

**Mandates of the Special Rapporteur on the situation of human rights defenders; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity**

Ref.: AL UKR 3/2025  
(Please use this reference in your reply)

10 December 2025

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the situation of human rights defenders; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity, pursuant to Human Rights Council resolutions 52/4, 52/9 and 59/5.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the **alleged physical and death threats against an LGBTQ+ rights defender Ms. Vira Chernyhina, and the reported failure to conduct an effective investigation.**

**Ms. Vira Chernyhina** is a woman human rights defender and co-founder and vice president of Sphere, an NGO advocating for women's and LGBTQ+ rights in Ukraine.

According to the information received:

On the evening of 11 October 2025 (the Coming Out Day, an annual LGBTQ+ awareness day), Ms. Vira Chernyhina was taking the last subway train in Kharkiv. The carriage was otherwise empty, apart from an unknown young man and his girlfriend, who were staring at the LGBTQ+ symbols Ms. Chernyhina was wearing. Around 9:36 p.m., they alighted at the same station as Ms. Chernyhina ( [REDACTED] ) and the man approached her. He asked if she was a member of the LGBTQ+ community. She confirmed that she was, explaining that she is a lesbian and has been an activist since 2006. The man then identified himself as a right-wing supporter and repeatedly threatened to beat her up and shoot her. He obstructed her way and pointed an object resembling a gun at her face saying, "I will shoot now." While attempting to escape and seek help, and with him following her, Ms. Chernyhina noticed a subway worker and asked her to call the police. Following this, the man fled the scene.

Ms. Chernyhina filed a crime report at the subway police department, which was registered on 12 October 2025 with reference No. 6775. However, according to the written police response dated 10 November 2025, "due to the lack of sufficient circumstances indicating that a criminal offence had been committed, a decision was made to discontinue any further investigation."

According to the information received, this incident is one of several attacks on LGBTQ+ people, including human rights defenders, that have not been properly investigated in recent years, and currently, Ukraine does not have laws that prohibit hate crimes against LGBTQ+ people.

While we do not wish to prejudge the accuracy of these allegations, we wish to express our deep concern regarding the alleged threats to Ms. Vira Chernyhina in connection with her belonging to the LGBTQ+ community and with her exercise of freedom of expression through wearing symbols of the community for advocacy and visibility purposes, as part of her peaceful activism. The ability to exercise freedom of expression without fear or intimidation is essential to the advancement and protection of human rights of LGBTQ+ people.

We are also seriously concerned about the alleged lack of an effective investigation, which allegedly reflects a broader problem with investigation of attacks on LGBTQ+ people, and the absence of legislation that would effectively protect them against hate crimes. These two factors, when taken together, appear to point to widespread impunity for hate crimes committed against LGBTQ+ people. We recall that States have a duty to put in place effective measures to protect against attacks aimed at silencing those exercising their right to freedom of expression, under article 19 of the International Covenant on Civil and Political Rights ([general comment No. 34](#), para. 23).

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. Please provide the details, and where available the results, of any investigation, which may have been carried out in relation to the allegations of the serious threats to Ms. Vira Chernyhina. If no investigation has taken place, or if it has been inconclusive, please explain why and how this is compatible with your Excellency's Government international human rights obligations.
3. Please provide information on the legal framework protecting LGBTQ+ individuals, including human rights defenders, from hate crimes, along with any available statistics on investigations into such offences. In addition, please describe any measures in place to ensure that freedom of expression with regards to LGBTQ+ issues and rights can be exercised without fear of reprisals, as well as to ensure that human rights defenders working on LGBTQ+ rights in Ukraine can carry out their work in an enabling environment, without fear of intimidation, threats, attacks, or reprisals.

This communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#) within 60 days. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

Please accept, Excellency, the assurances of our highest consideration.

Mary Lawlor  
Special Rapporteur on the situation of human rights defenders

Irene Khan  
Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression

Graeme Reid  
Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity

## Annex

### Reference to international human rights law

In connection with above alleged facts and concerns, we would like to draw the attention of your Excellency's Government to the following human rights standards.

First, we would like to underline that the principles of equality and non-discrimination form part of the foundations of the rule of law. Articles 1 and 2 of the Universal Declaration of Human Rights state that “[a]ll human beings are born free and equal in dignity and rights”, and “[e]veryone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.” This is reaffirmed in article 2 (1) of the International Covenant on Civil and Political Rights (ICCPR) and article 2 (2) of the International Covenant on Economic, Social and Cultural Rights (ICESCR), both of which Ukraine ratified on 12 November 1973. The United Nations treaty bodies have consistently affirmed that sexual orientation and gender identity are prohibited grounds of discrimination under international human rights law.

We draw the attention of your Excellency's Government to article 6 of the ICCPR, which guarantees the right to life. As interpreted by the Human Rights Committee in general comment No. 36 (CCPR/C/GC/36), deprivation of life involves an intentional or otherwise foreseeable and preventable life-terminating harm or injury, caused by an act or omission; and it goes beyond injury to bodily or mental integrity or threat thereto (paragraph 6).

