



ADDRESSED TO:

Deputy Prime-Minister for European and Euro-Atlantic Integration of Ukraine, *Olha Stefanishyna*
Minister of Internal Affairs of Ukraine, *Arsen Avakov*

Mayor of Zaporizhia, *Volodymyr Buriak*
Mayor of Kharkiv, *Hennadiy Kernes*

Head of the General Directorate of the National Police in Kharkiv region, *Valeriy Sokurenko*
Head of the General Directorate of the National Police in Zaporizhia region, *Mykola Lushpiyenko*
Head of the Patrol Police Department in Zaporizhia region, *Svitlana Mykhailovska*
Head of the Patrol Police Department in Kharkiv region, *Olena Stryzhak*

Brussels, 11 September 2020

Subject: Ensuring the protection of LGBTI demonstrators' universal right to peaceful assembly in the upcoming Prides in Kharkiv and Zaporizhia

Dear Deputy Prime-Minister,
Dear Minister,
Dear Mayors,
Dear Heads of the General Directorate of the National Police,
Dear Heads of the Patrol Police Departments,

Pride demonstrations are peaceful tools for political advocacy and one way in which the universal right to freedom of expression and peaceful assembly is crystallised. They are a hallmark of the LGBTI activist movement, a pillar for social visibility and they are equally political demonstrations during which the community voices its concerns, highlights its achievements and gives the opportunity to its members to demonstrate in favour of equality.

During the previous years, some Prides have gained increased visibility in Ukraine. This is the case of Kyiv Pride, which is now the largest in Eastern Europe and which is a cause for celebration among the LGBTI equality movement in Europe, and in particular its organisation in Ukraine. This is not without praise for the great work of law enforcement bodies such as police forces, which work towards making these events safe and prevent violence directed at protesters. As Members of the European Parliament committed to fighting for equality in all its forms, and in particular LGBTI equality through the work of the Intergroup on LGBTI rights, we deeply appreciate the leadership and political will that has played a role in national Prides in Ukraine, which ultimately contributes to the positive national image of Ukraine as a country invested in equality.

Nevertheless, the protection of demonstrators while participating in this exercise of peaceful assembly is not always ensured. It is in fact with the utmost concern that we refer you to the violent attacks by the far-right "Tradition and Order" group against peaceful protesters in the Odesa Pride on 31 August 2020. Despite the reported 16 arrests, civil society claims that police forces were slow to act and did not ensure the protection of protesters in due time and with sufficient capacity.

The situation of anti-LGBTI counter-protests which are often violent is unfortunately not new to Ukraine and therefore the police response should be swift, efficient and sufficient. In 2010, a landmark document adopted by the Committee of Ministers of the Council of Europe recommended the following:

15. Member states should ensure that law enforcement authorities take appropriate measures to protect participants in peaceful demonstrations in favour of the human rights of lesbian, gay, bisexual and transgender persons from any attempts to unlawfully disrupt or inhibit the effective enjoyment of their right to freedom of expression and peaceful assembly.¹

In addition, a 2012 decision by the European Court of Human Rights recognised Georgia's failure to protect peaceful demonstrators amounted to a violation of Article 3 (prohibition of inhuman or degrading treatment) taken in conjunction with Article 14 (prohibition of discrimination).² The case in question pertained to a peaceful demonstration in celebration of the International Day Against Homophobia, Biphobia, Transphobia and Interphobia. The applicants complained that the police authorities had failed to protect them from violent counter-protesters and to investigate the incident, namely the discriminatory motive behind it. Since then, Georgia has invested in capacity-building training to police officers on hate crime and hate-speech in partnership with the Council of Europe.

Ukraine's commitment to human rights is further underpinned by the Partnership and Cooperation Agreement with the European Union, signed in 1994, where both parties recognise the paramount importance of the rule of law and respect for human rights.³

Prides have been and will remain being a crucial visibility tool for the LGBTI community all over the world. It is in this spirit that we call on the leadership of the Ukrainian government and the effective response of the police force apparatus to continue the commendable work they have so far undertaken and to pay further attention to upcoming Prides.

Two Prides are scheduled to take place in Ukraine in the following weeks: Kharkiv (13 September) and Zaporizhia (20 September). In accordance with Ukraine's commitments to the protection of human rights, and to ensure that the recent events of Odesa Pride do not repeat themselves, we urge the respective authorities to provide well-trained, efficient and sufficient police protection to human rights defenders and Pride attendees, so as to ensure that their respect to peaceful assembly can be effectively enjoyed.

Yours sincerely,

Heidi HAUTALA, *EP Vice-President*

Fabio Massimo CASTALDO, *EP Vice-President & Vice-President, LGBTI Intergroup*

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¹ Recommendation CM/Rec(2010)5 of the Committee of Ministers to member states on measures to combat discrimination on grounds of sexual orientation or gender identity (31 March 2010), available at https://search.coe.int/cm/Pages/result_details.aspx?ObjectID=09000016805cf40a.

² Case of Identoba and Others v. Georgia (12 May 2015), application no. 73235/12, available at <http://hudoc.echr.coe.int/eng-press?i=003-5079814-6255003>.

³ Partnership and Cooperation Agreement between the European Communities and their Member States, and Ukraine (1994), available at <https://ec.europa.eu/world/agreements/downloadFile.do?fullText=yes&treatyTransId=659>.

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