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HDIM

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Working Session 14: Tolerance and Non-Discrimination II

Review of the implementation of commitments on promotion of mutual respect and understanding

In the introduction of the Ministerial Council Decision 9/09 on hate crime, the Council reaffirmed the OSCE commitments on promoting tolerance and non-discrimination, and acknowledged that the primary responsibility for addressing acts of intolerance and discrimination rests with the participating States.

It is our experience today that some participating States are about to forget these principles, hence becoming at risk of failing to ensure freedom of assembly, association and speech, but also contributing to a climate where cases of bias violence and hate crime would be encouraged. In Russia and Moldova, regional or local authorities already adopted laws banning “propaganda of homosexuality, lesbianism, transgenderism.”

Yesterday the Ukrainian parliament accepted a similar bill in the first reading. It is called ‘On Amending Some Legislative Acts (On Protection of Children’s Rights on Safe Information Space)’. This bill introduces discriminating and stigmatizing legal terms such as ‘the promotion of homosexuality’ and ‘homosexuality cult’. It contradicts the Constitution of Ukraine and various international treaties signed by Ukraine.

This law would make it impossible for LGBT human rights defenders to engage in actions to prevent or react to hate crime targeting their communities and for public institutions to implement consistent and explicit policies in this area. Other possible consequences include the following

- It will ban any positive or neutral info about homosexuality on TV, radio, news, Internet and publications including cultural goods considered as promoting homosexuality)
- The bill will enable local governments to abuse their power and shut down LGBT organizations.
- The work of the National HIV Prevention programme among men having sex with men will be made impossible
- The bill would contribute to homophobic and transphobic bullying and to undermine the well-being of LGBT youth.

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In the context of previous parliamentary debates on this bill, a Ukrainian LGBT rights organisation reported about attacks against LGBT activists during pride events this year.

In the light of this worrying situation, our organisations would like to call on the OSCE and all its participating States to promptly and effectively deliver on all the commitments made in the last years.

In particular, we call on the OSCE/ODIHR and the participating States to prepare a reaction in defense of freedom of speech by the next Ministerial Council, to reiterate that fundamental freedoms cannot be restricted in the case of minorities, regardless of them being defined on the basis of ethnicity, sexual orientation, gender identity or other fundamental characteristics.