States parties must ensure the right to life and exercise due diligence to protect the lives of individuals against deprivations caused by persons or entities, whose conduct is not attributable to the State (paragraph 7). The obligation of States parties to respect and ensure the right to life extends to reasonably foreseeable threats and life-threatening situations that can result in loss of life (Id.). States parties may be in violation of article 6 even if such threats and situations do not result in loss of life (Id.). The duty to protect the right to life also includes an obligation for States parties to adopt any appropriate laws or other measures in order to protect life from all reasonably foreseeable threats, including from threats emanating from private persons and entities (paragraph 18). States parties must enact a protective legal framework which includes effective criminal prohibitions on all manifestations of violence or incitement to violence that are likely to result in a deprivation of life, such as, among others, death threats and violent hate crimes (paragraph 20).

Importantly, the duty to protect the right to life requires States parties to take special measures of protection towards persons in situation of vulnerability whose lives have been placed at particular risk because of specific threats or pre-existing patterns of violence (paragraph 23). These include human rights defenders and lesbian, gay, bisexual, transgender, and inter-sex persons, among others (Id.). States parties must respond urgently and effectively in order to protect individuals who find themselves under a specific threat, by adopting special measures such as the assignment of around-the-clock police protection, the issuance of protection and restraining orders against potential aggressors and, in exceptional cases, and only with the free and informed

consent of the threatened individual, protective custody (Id.).

Investigations into allegations of violation of article 6 must always be independent, impartial, prompt, thorough, effective, credible, and transparent, and in the event that a violation is found, full reparation must be provided, including, in view of the particular circumstances of the case, adequate measures of compensation, rehabilitation, and satisfaction (paragraph 28). States parties are also under an obligation to take steps to prevent the occurrence of similar violations in the future (Id.).

The Human Rights Committee also emphasised that States parties must take the necessary measures to respond to death threats and to provide adequate protection to human rights defenders, including the creation and maintenance of a safe and enabling environment for defending human rights (paragraph 53).

Similarly, we would also like to refer your Excellency's Government to article 9 of the ICCPR, which states that everyone has the right to security of person. It is highlighted in general comment No. 35 (CCPR/C/GC/35) that this obliges States parties to take appropriate measures in response to death threats against persons in the public sphere, and more generally to protect individuals from foreseeable threats to life or bodily integrity proceeding from any governmental or private actors (paragraph 9). States parties must respond appropriately to patterns of violence against categories of victims such as intimidation of human rights defenders and violence against persons on the basis of their sexual orientation or gender identity (Id.).

We would also like to refer your Excellency's Government to article 19 of the ICCPR, which requires the States parties to guarantee the right to freedom of expression, including the right to impart information and ideas of all kinds. As emphasised by the Human Rights Committee in general comment No. 34 (CCPR/C/GC/34), such information and ideas include discussion of human rights and commentary on one's own and on public affairs (paragraph 11). All forms of expression and means of their dissemination are protected (paragraph 12).

Restrictions on the right to freedom of expression must be compatible with the requirements set out in article 19 (3) of the ICCPR. This means that they must be "provided by law"; be necessary for respect of the rights or reputations of others or for the protection of national security or of public order (*ordre public*), or of public health or morals; and conform to the strict tests of necessity and proportionality (paragraph 22).

Under no circumstance, can an attack on a person, because of the exercise of his or her freedom of opinion or expression, including such forms of attack as arbitrary arrest, torture, threats to life, and killing, be compatible with article 19.

The Committee asserts that there is a duty of States to put in place effective measures to protect against attacks aimed at silencing those exercising their right to freedom of expression (para. 23). Recognizing how journalists and persons who engage in the gathering and analysis of information on the human rights situation and who publish human rights-related reports, including judges and lawyers, are frequently subjected to threats, intimidation and attacks because of their activities, the Committee stresses that "all such attacks should be vigorously investigated in a timely fashion, and

the perpetrators prosecuted, and the victims, or, in the case of killings, their representatives, be in receipt of appropriate forms of redress” (para. 23).

Furthermore, we would like to refer your Excellency’s Government to the fundamental principles set forth in the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms, adopted on 9 December 1998 (also known as the UN Declaration on Human Rights Defenders). Article 1 of the Declaration states that everyone has the right to promote and strive for the protection and realisation of human rights and fundamental freedoms at the national and international levels. Article 6 provides for the right to freely publish, impart, or disseminate to others views, information, and knowledge on all human rights and fundamental freedoms, as provided for in human rights and other applicable international instruments. Likewise, we would like to bring to the attention of your Excellency’s Government article 12, which provides that the State shall take all necessary measures to ensure the protection of everyone against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure, or any other arbitrary action as a consequence of their legitimate exercise of the rights referred to in the Declaration. In this connection, everyone is entitled to be protected effectively under national law in reacting against or opposing, through peaceful means, activities, and acts, including those by omission, attributable to States that result in violations of human rights and fundamental freedoms, and acts of violence perpetrated by groups or individuals that affect the enjoyment of human rights and fundamental freedoms.

Finally, we would like to draw the attention of your Excellency’s Government to the report on the death threats and killings of human rights defenders (A/HRC/46/35), in which the Special Rapporteur on the situation of human rights defenders emphasised that many killings are preceded by a threat (paragraph 14). The Special Rapporteur stressed that States can and should intervene to prevent killings by responding more effectively to threats against human rights defenders; such interventions include taking action to stop threats aimed at defenders, which make them more vulnerable to attacks (paragraph 103). The States should, among other steps, ensure that State officials issue regular and public recognition of the value of the work of human rights defenders and publicly denounce threats against them (paragraph 104 (b)) and support existing efforts to increase accountability for killings and other attacks on defenders (paragraph 104 (g)).