



Russia



Institutional discrimination against LGBTI people and the social climate remains of serious concern. The most worrying development was the spread of laws banning 'homosexual propaganda' which were adopted in six more regions and a similar proposal was launched at the federal level. These laws were strongly condemned by European institutions and found to breach the International Covenant on Civil and Political Rights by the UN's Human Rights Committee.

Bias motivated speech

- At the beginning of the year, the St. Petersburg bill criminalising 'homosexual propaganda' was widely debated. Various politicians and church officials made a number of homophobic remarks during the bill's three hearings and its adoption in March. In one of the hearings, the head of the regional branch of the People's Council, Anatoly Artyukh, called homosexuals "perverts" and "faggots". In one of his speeches to the congregation, Igor Aksenov, a priest, made the following statements: "Children thrown out into the street were sheltered by perverts – both boys and girls were used solely to satisfy sexual appetites" and "The collapse of culture and civilisation of the Roman Empire happened because of the spiritual and moral degradation and the emergence of freedom of sexual relations". In a speech about homosexuality, Dmitry Pershin, the expert with the Committee for Family, Women and Children of the State Duma said that "harassment of this kind damages the children's mental health." He also suggested to ask homosexuals whether they can "live without pestering the minors with promotion of homosexuality and other perversions." Referring to the 'anti-propaganda' law he also added that "such legislation is needed for our children not to become hostages to your non-traditional ways." Lyubov Kachesova, the Chairwoman of Parents' Committee and Women of Russia Section said that "parents in St. Petersburg will not tolerate this propaganda aimed at corrupting and crippling their children." She added that "children in St. Petersburg have the right not to be aware of such filthy sides of life". She explicitly said that homosexuals use their aggressive, manipulative and psychological methods to influence minds when trying to attract people's attention. "If our children somehow are left without the protection provided by this law, nobody knows how aggressive they will be towards our children", she concluded.
- In July, after Madonna held a concert in St. Petersburg and declared her opposition to the *Anti-Propaganda Law*, the Deputy Prime Minister Dmitry Rogozin used a slang term for her that can be interpreted to mean a 'slut', in an

online Twitter post. He later stated that his tweet might have been misunderstood.

Bias motivated violence

- In March, a trans person was attacked by a group of young men (aged 18 to 23) in a café in Omsk. They shouted insults and made a video after which threats of physical violence followed. The police arrived around 45 minutes after they were called and only intervened when the attackers started beating the victim on the head. The attackers eventually ran away and only two of them were caught. On the night of the attack ambulance medics concluded that the victim had no serious injuries and left. However, the following day, in a forensic centre, "multiple bruises" were recorded and the victim took the results of the examination to the police station. Two days later the police took a decision not to institute criminal proceedings due to a lack of evidence. Later the victim had to return to hospital because of pain in the chest and it was established that one rib was broken. The victim reapplied to the prosecutor's office and was informed that the criminal case had been reopened as new evidence had emerged.
- In March, at the inaugural exhibition of LGBT artists in St. Petersburg, four young men pushed their way into the club, sprayed gas into the face of the exhibition supervisor, hit her, threw in a smoke flare and ran off. No damage was done to the LGBT artists' paintings. The guests left the room to allow for the air to be changed and then the event continued.
- In May, during the *International Day Against Homophobia and Transphobia*, a crowd of anti-gay protesters attacked LGBTI activists holding a demonstration in a city centre park in St. Petersburg. They shouted death threats and sprayed tear gas hitting one participant in the face. After the event, the police escorted the LGBTI activists to their buses. The crowd of protesters blocked the vehicles, but the police intervened.
- In May, a group of young women who organised a *Rainbow Flash Mob* in Novosibirsk were attacked by men yelling insults, physically grabbing the women and taking

away their rainbow coloured balloons. The incident was watched by a police officer who did not intervene. At the end of May, religious activists affiliated with the Orthodox church broke up two LGBTI demonstrations in Moscow throwing water and shouting prayers at the participants. Some of them attacked the demonstrators with fists and trampled their rainbow flags to the ground. The city authorities had not endorsed the LGBTI demonstrations. Dozens of LGBTI activists were detained, as well as some counter protesters.

- In August, an LGBTI activist was beaten in a central park in Togliatti. The victim said the attackers made death threats and called him a 'faggot'.
- In November, the UN Committee against Torture published its concluding observations on the consideration of the periodic report of the Russian Federation on the implementation of the *Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*. A set of recommendations by the Committee concerned the need to combat hate crimes against gay, lesbian, bisexual and transgender (LGBT) people in Russia. The Committee expressed its concern at reports of on-going cases of discrimination and other violations – including violence – against people based on their identity or social marginalisation. It specifically noted that the police does not respond properly, investigate effectively and prosecute those responsible for violent attacks against LGBT persons.
- In total, ILGA-Europe collected information on fourteen hate crimes perpetrated during the year. These crimes included other cases of extreme physical violence against LGBTI individuals, some of them being activists. This information was collected as part of documentation activities in preparation of the OSCE/ODIHR's annual hate crime report, to be published in November 2013.

