

**URGENT**

BY FAX AND EMAIL

**International Ice Hockey Federation**

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Cc: Mr Gerhard Mosslang  
Chairman of the IIHF Disciplinary Committee

**Subject: Gross violation and discrimination in the ice hockey in Ukraine**

Kyiv, 24 July 2017

Dear Mr Fasel,

Unfortunately, the current situation in ice hockey in Ukraine is so outrageous that we have to inform you and the IIHF about the blatant discrimination and violation of the basic human rights, seeking the respective orders and measures against the Ice Hockey Federation of Ukraine ("FHU"). We, the undersigned professional ice hockey players of Ukrainian nationality, do not have any other recourse in Ukraine as will be explained below, and therefore are forced to write this letter directly to the IIHF.

On 7 June 2017 during the meeting of the Ukrainian Hockey League ("UHL") the professional clubs have signed a Memorandum containing the main changes and provisions for the regulations for the next 2017/2018 season of the main ice hockey men championship in Ukraine. According to the wish of the owner of the club Donbass (Donetsk) supported by the owners of other clubs', the UHL decided to introduce the age census in professional ice hockey in Ukraine: all players born before 1993 are **prohibited** to participate at the national ice hockey championship, and only 5 players born within 1993-1996 would have an opportunity to represent national clubs. In other words, anyone who is older than 25 years will not be allowed to play professional ice hockey in Ukraine starting from season 2017/2018.

The limitation is applicable irrespective of a valid employment contract. Actually the clubs motivated their decision by the clubs' financial difficulties, whereas the census, in their opinion, would allow resolving their financial problems (firing all experienced and professional players, and dictating its own employment terms to the young players).

The FHU delegated some powers to organise professional competitions in Ukraine to the UHL. However, according to the Statute of the FHU (article 30), any regulations and rules regarding the official competitions (including the men championship among professional players) is subject to the

final approval by the FHU Council.

As of today there has been held no FHU Council yet regarding this issue. The official position of the FHU regarding the Memorandum and decision of the clubs is also absent, although requested. However, given that the President of the FHU Mr Anatoliy Brezvin was present during the meeting of the UHL on 7 June 2017, and that the UHL has strong influence on the federation, the FHU will do everything what clubs' owners dictate to do. It is likely that the Regulations for season 2017/2018 will be approved a couple of days before the season (or even less, as it was in previous years). As you may understand, it will be too late for any players who are discriminated by the census, to take any actions a day before the season starts.

The census has already made a negative impact on the professional players older than 25 years: Ukrainian clubs are not willing to sign the contracts with them, while foreign clubs, knowing the difficulty and lack of other options, are using this situation and propose unfair conditions to the players.

In mid-June we approached the President of the FHU Mr Anatoliy Brezvin and asked him to clarify the position of the FHU regarding the Memorandum and proposed census. Unfortunately, we have not yet received any official position of the IHFU on the discriminatory and unlawful decision approved by the UHL, although Mr Brezvin assured us that he will deal with the issue in the next weeks.

**We kindly ask you to interfere with the present situation and prevent the adoption of the regulations that openly discriminate the players based on their age being in gross violation of the fundamental human rights and freedoms.**

In this regard we draw your attention on the fact that the age census proposed by the clubs is obviously contrary not only to the spirit of sports, fair play, equality of its participants and general principles of law, but also grossly violates human rights and legislation of Ukraine. In particular, the Constitution of Ukraine prohibits any discrimination based on any reasons. What is more, the Labour code of Ukraine explicitly establishes the prohibition of discrimination in the labour sphere, including direct or indirect limitation of the rights and freedoms of the employees based on the age (article 2<sup>1</sup> of the Code).

We also believe that any age census would also contradict to the objectives and key principles of the IIHF. In particular, Article 8 of the IIHF Statutes and By-laws provides that *"no discrimination is permitted against a country, private person or group of people on account of race; skin colour; ethnic, national or social origin; gender; language; religion; political association; birth or other status; sexual orientation or any other reason"*.

The ban to participate in the only professional men competition in Ukraine in ice hockey is tantamount to the ban to the excess to work and economic freedom, which is prohibited worldwide. This is nothing else but discrimination, as players are not allowed to earn money and maintain their families only because of their age. In our opinion, this is a blatant violation of the human rights that the UHL and the FHU are willing to adopt openly and on the national level. **This should not happen. We trust that the IIHF is against discrimination in ice hockey and it will order the FHU not to adopt discriminatory regulations.**

As we mentioned before, we have no other recourse but to write this letter to the IIHF. The FHU has deprived us a right to a fair and independent appeal. In blatant violation of Article 25 of the IIHF Statutes and By-laws, the FHU Statute does not provide any possibility of the players or other persons to appeal the decision of the FHU to the IIHF or elsewhere. It is simply silent on any

dispute resolution or possibility of appeal. The players are vulnerable and not protected from the lawlessness of the FHU and its related bodies.

The FHU has not adopted the provisions in its Statute providing for the right of the persons, including the players, to appeal before CAS any decisions of the FHU in case of their rights violation despite the obligatory nature of such amendment under the IIHF Statutes and By-laws. The players simply have no venue to appeal the violations and discrimination of the UHL or FHU.

Based on Ukrainian laws, the decisions of the public associations may be appealed to the national courts. The FHU is a public association. But we understand that the IIHF is not willing to take away the sports disputes outside the sports dimension. We respect this principle and want to resolve the current situation within the ice hockey family, from which the FHU and the UFH are trying to kick us out. Obviously, our last resort would be the courts as we have no other options but to fight until the end. But we really hope that the IIHF will take the appropriate actions against the FHU and prevent us from going to the courts. This is a shame for ice hockey in Ukraine, but we have to inform the IIHF about the situation as our rights are violated. It may cause the harm to the image of the FHU, but 'the bitterest truth is better than the sweetest lie'.

Therefore, we primarily refer to Article 25 of the IIHF Statutes and By-laws, whereby "[t]he IIHF may always, at any time, overrule any decision of any Member National Association which is inconsistent with the Statutes and Bylaws, Regulations/Codes and Official Playing Rules, or decisions of the IIHF [...]".

As we mentioned above, the FHU has not adopted yet the new regulations for season 2017/2018 but it will be done few days before the season start and there are no prerequisites that the decision of the clubs on the age census will not be respected. There is less time before the start of the new season, and the uncertainty and lack of any position of the FHU complicates the situation and makes it impossible for hockey players to get employed because clubs no longer want to conclude contracts subject to age limitation. Therefore, we write this letter now, until it is too late.

In the light of the above, we kindly request the IIHF:

- To **CONFIRM** that imposition of the age census by the Member National Association (prohibition to participate in the main professional ice hockey competition depending on the age of the player) is discriminatory and does violate the human rights and freedoms of the players.
- To **PROHIBIT** the Ice Hockey Federation of Ukraine to adopt any regulations that prohibit the participation in the national ice hockey championship of the players based on the age limitation.
- To **OBLIGE** the Ice Hockey Federation of Ukraine to comply with the IIHF Statutes and By-laws and provide the players with a possibility to appeal before the IIHF and/or CAS.
- To **IMPOSE** the appropriate sanctions on the Ice Hockey Federation of Ukraine.

We would like to thank you for your kind consideration to the above.

Yours sincerely,

Professional ice hockey players of 25 years and older

Should you need any further information, please contact us:

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