibition of Torture and Ill-Treatment), the state must provide citizens with adequate medical care and treatment during their detention. And administrations of places of detention should carry out operative diagnostics of a state of health of all citizens who are in prison, and provide them with timely and comprehensive medical care. It was numerously enshrined in the relevant judgements of ECtHR (for example, *Temchenko v. Ukraine*, *Sokil v. Ukraine*, *Sergey Antonov v. Ukraine*, *Lunev v. Ukraine etc*). In practice, however, in the issues of medical care for LGBT, prisoners can in principle claim it, but they receive it only after the rest of the prisoners, even given the limited resources of medical care in prisons.

Again, they will have a restricted access, for example, if access to medicine in the medical unit, there will be a queue to the dentist, then he will be at the end of the queue. Everything is a restriction. He will simply let those who are still standing in line pass before him. Even if there is a queue, there are 5 people, and he will be the first, he will go to the end of the queue.

From interviews with the experts

The extremely vulnerable position of LGBT men in custody is often used for blackmail and extortion, making their stay there even more difficult. They are constantly seen as sources of income or objects to meet the needs of other prisoners with higher prison status.

To extort money, this is what I am watching now, there are a lot of such cases in pre-trial detention centres, that's right. If there is information that something can be demanded from that person. If there is information that he has something, or they find out that there is something to demand, they will just demand and beat him, and psychologically press him.

This category, it is always the least protected and is the object, especially the object not only of violence, extortion, especially if they learn that your relatives have certain financial opportunities.

They can use them, well, not really use, but to offer them an intimate relationship, so to speak. They rob for money, take away tea, cigarettes, that is, even without any demand and everything else.

From the interviews with the experts

Blackmail also allows other prisoners to use the “offended” for dangerous, illegal actions that may lead to sanctions from the administration — for example, to carry or store prohibited items (telephones, drugs). This, in the end, leads to closer attention from the administration, which discriminates more frequently to search and inspect members of the “offended” caste.

As for searches, it is even often the case that people who are in higher castes use people who are in these lower castes. For example, to carry prohibited items, take “parcels” if someone throws prohibited items.

The administration can search such people more often because they know that in principle they are capable of carrying stuff. Very often, if someone with a higher status turns to such person and asks to carry prohibited items, it will be difficult to refuse, so to speak, sometimes there may be psychological and physical pressure for this person to carry a prohibited item. That is, it is much harder for such people to refuse a request, even whatever they would not like to fulfil.

From the interviews with the experts

In fact, in order to follow criminal “notions” in places of detention, the will of the employees themselves is required in the first place — even the informal requirements of these codes do not apply to them (unless they choose to comply with them voluntarily). This illustrates well the attitude towards LGBT people during searches and inspections.

Searches, in principle, are not affected, that is, the administration, as they say, I'll tell you using the slang that exists, in these places they say — “the cops will not contact”. They say so because searches are not affected, they are searched properly.

From an interview with a representative of LGBT

No, it doesn't affect the search and inspection procedure, because it's a general protocol, and it's a whole profession, when people look at other people “there” all their lives, I'm talking about those who search, because it's a mandatory component, so it's not not related to this.

From an interview with an expert

On the other hand, LGBT status (as well as the status of “offended” in general) is used for blackmail, pressure and extortion by the administration of prisons. The range of abuses is wide — between the banal extortion of money to obtaining information. The degree of vulnerability of this caste is so high that even threats of “moving” to it or disclosing information that the prisoner has LGBT status (which may or may not be true) are used as means of pressure.

To gay men or men who are introduced as people who have experienced passive sexual intercourse, the concept of “buggered” remains. It is used for blackmail. For example, the administration of certain places of detention, both in order to receive money — if you do not want to get into the caste, please give money, and to solve internal problems, including maintaining order, as they see it in these places.

Usually, such convicts who are in the lower caste, informal, they usually always cooperate with the administration, you know? That is, they have to survive, due to this they have some, say, conditional security, cooperating with the administration.

If he hides that he is “offended” or LGBT, and the staff knows, then at the level of blackmail, the same operatives can use it for their own purposes — you will do that, that and that, and if you refuse we will tell them, them and them.

For example, specifically to convey this information to his cellmates, do you understand? To those with whom he lives, so that they morally create an intolerable climate, and that can affect the objective consideration of the case itself. It is possible as a tool.

I know that in practice, intimidation of people is widely used, that we will put you in a room where there are mostly LGBT people. And it scares a person. That is, a heterosexual is intimidated in this way. That’s right, this technique has a place everywhere, there is a place of intimidation. And concerning LGBT, it exists in such a way that your cellmates will do with such things to you.

From interviews with the experts

All this, of course, can not but affect the psychological state of LGBT prisoners — prolonged stay under psychological pressure, a sense of constant threat, inability to control the basic elements of everyday life often leads to suicidal thoughts and depression.

They are affected psychologically, they are more prone to all kinds of depression, suicide, self-mutilation, because this caste in which they are, there is nothing below it, that is, you can no longer go down. You can’t transfer to another caste and go upstairs, that is, it’s forever. Therefore, they are simply more prone to depression, to such, “I have nothing to lose, that’s it, there is nowhere else to go”. But those who clearly come and admit it themselves, they are less prone to it.

From interviews with the experts

The situation with LGBT people in places of detention for women is somewhat different — criminal “notions” in this area do not apply to them. Of course, this does not automatically mean that an LGBT woman is completely safe and protected from discrimination, but it greatly simplifies life. While the main source of threats and discrimination for LGBT men in prisons are other prisoners, for LGBT women it is the administration.

