

# Ukrainian censorship bill should be stopped

On 2<sup>nd</sup> October 2012 the Ukrainian parliament voted in favor of amendment #8711, a bill that ban «promotion of homosexuality» and makes it a criminal offence to convey any type of Lesbian, Gay, Bisexual, Transgender and Intersex (LGBTI) related information with a penalty of up to five years imprisonment. If adopted, the bill could in effect ban any public event involving the LGBTI-community, LGBTI publications and any other form of expression in public that might be understood as supportive of the LGBTI-community. The effect of the law could be the silencing of thousands of voices, and leaving the group alienated.

The bill clearly violates freedom of expression, assembly and association as defined by the European Convention on Human Rights and the International Covenant on Civil and Political Rights (ICCPR). The same rights are also guaranteed by the second chapter of the Ukrainian Constitution. The bill also represents a clear depart from Ukraine's obligation under international law not to allow discrimination on the basis of sexual orientation and gender identity. In addition, the law will unduly limit the work of human right defenders.

On 24<sup>th</sup> May 2012 the European Parliament adopted a resolution condemning homophobic laws.<sup>1</sup> International human rights organizations like the International Commission of Jurists have reacted strongly against amendment #8711.<sup>2</sup>

The amendment is presented as a way of protecting children and to limit the spread of the HIV virus, yet none of the above is mentioned in the bill. The likely effect of the bill is rather encouragement of discriminatory and homophobic practices. It could led to further marginalization of men who have sex with men (MSM) and drive them 'underground' while curbing their access to necessary HIV and health services.<sup>3</sup> In other words, the bill is not likely to have any preventive effect on the spread of HIV; rather to the contrary.

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 and ideas of all kinds. This right is stated in Article 19 of the ICCPR and is also explicitly guaranteed under Article 13 of the Convention on the Rights of the Child, to which Ukraine is a State Party. The Committee on the Rights of the Child has interpreted this provision as to include information about sexuality and sexual behavior. The non-discrimination provision of the Convention also includes sexual orientation.<sup>4</sup>

The bill does not give a clear definition of "propaganda of homosexuality" and may be applied arbitrarily. That might lead to manipulation, extortion and further insecurity of the LGTBI groups and individuals.

Shortly the bill will be presented for a 2<sup>nd</sup> reading in the parliament. There is still, however, time and ways to stop the final adoption of the bill. Ukraine's Viktor Yanukovich and the Chair of Parliament Volodymyr Lytvyn could refuse to sign the bill, and thereby prevent systematic violations against a vulnerable group of society.

## We therefore urge:

- Ukraine to comply with its obligations as party to European and international human rights treaties;
- The Ukrainian president Viktor Yanukovich and Chair of Parliament Volodymyr Lytvyn to refuse to sign the bill;
- The EU to re-evaluate the Visa Liberalisation Action Plan and suspend negotiations if the bill passes the 2nd reading;
- The Council of Europe to denounce the bill in meetings with the Ukrainian government.
- The Council of Europe Parliamentary Assembly (PCE) and Committee of Ministers to condemn the bill without reservation.

*Signatures on the next page*

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1 The European Parliament's Intergroup on LGBT Rights: <http://www.lgbt-ep.eu/press-releases/european-parliament-strongly-condemns-homophobic-laws-and-discrimination-in-europe/>

2 International Commission of Jurists statement on 3<sup>rd</sup> October 2012: <http://www.icj.org/ukraine-draft-law-no-8711-on-homosexual-propaganda-violates-human-rights/>

3 United Nations Development Programme: [http://www.undp.org.ua/files/en\\_43498msm\\_eng\\_Ukraine\\_FAQ\\_Law\\_8711\\_-\\_June\\_2012.pdf](http://www.undp.org.ua/files/en_43498msm_eng_Ukraine_FAQ_Law_8711_-_June_2012.pdf)

4 Human Rights Watch: <http://www.hrw.org/news/2012/06/25/ukraine-reject-discriminatory-laws>

Signed by:



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Ukraine



DEN NORSKE  
HELSEINGFORSKOMITE  
The Norwegian Helsinki Committee



The  
Norwegian  
Children  
and Youth  
Council



Insight, Ukraine



Queer Youth Norway



ГейБеларусь  
Беларускі праваабарончы праект

Human Rights Project Gay  
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LLH  
Landsforeningen for lesbiske,  
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European Youth of Norway (JEF  
Norway)



LGBTIQ umetnost, kultura in alternativa  
Kulturni Center Q, Slovenia



LGBT-Youth, Denmark



Labris, Serbia



RFSL-Youth, Sweden



Zagreb Pride, Croatia



Pink Embassy, Albania



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