

 **EU HIV/AIDS
Civil Society Forum**

To:

President of Ukraine

Viktor Yanukovich

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Administration of President of Ukraine:

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Regarding: *Draft law affecting freedom of speech and expression in Ukraine:
draft law #8711 on prohibition of propaganda of homosexuality*

Brussels/Amsterdam, 14/01/2013

Dear Mr. President,

On 2nd of October 2012 the Ukrainian Parliament voted in favor of the draft law #8711 “On Introduction of Amendments to Certain Legislative Acts of Ukraine (to protect the children’s rights to the safe information sphere)” that bans “propaganda of homosexuality” and makes it a criminal offence to convey any type of Lesbian, Gay, Bisexual, and Transgender (LGBT) related information with a fine of up to 300 times the legal minimum income, and penalty of up to five years imprisonment.

We wish to express our concern that the proposed draft law breaches several of Ukraine’s obligations under binding international human rights law. The draft law clearly violates freedom of speech and expression, assembly and association as defined by the European Convention on Human Rights and the International Covenant on Civil and Political Rights, to which Ukraine is a party. These binding treaties (article 10 and 19 respectively) make clear that the freedom to receive and impart information cannot be limited specifically in relation to sexual orientation. The draft law also demonstrates a clear depart from Ukraine’s obligation under international law not to allow discrimination on the basis of sexual orientation and gender identity.

On 24th of May 2012 the European Parliament adopted a resolution condemning homophobic laws. International and Ukrainian human rights organizations have strongly condemned the draft law #8711.

The draft law is presented as a way of protecting children, yet this is largely ignored in the draft law. According to international human rights law, children as well as all other parts of the population have a right to seek, receive, and impart information. This right is guaranteed under Article 13 of the Convention on the Rights of the Child, to which Ukraine is a party. The non-discrimination provision of the Convention also includes sexual orientation.

And the “propaganda of homosexuality” is a misleading concept. It may be applied arbitrarily. Moreover, the draft law equates homosexuality to the “cult of violence” and “cruelty”. This misleadingly portrays homosexuality as inherently reprehensible, and needlessly criminalizes conveying of information on homosexuality. On the contrary, the draft law will encourage blackmail, expression of hatred against LGBT, homophobic violence, as well as censor mass media, limit and put a pressure on human rights organization and activists. As experience of Russia shows, such laws lead to public insecurity and conflicts, and justification of attacks of ultra-right groups on LGBT activists.



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We therefore urge you:

- to comply with Ukraine's commitments as a party of European and international human rights treaties;
- to take all possible actions to prevent the adoption of the draft law #8711 and other draft laws that introduce discrimination on the basis of sexual orientation and gender identity.

Yours respectfully,



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