Women don’t have that, it doesn’t happen to lesbians. Rape of a lesbian, well, any rape is possible, but it is not the norm in the female prisoner group. The rape of a gay man, or not even a gay man, simply a person who is considered by one group of prisoners to be likely to be gay or simply “buggered”, is in principle a fairly common phenomenon. You can’t mix these two categories of people just because somewhere they sound in the same combination of LGBT letters.

And for women I will add, again, they do not have this. If someone accidentally drank from her mug, then nothing. Well, they do not have the concept of “contact”. They can be voluntary, as I said, they become like that more on psychological level, or how it is called. No one is forcing them to do so by force as men.

When I got to the women’s colony, I reorganized for a year. They have no idea to force someone into this caste. There are no such concepts in the women’s colony. Maybe there are some exceptions, one in a million and then, there are some out there, I don’t know, some crazy ones. And so they do not have this. And in them it is at the level of basic psychology. Then in my colony, I have about 50% of women living in pairs. She was active, she was passive. The active one plays the role of a man, the passive one — a woman. And they live as a couple. And when they are released and separated, they live, have children and husbands.

From interviews with the experts

The vast majority of colony employees who work with female prisoners are also women. It also significantly reduces the level of aggression and rejection in the relationship.

They are all close, there is no such thing there. They don't look there, they don't press there, there is nothing like that. And who is basically there? Just broads. Just broads. And you smiled at her, and you came in with a bag, gave her candy there, smiled, and that's it. But no, everything is absolutely different there ... There are no men there. Well, maybe a man in an operative unit or a doctor. Here they are, you know how, they oppress us here, well — you're a broad, what do you lack? There's a lot of man, why can't you, well, a healthy beautiful broad, can not find a man?

From an interview with a representative of LGBT

However, discrimination by employees of colonies and pre-trial detention centres remains high: many men working in these institutions are “infected” with a criminal subculture or simply use their power to openly persecute relationships or behaviour that they find “wrong.” By doing so, they directly violate both the Constitution of Ukraine and the provisions of the ECHR.

They live in couples, walk hand in hand, can kiss on the lips. “Here we live as a family” — they call it “family”. Like, I've been sitting for 15 years, I don't know if that man will be, and here I have a husband, we live in a family. We had such a warden, tough, he told them: “Right, now get fictional children and live there completely already. Send the children to school or something”. Let's just say I'm not a fan of these movements either, I'm not a fan at all. I tried to eradicate it. I do not rule out that there were facts that they were put in solitary confinement for such facts that they kissed there.

From interviews with the experts

You know, in the colony where I was, there were a lot of couples, everyone faced that. The administration opposed such relationships. The administration made sure that people who had same-sex relationships were at different ends of the colony. It is possible to tell, such people were on all the most difficult household works.

Nobody looks there, whether you are a lesbian or not. You're just doomed there, that's all. They (employees) do not interfere. They giggle, they do not interfere in this — deal with it yourself.

From an interview with a representative of LGBT

Discrimination and violence on the part of prison staff is primarily expressed in the fact that an existing couple can be separated and put under psychological pressure.

When we arrived from the stage together, they started to separate us into different units. In addition, this girl is here, she was going home on parole, she tried to fulfil all the requirements. They started writing reports, it is not clear, for nothing — they found a needle, they found something else. I could be picked up when she left work so that we wouldn't cross, and lock in the “glass” for 2 hours. I'm sitting in a “glass”, and why? I cut myself open there, because I was pushed there by force, just for nothing, so that I wouldn't see a person. I was told that I “spoil the girl's life with my orientation”.

From an interview with a representative of LGBT

According to Article 13 of the ECHR “Right to an effective remedy”, victims of discrimination may complain. However, in reality it is a formal right that does not work in real life. Thus, they can complain to the administration if they are oppressed or threatened by other prisoners, and if the administration does not help them or their rights are violated by the administration itself, they can legally apply to the prosecutor's office. For each colony, for each pre-trial detention centre, there is a prosecutor for the supervision of the rule of law in places of detention, who is obliged to come regularly and conduct receptions on personal matters. However, this system does not work in practice, and for any prisoner, regardless of their status. First, prisoners are punished for complaining to the administration; second, often both the administration and the prosecutor's office perform their duties formally and do not seek to improve the observance of prisoners' rights. A significant number of complaints are not considered, others are considered formally.

Let's put it this way: Worthless piece of paper. They are told, “Even if you write to John Biden or whoever you want, you still won't get anything”. And so it is. Write or don't write — it won't solve anything.

As for complaints, again, if a person of this caste complains to the administration, the administration can, in principle, take some action. Or, as is often the case, would not accept the complaint at all, and it's not just about LGBT people, it's about everyone, they can throw it out.

And they can, in principle, and through other convicts, just say: “Listen, deal with it there, so that he would not write”. That is, it is much easier to press

on this category of people than to receive a complaint simply from a person from another caste. It would be harder to press on a man, a goat because of other convicts. And to press on this caste through other convicts, to ask, to call someone more influential there and to say: "Tell him not to write any more" or "Make sure that he no longer writes any complaints". That's it, this issue will be solved. It will be very easy to press on them.

From interviews with the experts

The only body that can provide real assistance in places of imprisonment is the administration of the institution (if it is in good faith). However, experience has shown that the administration itself is a source of violations of the rights of LGBT prisoners, and its most effective tool to "help" is to isolate the victim from violence or discrimination. There are almost no opportunities to complain about the actions of the administration itself — such attempts will inevitably lead to an even greater deterioration of the prisoner's situation.

As practice shows, when such complaints come, the examination begins, the official investigation, with a visit to the place, the person begins to refuse. That is, he complained, he remains in the same colony, that is, the administration usually already in one way or another learns that he is complaining, and he is under pressure.

He can, of course, apply anywhere, to the prosecutor's office, and to the Office of the Commissioner, and even to the court, he can apply, but real help can only be provided by the administration.

