

Threats of Legislative Ban of "Homosexual Propaganda"

Hanna Shevchenko, Deputy Executive Director
All-Ukrainian Network of People Living with HIV

European Commission
HIV Civil Society Forum, Luxembourg
December 3-4, 2012

Draft Law #8711 – Human Rights Violation

Draft law #8711 "On introduction of Changes to Certain Legislative Acts of Ukraine (regarding protection of children's rights on the safe information sphere)" - known as law against "propaganda" of homosexuality

October 2, 2012 – Parliament approved in the first reading.

Introduces criminal liability for mentioning homosexuality in public sphere with a penalty of up to five years imprisonment.

Amendments to:

Criminal Code of Ukraine
Law "On the print media (Press) in Ukraine"
Law "On Television and Radio"
Law "On protection of public morality"

Draft Law violates principle of non-discrimination.

Human rights at risk:

- Freedom of speech and expression
- Right to peaceful assembly and association
- Right to self-determination

Contradiction to International and National Human Rights Documents and Legislation

- Constitution of Ukraine
- European Convention on Human Rights and Fundamental Freedoms
- International Covenant on Civil and Political Rights
- Convention on the Rights of the Child
- Recommendations of the European Court of Human Rights and UN Committee on Human Rights

"Application of the Draft Law will lead to increasing of censorship in society and media" - Ukraine's Independent Media Trade Union

"Draft Law will negate efforts of National Program for HIV prevention, treatment, care and support of people living with HIV"
- All-Ukrainian Network of People Living with HIV

"Criminalization of "propaganda" of homosexuality – obstacle to the full enjoyment of the universal human rights"
- Thomas Hammarberg, Commissioner for Human Rights of Council of Europe (2006-2012)

Draft Law #8711 – THREATS

- Censorship of mass media
- Legalization of social exclusion of lesbians and gays, leaving the group alienated
- Ban and criminalization of:
 - Conveying of any type of information related to LGBT
 - Publishing and distribution of materials on HIV prevention among MSM, while curbing access of MSM to health services
 - Public actions on LGBT rights
 - Film production, distribution and screening about homosexuality and homosexual people
 - Art projects on the topic
 - Researches on sexuality
 - Exclusion of homo- and bisexuality from sexual education

RESPONSE Strong condemnation by civil society, human rights organizations, and European institutions

- Members of European Parliament
- Secretary General of the Council of Europe
- All-Ukrainian Network of People Living with HIV
- International HIV/AIDS Alliance in Ukraine
- United Nations in Ukraine
- Amnesty International
- Human Rights Watch
- International Commission of Jurists
- Reporters Without Borders
- Ukrainian Helsinki Human Rights Union
- Coalition to combat discrimination in Ukraine
- International platform "Social Solidarity"
- Ukraine's Independent Media Trade Union
- ILGA-Europe, etc.

Take the Action to Stop #8711

- Send a petition/letter to President of Ukraine
- Send a petition/letter to Parliament of Ukraine (Chairman, heads of deputy factions)
- Organize the protest by the embassy of Ukraine in your country and send a petition to the Ambassador
- Comment on the draft law #8711 in the interviews in mass media
- ?