

**Question for written answer E-009050/2012  
to the Commission**

Rule 117

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Subject: Legal developments in Ukraine and visa liberalisation and facilitation

On 2 October 2012, the Ukrainian Parliament adopted Bill 8711 at first reading. This draft law provides for penal sanctions and heavy fines for physical or legal persons found guilty of 'propaganda for homosexuality', a term undefined in the bill itself. Similar texts, Bills 10290 and 10729, define such 'propaganda' as the intentional distribution of any positive information about homosexuality. These proposals would impose prison terms of up to five years or fines up to 900 times the national minimum income.

This draft legislation limits freedom of expression in relation to sexual orientation and gender identity, thus breaching Articles 10 and 14 of the European Convention on Human Rights, as well as Article 19 of the International Covenant on Civil and Political Rights. It also runs against the Council of Europe Committee of Ministers' recommendation of 31 March 2010 on measures to combat discrimination on grounds of sexual orientation or gender identity (CM/Rec(2010)5).

These bills have been strongly criticised: by the Ukrainian Ombudsman; by the European Parliament, in its resolution of 24 May 2012 on the fight against homophobia in Europe<sup>1</sup>; by the European External Action Service, in a statement on recent developments on questions related to tolerance and non-discrimination in the Russian Federation, in Ukraine and in the Republic of Moldova (Council of Europe Committee of Ministers' Deputies, 1146th meeting of 20 June 2012); by the Secretary-General of the Council of Europe; by the UN High Commissioner for Human Rights and Special Rapporteur on the right to freedom of opinion and expression; by non-governmental organisations including Amnesty International, Human Rights Watch, the International Commission of Jurists and ILGA Europe; and by Ukrainian human rights organisations.

What is the Commission's assessment of the aforementioned proposals in the light of the active pursuit of 'specific recommendations of UN bodies, OSCE/ODIHR, the Council of Europe/ECRI and international human rights organisations in implementing anti-discrimination policies, protecting minorities and combating hate crimes', as required by the EU-Ukraine visa liberalisation action plan?

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<sup>1</sup> Texts adopted, P7\_TA(2012)0222.