Personally, my opinion — it makes no sense at all. Well, it doesn't help at all, it can only make it worse. That is, in this case it is necessary to solve it informally with the administration. To orient on the spot, so to say, which colony is it, who occupies what positions.

They do not come, and you learn the information that something is happening there from other convicts. And, let's say, then the administration may solve this issue with other convicts in different ways — threats, not threats, they will say: "God forbid something happens to him" or "God forbid you touch him", that is, in different ways. He is transferred to another unit or, sometimes, the head of the household department is simply assigned there, he is called and told: "Here's a man, make sure nothing happens to him".

That is, the administration simply has to somehow solve this issue in such informal ways, because the only informal way here that could help is to isolate from everyone.

In fact, the efficiency of our complaints is very low, which is confirmed by the decisions of the European Court of Human Rights. The fact is that in general the problem that exists in the penitentiary system concerning human protection in general, personal security, it is very serious. If a person complains about another convict, the administration can provide. They transfer him to a separate cell, and he, in principle, can be there, there is a certain order, he can stay until the end of the term.

From interviews with the experts

That is why LGBT people or members of the "offended" caste have virtually no complaints of discrimination, harassment, threats or violence. They do not see complaints as an effective way to solve their problems. Appeals happen, but only when it is a cry of despair.

As a rule, they do not file the complaints, except as a last resort, when he is just in despair. As a rule, from my practice, they just came and said: "That's it. Just lock me in solitary confinement so I can sit there, or I just can't anymore, I don't know, I'll cut my veins, I can't take it anymore". That is, they already come when they can't endure it anymore.

From an interview with an expert

CAUSES OF DISCRIMINATION OF LGBT PEOPLE IN LAW ENFORCEMENT BODIES

According to LGBT people, the key cause of violence in law enforcement bodies is the lack of proper education and the ingrained stereotypes about them. First of all, it concerns the fact that the authorities consider homosexual and transgender orientations to be mental disorders, and the public manifestations of relations among LGBT couples — the promotion of “unhealthy behaviour” among young people. The latter most often motivates government officials to initiate communication, and later the detention of such citizens.

I don't know, it seems to me that this upbringing of the Soviet Union remains. It is transmitted, it is education. Some just think I'm a rapist. I do not advertise the orientation with my clothes, style, I walk around like a normal guy. The only thing is that when we stay with a guy, the conversation changes, and that's it. And so I'm an ordinary guy. And they probably think I'm a rapist.

For a long time I tried to understand his behaviour, why a person behaves like that. It seems to me that against the background that he has children, family... he seems to feel fear, probably, here is the fear that the child will see it, will follow in my ... footsteps. Well, here, probably, somewhere here the human factor worked, rather than law enforcement.

It is not explained to anyone in schools that it is normal that a person can love both a girl and a boy. Because they were brought up that way. Because they think they can do more than anyone else. They enjoy the fact that they have shoulder straps.

I was locked up in one office, from time to time they visited me, with beatings, even with kicking: “Come on, run away from the city so that we wouldn't even know, because we won't let you live”. They explained that they had children, they learned that I was active. They say: “God forbid, you will go off, you will start raping, and we have children”. I tried to tell

them that they don't understand a bit, no one is going, the rapists are separate, they are psychopaths, I'm an adequate person, I understand everything. They said that I was even worse than them, and started kicking me in the head.

From an interview with an LGBT person

Among the key institutions that continue to perpetuate and spread such stereotypes, according to some respondents, is the church, which regularly demonstrates a negative attitude towards the LGBT community.

Religion, priests have played a very big role in discriminating against the community, because they directly discriminate against such people, that is, they say that they are abnormal, that they cannot walk around just like that, that they cannot serve in the church. I think you heard. By the way, after that incident of my negative acquaintance with the police, I began to read more on this topic, and then read that the Pope is not very good about it, that he denies men who belong to the community to serve in churches. It also affects all people.

You know, I think there are many reasons. The first of which is that many people have told themselves that it should be the case that a man and a woman are created only to live a family life. These churches are making a bunch of speeches against gay parades, against books that are now being published about same-sex relationships.

From interviews with LGBT persons

Some LGBT people also believe that there are many people in the police who have certain mental inclinations that prevent them from doing their job professionally, such as their propensity for violence and their desire for power over others.

I don't know, maybe they asserted themselves. I don't know, there are different people, there are people who just like to beat others, they are sadists by nature, they don't even care why. It all started because my friend and I were hugging, and they didn't like it. This is where it started, with the insult that we are breeding “homo bullshit” here.

Well, with the policemen with whom I talked, that is, I, first of all, think that this is a kind of “from rags to riches” phenomenon, that is, they feel the power, and they already want to show that they are better than you, because they have some more rights there, and you are like an ordinary citizen.

It seems to me that it is still superiority, and you know, roughly speaking, a herd feeling. This idea we are not like everyone else. This is the mentality of our country. Pariahs, therefore. And plus the power in hands, you know ... well as I say — supremacy. Most likely, because of their superiority — I can do anything and I will press you, oppress you, hurt you.

From an interview with an LGBT person

The interviewed experts agree with the above reasons, noting that the police are the same representatives of Ukrainian society, and accordingly relay discriminatory practices in communication with the LGBT community.

They are not taken from space, they carry the same values that they received during education and socialization. That's where it all comes from. If, in principle, it is necessary to form everything since childhood, a tolerant attitude, but not only to LGBT, generally tolerant attitude, to people who have certain health problems, and to the Roma population, that is, there are some stereotypes, there are patterns that often prevent people not only from living, but also from doing their job properly.

The reason is one, we have one reason, and it is our historical past. We are not ready yet, not us, but the majority of Ukrainian citizens, I understand, are not yet morally ready for this. And all because our education is still that old one, the Soviet one, so to speak.

From interviews with the experts

Experts also note that the procedures of selection, training and work with law enforcement personnel are imperfect, which can directly affect the professionalism of their duties. This is manifested in the intolerance to various sections of the population, in the excessive use of force against detainees and in the fact that a person with a low level of humanity and prone to cruelty can indeed be admitted to the service. In addition, experts note the generally low training of police and penitentiary staff in understanding the concept of human rights and the rule of law in the country.

It seems to me that often employees of the state criminal executive system, service or penitentiary system lack basic knowledge of international human rights law, the Convention for the Protection of Human Rights, these are the basic ones. They may have passed them somewhere, listened to optional courses, but they did not understand, that is, it means that the

very system of personnel training for CES at the moment, it does not seem to focus on human rights, socio-psychological characteristics of man, on the need to ensure psychological contact with the convict, the fact that the convict is exactly the same person as him, that is, now for some reason, I do not know why, but there are no such trends.

There is no understanding that they not only provide oversight of the rule of law, they must also ensure human rights within the system. That is, it is a complex problem, we cannot say that one or another discipline is missing, it seems to me that the very understanding of these values is missing here. Values, as we now say — European, human values, universal human values.

From interviews with the experts

Respondents also raised the issue of the lack of comprehensive changes in the national legal regulation of law enforcement agencies in accordance with the modern perception of the concept of human rights. This is especially true of penitentiary institutions, which continue to exist according to the norms of the Soviet era, having a barracks type of accommodation, lack of real psychological work with prisoners, support for the division of castes among convicts. All this prevents the reduction of subculture among those who are held there.

People live in large masses, live indoors together. In such conditions, in order to control this whole process in general and to influence these masses in some way, it is necessary to have, of course, not only formal, as I said, but also informal points of influence. This is exactly the informal stratification of this prison society, the division into castes. According to the latest, so to speak, research, according to the latest advanced opinion, it is possible to fight and oppose this Soviet penitentiary subculture with a system of cell placement of convicts. When convicts do not live in large groups in one room, then this moment of relations begins to be lost.

From an interview with an expert

Those unchanging special cells, unchanging social status of the so-called "buggered ones", unchanging indulgence in this, not just indulgence, it is included in the general system of actions of the administration.

From an interview with an LGBT person

The entrenched subcultural system of relationships in the colonies also affects the professional deformation of staff. Following an informal culture of communication, carrying out their work in accordance with the established rules of conduct between prisoners, on the one hand, greatly facilitates the activities and control of order in the institution, and on the other hand, leads to violations of ethical and moral principles of their profession.

A simple example, as one head of the social and psychological service department said: "Here I am", he says, "there is a convict who does dirty work, who belongs to the lowest caste. He is being released now, but where else can I get one?". Do you understand? That is, to perform this work. Again, if there was a normal salary, paid for household services, then some piece of the problem would disappear. And as I say that when people from this category perform all these works for free, then of course, there is an interest of the administration that such people existed, so to speak.

He he looks like a boy coming from school to the institute, eh? Then he came to work as a lieutenant, graduated from Kharkiv University named after Yaroslav the Wise, there, everything is clear to him. And why does he half a year later call a convict a rooster, "take a rag and go, clean the toilet"? Causes you to think. Because the colony, it not only breaks convicts, it also breaks employees.

Here we are talking about the culture that prevails in this particular institution. Both the geography of this institution and the location of this institution. Because if this institution is dominated by a stable notion of the prison subculture or the subculture of places of imprisonment, then the staff, respectively, is slowly beginning to adopt this subculture, and, accordingly, the same negative attitude towards LGBT people.

From interviews with the experts

Related to this is the problem of burnout of law enforcement officers. The conditions of their work are almost not studied, stress prevention is not carried out, there is no psychological relief. This has a negative effect not only on the employee's ability to work, but also on his emotional and moral attitude towards detainees and prisoners. An additional factor is also a certain anomaly in the system itself — employees do not know what will happen tomorrow, the management officially introduces discriminatory practices. All this sends extremely negative signals to the staff of places of detention.

This issue is also very slippery, because now the Minister of Justice has come up with these paid cells. In fact, at present we have legalized discrimination, which is present on material grounds. So it will be even more difficult to achieve in SIZO because everyone understands that you have legalized discrimination, anyway.

Professional deformation, you cannot escape it, professional deformation, emotional burnout, it is postponed and gives its negative results. You have to work with employees, in reality no one works with them, no one really needs them.

From an interview with an expert

WAYS TO OVERCOME THE DISCRIMINATION OF LGBT PEOPLE IN LAW ENFORCEMENT BODIES

Both members of the LGBT community and experts agree that overcoming or at least reducing discrimination in law enforcement bodies is a rather complex and long process, and is primarily related to changing the worldview of citizens, the development of tolerance and human rights values in society. There are 2 areas of work: general cultural and educational. The first is suggested, in particular, by LGBT people and consists in greater representation of the community in cultural products in Ukraine — films, television, etc.

First of all — the culture of people, the culture of communication with each other. Tolerance for the perception of other people who are not like you. How to do it? The state should think how to do it. I think that you probably need some more TV and Internet information, some movies, programs, something like that.

From an interview with an LGBT person

There should be a set of measures. But still, there can be no quick, effective mechanism or magic wand. It does not exist. The problems of the very stage of the country's development are very complex. The transition model from the post-Soviet space to the pro-democratic and democratic one is always a complex process and not simultaneous.

From an interview with an expert

With regard to education, according to respondents, there is an urgent need to review the norms of raising children in schools, which should include an understanding of gender equality and equal treatment of each other. Preventing the formation of stereotypes about different groups of the population and the use of positive vocabulary in communication should begin from the earliest years of life and education of the child.

Only upbringing, only upbringing, starting from school. Proper upbringing of children, proper introduction into the education system of the basic concepts that race, gender, physical condition, sexual orientation in no way affect the attitude towards these people, that these people are the same as everyone else. And this should be taught from an early age. If from 19 years of my contact with juvenile justice I began to acquire the knowledge necessary for me around the seventh year, and even that from foreign sources. Because within Ukraine, at the national level, there the necessary training is absent.

If this is a problem, it should be started from school, people should be told from school so that they perceive it as normal. After all, if we oppose, as we once did under communism, if we say that it is not normal, then nothing will happen.

From interviews with experts

There is a separate education and training of law enforcement officers who must have international and national standards of professional ethics, be aware of the moral and value priorities of their profession. And although the initial training program, in particular for police officers, contains a several-hour topic of tolerance and non-discrimination, according to respondents, this is not enough. They generally consider the training of law enforcement officers to be inappropriate and superficial, especially in terms of a culture of respect for diversity and non-discriminatory behaviour in the performance of their duties. There are only isolated, non-systemic initiatives of individual law enforcement officials or projects at the ministry level to organize informational and educational activities on this topic among the staff of institutions.

At that training, the management did not give a damn about us directly. We were gathered, we rested for two days. Rested and went back. That's fair, to say the least. And if not at the level of only the heads of colonies or SIZO, or correctional centres, but the administration in general, then they just do not care, the main thing is that they (LGBT) should not create problems.

From an interview with an expert

It is necessary to hold various more actions and lectures for the police. Just gather them, as they gather before the pride, when they tell what security should be and what they should do. Have more conversations so they can listen, tell them it's okay. These things are done, just maybe they are not done enough.

To talk to them, to explain when they go to study with the police, that it is impossible to do so, it is impossible to show aggression even to ordinary people, not only to LGBT people. That is, you need to be much calmer, not to use the fact that they are police and they can do anything and that their ass will be covered.

From an interview with an LGBT person

Representatives of the LGBT community also emphasize the need to monitor the psychological state of law enforcement officers, especially during employment. A possible way to reduce discrimination can be regular work of a psychologist with police and penitentiary staff.

Probably conduct some mini-trainings for them, seminars during training. That when they apply for work, pass psychological tests, with this category, there some questions should be relevant, to make it possible to understand, is the person ready to face people, to work with them, with us.

The psychologist once went to the district police stations, even went to the districts, had conversations, but they did not talk about us, you know, but about drug addiction. It is necessary that they carried out conversations with them about us, explained an essence and merits, what's what. That they somehow behaved differently. It is necessary that at least somehow a conversation was carried out with them, to explain that we are the same, that everyone loves their own stuff.

From an interview with an LGBT person

In addition, an important safeguard against discrimination and violence in law enforcement is the inevitability of punishment for inappropriate actions by a police officer or employee of a penitentiary institution. This requires the introduction of an effective system of criminal investigations, as well as wide publicity of such cases.

If they are prosecuted once, where there is some prejudice against same-sex couples, the second time, the third, the fifteenth, the seventy-fifth, then maybe people will be a little afraid of it at first, right?

Well, and to pursue some kind of, I don't know, policy of punishment for the actions they carry out in relation to the community outside of their work, and in general, the excess of any official authority. I understand that now, I would probably act completely differently in the circumstances that I had for the first and second time. I would probably make publicity

now. If I don't do it, there, some publicity, then someone else may suffer from it.

From an interview with an LGBT person

In this regard, LGBT people appreciate the work of public organizations that undertake to protect them from illegal actions of law enforcement agencies. The most effective way now is to conduct high-profile cases, which are widely covered in the media. According to respondents, in the long run this can help reduce discrimination due to the real possibility of winning such cases in court.

I think when these organizations appeared about HIV-infected people, drug addicts, there is a specific organization, it specifically protects. They know that there is a serious protection there, lawyers work there seriously. The laws have already changed, they are on our side, lawyers will present it correctly. They know that lawyers there are better, more serious. They work, they are ready if they see such an attitude, if a policeman somehow behaved wrongly, they do everything to make this attitude affect his whole life, so that he remembers that he must not behave so. That he remembered all his life. There was a case when one person was beaten, he almost lost his life. Lawyers brought it to court, he lost his shoulder straps, positions, he was fired.

Everyone has their own life, no one has the right to dictate their rules to me. If, for example, aggression does not disappear, or there were any consequences, I think that it is necessary to address the organizations, KyivPride, Insight for fixing such situations.

From an interview with an LGBT person

Legislative regulation of liability for violations in the field of preventing and combating discrimination is also needed. The draft law No. 5488 of 13.05.2021 "On Amendments to the Code of Ukraine on Administrative Offences and the Criminal Code of Ukraine on Combating Discrimination" is currently being developed and is under consideration¹.

¹ The draft suggests to add to the aggravating circumstances for an administrative offence the commission of an offence on the grounds of intolerance. In addition, it introduces liability for violations of legislation in this area in the form of a fine for citizens between two hundred and three hundred non-taxable minimum incomes (between UAH 3400 and 5100). And for officials and business entities — between three hundred and five hundred non-taxable minimum incomes (between UAH 5100 and 8500). The draft law expands the powers of the Commissioner

Such a law must be passed. We just had a case recently, the ads were placed on the poles that “these faggots should be killed”. Well, this, in principle, should be punished, right? To make people understand, there was some legal framework that everyone is equal, we have equal rights. That is, why can’t I live the way I want with my orientation? Is that real? Well, for things like this, there must be some kind of punishment. Probably so somehow.

From an interview with an LGBT person

Another area of work, according to experts, is to create a mechanism to protect and ensure human safety during the stay in law enforcement bodies. The implementation of such a mechanism can be different — ranging between the creation of a separate body and the imposition of responsibilities on existing government agencies.

There should be a unified mechanism that works on discrimination. Suppose, if we take international institutions, that is UNHCR. Suppose it is effective? It is. Does it grant these people refugee status? Yes, it does. Does it work effectively? Yes, it does. In Ukraine, unfortunately, there is no individual mechanism that will work in this direction. It is unified, it must be removed from some law enforcement bodies, it must be some institution that somewhere at the level of parliament must work as an Ombudsman and be accountable to Parliament, in this area.

From an interview with an expert

In addition, according to experts, reforms are needed in the penitentiary system, which, as noted above, is outdated and cannot help overcome the existing subculture among prisoners in penitentiaries and pre-trial detention centres, and monitor the legality of the actions of staff.

The system works today because there are no people in the police or in the system of our SIZO, prisons, etc. who would not be entered in the system. There is no underground, there is nothing that does not operate within this system. You don’t have to influence people, moreover, any people you drive into this system, we saw it with the patrol police, and in general with the reformed police, drive them into this system — there will be the same

people. Those who can’t, will just leave. We need to change the system, the people around are the same. Sexual violence in prisons is not a separate phenomenon, it is not a single phenomenon, it is not a Ukrainian phenomenon or a phenomenon of totalitarian countries, it exists in a circle. The question is how, how is prevention carried out, what is the response, and most importantly, that we have it inscribed in the system.

From an interview with an expert

for Human Rights of the Verkhovna Rada of Ukraine to prevent and combat discrimination, giving the right to draw up protocols on administrative offences. <https://povaha.org.ua/zakono-proyekt-5488-chy-ye-chogo-boyatys-antygendernym-ruham/>

PRIVACY OF THE PERSONAL DATA OF LGBT PEOPLE IN LAW ENFORCEMENT BODIES

Article 8 of the European Convention on Human Rights emphasizes respect for private and family life: *“Everyone has the right to respect for his private and family life, his home and his correspondence. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others”*. However, unfortunately, the results of the research indicate non-compliance with international norms by law enforcement bodies in Ukraine.

In general, LGBT respondents point out that contacts with law enforcement bodies are not uncommon. Obviously, they have them a little more often than the average Ukrainian. The reason for this may be, first of all, the vulnerability of LGBT people — in the case of open behaviour, they often become victims of crime, insult and discrimination; they are paid attention to, including by the police. Some of the respondents are already so used to it that 2-3 contacts a year with the police are perceived by them as “infrequent”, while an ordinary Ukrainian may not come into contact with the police for years.

Police officers have a completely different view of this — most of them believe that meeting LGBT people, and even more so seeing any discrimination against them, is rare.

I have never seen or noticed such a thing, that there was a situation somewhere. Even when they happened, I never saw any prejudiced attitude there.

I have not encountered this, maybe somewhere, in some investigative units, maybe they are somewhere where they dig deeper, where he lives, with whom, the circle of communication. And we don't have that, we

don't dig and we don't look, and we aren't interested, because there is a lawyer, there is a judge, the detained, placed separately — boys with boys, girls with girls, separately, nobody places them together.

From interviews with experts

Obviously, this difference in the assessment of how often LGBT people are forced to contact law enforcement bodies is due to the fact that in the vast majority of cases, LGBT people prefer to hide their status. An open declaration of status often not only does not help, but can also lead to the most negative consequences — many have already had a negative experience. The most likely of the negative consequences is outing. Another equally likely problem that can be faced is open homophobia and aggression by police officers — many have already faced this and do not want to repeat the traumatic experience. Gay men face particular aggression, with a significantly higher level of rejection than LGBT women. However, this is not always the rule.

I think it should be hidden in any way. When they find out, I would describe it as, they become animals. You can see a person's face change immediately, the facial expression changes dramatically, and the attitude is gone. At first surprise, interest; then evil, changing faces; it is immediately obvious that he already hates us, is ready to kill, to humiliate.

Our police are the same society, and the same stereotypical thinking. This is abnormal, this is not the norm. Because the traditional values that have been imposed on us for so many years, so, well, during the detention they are like, they laugh, they grin, here in prison, like this. Well, like, they, maybe even with some disgust, but the attitude is like, well, there is no such strong aggression, to gay men — yes, and when women, I basically did not see such aggression. For them it is somehow, for them it is funny even this, in this sense, because they think that they are normal, and everything else is abnormal, that's all.

From interviews with LGBT respondents

In the interviews, almost all LGBT people say they are forced to hide their status when detained or placed in custody. In their opinion, this ensures their own safety and the absence of possible contempt or abusive treatment by police officers. In addition, disclosure of the status may affect the refusal to provide the necessary assistance. Some LGBT respondents crossed paths with the police precisely because of the need for police intervention in their de-

fence, but instead of defending/accepting complaints/questioning witnesses, police either ignored their responsibilities or blamed the victims themselves for the conflict.

Also, police officers almost never record the nature of the offence on the grounds of intolerance and incitement to hatred.

I think it should be hidden in any way. Because of their attitude it will be even worse when you tell him about it, very bad, I would even say that they become beastly.

Of course, it is necessary, because the police have a negative attitude to all these moments. I understand that people are different, and there are even the police who treat it normally, perceive it. And I understand that even members of the LGBT community work in the police. But in most cases, law enforcement bodies are very negative about this, and may not even accept the application. Therefore, in my opinion, it should be hidden in order to avoid negative nuances. For example, you were beaten, you turned to the police, and the police simply flatly devalue what happened against the background of intolerance.

From an interview with an LGBT person

Due to fears of outing, some LGBT people do not even turn to the police as victims. According to several respondents, the disclosure of the status among friends and relatives is quite probable in contact with the police. Such threats are often beneficial to police officers, who may exert pressure to force them to sign something, refuse to testify, or simply demand money for silence.

It is necessary to do it not even for the purpose of safety, rather it is simply not always desirable that everyone knew about it, people are different, you do not know how people will react.

In general, to be honest, I, well, if I was detained by the police, I would try to hide as much as possible, because I'm afraid that this person will tell my relatives, or, for example, my parents. Everyone knows, after, well, for example, after I am detained, it is clear that I will need help ... My friends know, but my parents do not know and I do not want to tell them about it yet. So I'm afraid they'll make it public, or they'll laugh, or they'll treat me worse.

There were hints. I will even say this, when there were the first reasons, when I learned about it, there were such suggestions, threats: "and what

do your relatives know about it? Now we will inform, now we will tell. Can't you offer anything?"

From an interview with an LGBT person

Here, in principle, you understand, this information can even be used immediately by law enforcement officials for the purpose of blackmail, for the purpose of disclosing a crime or to hang another crime on a person, or for the purpose of, say, obtaining some information. It carries more negative energy for a person, a negative charge for him, than a positive one, of course.

From an interview with an expert

However, the issue of privacy for some LGBT people is out of the question because of their appearance, which, according to the respondents themselves, reveals their status. Such people suffer the most from questions and ridicule about their private lives and relationships. Only a few lesbians have indicated that they should not hide their status, as this will preserve homophobic attitudes in society in the future. Polite communication and voluntary open contact with law enforcement, on the other hand, can be one way of overcoming discriminatory attitudes and stereotypes about LGBT people. It should be noted that lesbians, according to respondents, usually face more lenient and neutral attitude than gay and transgender people, who experience the greatest manifestations of homophobia.

I believe that there is no need to hide the relationship, because there are some people, I don't know, from the 19th century, who think that this is the only way. What's bad is when same-sex couples are together. This is about Ukraine, I now live abroad, everything is much easier here. There are also attacks on LGBT people, etc., but until people, until society starts talking about themselves, start giving everyone an understanding that this is normal ("Don't like it? Don't look, go"), nothing will change.

This is a controversial issue, I think it should not be hidden. That is, you need to tell the police about it, for example, if there is any reason to apply. That is, we need to talk about it. Because if you hide it, if you don't talk about it, then it will just continue in the same spirit.

From interviews with LGBT people

The majority of LGBT people detained by the police indicate that the police do not respect the privacy of the data obtained at all, disclosing the status of the person to other colleagues.

Patrolmen, they don't know, I don't tell them about it, if they detain me, they are different. And when they bring me to the department, some employees have already seen me there, they already know that if they lead me to another one, they accompany me almost with shouts to the whole district department. Let's say they brought me in, and the employees who know me: "Oh, leaky, let's go" And we go, while we rise, everyone already knows about it. We are brought, he is already smiling.

Here, unfortunately, I had that, first of all he, of course, tells it to his colleagues. That is, we are there with friends, we have already left, and we have just heard him approach his colleagues there and say: "Here, here, you see, the company is leaving, you know, they are so and so's". And, that is, it is clear that they are "such", well, and this information can go to one, another, yet another person etc.

From an interview with an LGBT person

At the same time, today it is difficult to say whether the personal data of LGBT people in the police is being purposefully collected. Some believe that this may be an initiative of individual employees, and most often it is not for operational purposes, but because of homophobic sentiments or the possibility of blackmail.

Well, I don't think so, and I haven't had a single case where, for example, after talking to the police, there were any questions about whether there were any new acquaintances or something like that, in my experience I didn't have this.

Law enforcement officers collect personal data about LGBT people, and they do so purposefully. Gather information, students are asked. In my opinion, they are gathering information to do some bad things in our direction, to insult, to degrade, to beat even.

They immediately record it and know, for the future, the information from other district departments is told to them, and they already know.

From interviews with LGBT persons

Sensitive information about a person has a high value in itself — if necessary, it can be used to put pressure on a person, Or to sell or exchange it.

Sometimes it can remain "just collected for the future" for a long time, but its value is not denied.

If the police intend to put pressure on a person, they use any information. If they do not have such an intention, then even their internal homophobia, for the reasons I mentioned at the beginning of our conversation, has no effect. Meaning, a person may be an internal homophobe, but he will restrain himself under certain circumstances, and vice versa, a person may be gay, not necessarily latent, but about which colleagues in uniform know, I mean, but if it is in the interests of either his personal corruption or in the interests of operational work, he will use information that someone is LGBT in order to pressure, blackmail, achieve operational goals.

From interviews with the experts

The situation in the Ministry of Justice (SIZO, correctional facilities) is much more complicated for LGBT people. The need to be indoors for a long time with other people, the homophobic caste prison subculture, the low level of control over what is happening in prisons and the abuse of staff create extremely dangerous circumstances for LGBT people, which can lead to unpredictable consequences. That is why those who first come to this environment often do everything to hide the fact that they are LGBT and protect themselves from unnecessary problems. An open declaration that he/she is an LGBT person leads to the person being automatically transferred to another caste, and the attitude of the convicts towards them changes — they are treated as "necessary" according to the laws of the subculture, but no more. That is why people who have already served their sentences in prisons often do not hide their status in order to avoid additional problems in the future.

If a person has previously served a sentence, it is not the first time he or she has visited a prison. In this case, they usually, in 90% of cases, admit in which category they are, because they know what can happen if they hide it and do not say about their status.

From interviews with the experts

Hiding this sensitive information to avoid problems is not always the best strategy — it is extremely difficult to do, and the attempt itself is severely punished under prison laws.

If he is convicted for the first time, yes, he can hide to avoid any oppression, persecution, if he is at least the second time convicted and has already disclosed his LGBT status somewhere, then everyone knows about him, that is, the system is called “word of mouth”.

They can find out from the administration or through the “word of mouth”, and even if in this cell, where he got, no one knows him. Sooner or later, maybe in a day, maybe in a month, the so-called “paper” will still come to this cell, there, from the neighbouring cells, from other colonies, from another pre-trial detention centre it may come that “here you have this person — he is in the caste of such and such”. Then there will be grief, then he will be beaten, because he is obliged to admit that he is in this status.

If it is a person who is taken for the first time, most likely 99%, well, in most cases, again, without interest, it will most likely be hidden. I even probably think that in 100% of cases it will be hidden, the person will not admit it. Because everyone hears, everyone knows, in principle, it is no secret what happens to such people, that this is the worst, lowest category in the institution. Again, this poses a very serious danger to him, because if he hid, at the same time, he will communicate with those categories that are higher in status by caste, and he will hide it and then it will pop up, well, here it can be up to lethal outcome if found out.

From interviews with experts

The influence of informal rules of conduct and life assigned to castes in places of detention is so great that the administration is unable to combat it and that is why the members of administration of prisons are the first to try to find out whether or not a person is LGBT. Thus, they try to protect themselves from unnecessary problems and conflicts that are inevitable when placing LGBT people in a group of prisoners or detainees with other prison statuses.

The question is asked up front, in slang — “who are you in life?”. This is done by the administration itself. Because, even if you take the head of the department — he determines the place, the place of his duties. That is, the administration, no matter how much they want to and no matter how hard they try to fight it, they will still follow these informal rules, which are among the convicts, so that no one is killed. And here are these LGBT people, they will sleep in certain places, usually these are the places at the entrance. Because if he puts this convict, consciously or unconsciously, in

another place, next to those who do not recognize this caste, who know, who say “their place is there”, then it can be both a riot and a conflict situations, and can provoke unpleasant situations in the unit. Therefore, the administration, whether it wants to or not, especially if the position of the administration is very weak, it will be done as there is an informal rule among convicts.

From interviews with experts

Information on whether a person is LGBT is clarified at the stage of detention or in interviews with a psychologist, but in the future there is a free exchange of information between the staff and prisoners. By the way, law enforcement officers have completely adopted the “notions” of the criminal subculture regarding LGBT people and actively use them both at work and in everyday communication.

A law enforcement official may communicate this information to other members of the criminal world. That this person is an LGBT person and, let's say, he has a line of conduct — hiding this information. He opens the eyes of other members, that is, your colleague, your accomplice or someone else is a member of the LGBT community. For what purposes is this done? They vary. This is done in order to complicate a person's life.

In prison, every ensign knows who the LGBT person is. A new one comes to the service, and he is told: “Well, don't go to that person, it's a “rooster”; when you search that one — do it more carefully, that's a “rooster”. That is, there the psychologist only learned that someone is “such”, he immediately came to the watch and shouted, and the whole prison knows.

Call any employee, tell him, show me all the people who are in the caste we are talking about now, everyone will show everyone. They know everyone. Quite a small prison, very few people, everyone communicates with each other, everyone knows who is in which caste.

From interviews with the experts

Thus, due to the existence of a certain subculture, the observance of the privacy of personal data on convicts in colonies and pre-trial detention centres is impossible and ineffective. In order to prevent quarrels and conflicts, as well as to ensure the safety of LGBT people, the staff knows and remembers the status of almost everyone who is held there. The division of convicts into castes requires staff to secretly follow certain rules of conduct and organi-

zation of life in the colonies. In addition, according to experts, employees of penitentiaries are “infected with the criminal subculture” and, therefore, freely reproduce its rules.

This is an aspect of security, because when they accommodate people, they try to find out who informally belongs to which category and ensure their security, you know? Even here in the pre-trial detention centre there are such files on the cell. And here's the cell, the cards are here, the cell is such and such. And we approach, we look, and there it is written, “Goats”, then it is written, “Thieves”, then, “Roosters”. And we say, “What is this?” Well, that is, we usually understood that this is so that some ensign does not confuse, but you know, it's kind of unacceptable.

From interviews with experts

Наукове видання

**Денис Олександрович Кобзін,
Світлана Вікторівна Щербань**

**ПРОБЛЕМИ ДИСКРИМІНАЦІЇ
ТА НАСИЛЬСТВА З БОКУ
ПРАВООХОРОННИХ ОРГАНІВ
СТОСОВНО ЛГБТ**

(англійською мовою)

ISBN 617-7391-95-0



Відповідальний за випуск *Є. Ю. Захаров*
Редактор *Є. Ю. Захаров*
Комп'ютерна верстка *О. А. Мірошниченко*

Підписано до друку 20.10.2021
Формат 60×84 $\frac{1}{16}$. Папір офсетний. Гарнітура Myriad Pro
Умов. друк. арк. 3,48. Облік.-вид. арк. 3,40
Наклад 250 прим. Зам. № ПЛ-03/21

ГО «ХАРКІВСЬКА ПРАВОЗАХИСНА ГРУПА»
61002, Харків, а/с 10430
<http://khpg.org>
<http://library.khpg.org>

ГО «ХАРКІВСЬКИЙ ІНСТИТУТ СОЦІАЛЬНИХ ДОСЛІДЖЕНЬ»
<http://khisr.kharkov.ua>
ел. пошта: khisrmedia@gmail.com

ТОВ «ВИДАВНИЦТВО ПРАВА ЛЮДИНИ»
61002, Харків, вул. Дарвіна, 7, кв. 35
Свідоцтво Державного комітету телебачення і радіомовлення України
серія ДК № 4783 від 23.10.2014 р.
ел. пошта: distribution.hr.publisher@gmail.com