Criminalisation

- In March, the Governor of St. Petersburg, Georgy Poltavchenko, signed the controversial law prohibiting the 'propaganda of sodomy, lesbianism, bisexuality, transgenderism and paedophilia to minors' (the 'Anti-Propaganda Law'). The law defines propaganda as "the

targeted and uncontrolled dissemination of generally accessible information, which can damage the health, moral and spiritual development of the under-aged." The legislation does not define the terms 'bisexualism' or 'transgenderism' leaving room for different interpretations. Any public mention of homosexuality may be considered an administrative offence.

- In March, the 'Anti-Propaganda Law' was praised by an Orthodox church official calling for a similar law to be adopted at the federal level. On the other hand, the legislation was condemned as a violation of international human rights by several human rights organisations, the European Parliament, and a number of politicians and public figures.
- In March, the regional Parliament of Novosibirsk submitted an initiative for a federal ban on 'propaganda of homosexuality' to the Duma. The aim of the initiative was to make 'promotion of homosexuality to children' illegal at the federal level. The voting on the first reading was scheduled to take place in December but was then rescheduled for early 2013. This legislative initiative was widely condemned by international bodies and institutions.
- In October, Russia's Supreme Court considered the appeal by LGBT organisation Coming Out, challenging the law on 'gay propaganda' in St. Petersburg on the basis that the law is contrary to federal legislation of the Russian Federation, and, due to a lack of definition of 'propaganda', leaves the door wide open for abuse by law enforcement bodies and the judicial system. The Supreme Court dismissed the appeal, finding the 'gay propaganda' law consistent with the legislation of the Russian Federation.
- By the end of the year, six more regions had enacted legislative provisions similar to the law adopted in St. Petersburg, namely Kostroma, Novosibirsk, Samara, Bashkortostan, Magadan, and Krasnodar. This means that, following the developments of this year, there are nine Russian regions with homophobic laws. The Moscow City Duma also passed a law banning "all forms of sexual propaganda to minors". The provisions adopted by the

different regions are generally similar, some only refer to homosexuality while others also mention “sodomy, lesbianism, bisexuality and transgenderism”. Some regional laws also provide for higher levels of fines up to 500,000 roubles (approx. €12,500). Most of the regional laws follow the same model, with the exception of Bashkortostan where no fine is imposed on people considered offenders under the new law.

Education

- In June, a trans girl in Perm who was about to sit for a Uniform State Exam in mathematics was not allowed to take the exam because the person inspecting entrants could not match her with the presented ID. Instead the person in charge started laughing at her and called a police officer. He ignored the fellow students and teachers (who also had their passports with them) who confirmed the girl’s identity and dismissed her explanations that she was a transsexual and the ID was hers. Later a male police officer invited her into an isolated room and asked her to take off her clothes. After that the girl was allowed to take her exam.

Employment

- In January, a gay steward of Aeroflot was threatened with dismissal from his job because of his sexual orientation. The man had tried to establish an LGBTI support network for the airline employees, after which he was seemingly ordered to marry a woman to save his job.
- A lesbian woman in Perm was subjected to discriminatory attitudes in her workplace after coming out to fellow colleagues. After the news reached the boss he invited her to his office for a conversation, during which he said, that “since she is not going to take maternity leave, she should work overtime”. The woman still has to work there, and has been insulted and harassed because of her sexual orientation.

Equality and non-discrimination

- In September, the 9th Council of Europe Conference of Ministers responsible for youth, held in St Petersburg, ended in disarray, when Russia vetoed the conference

declaration because it contained an item referring to the requirement to combat discrimination against LGBT youth.

Family

- In July, a group of religious activists demanded that the online social network Facebook be banned in the country for ‘gay propaganda’ among minors, and launched a campaign to criminalise homosexuality. The call for the ban was due to the website’s introduction of marriage status icons extended to same-sex partners – one depicting two brides, the other two grooms. As a response, an Orthodox community in the city of Saratov, southern Russia, issued an ultimatum demanding that Facebook stop “flirting with sodomites” and remove “all content promoting homosexuality”.
- In August, a gay user of Russian’s leading social network, VKontakte, asked the website’s help desk for advice on how to add his boyfriend to the relationship status information. The help desk told him that would only be possible if he “changed sex” in his online profile, and stated that same-sex marriage is illegal in Russia. Administrators of the social network confirmed that they are not planning to implement a same-sex relationship option in the future. However, as of August, VKontakte started to allow users to indicate that they are in a relationship with a person of the same sex.

Foreign policy

- In April, in an international meeting of G8 countries in Washington, Russia took a strong stand against the rights of LGBTI people. The meeting adopted a statement saying “The ministers reaffirmed that human rights and fundamental freedoms are the birth right of all individuals, male and female, including lesbian, gay, bisexual or transgender individuals.” However, Russia emphasised its disassociation from the language. The Deputy Foreign Minister Sergei Ryabkov further stated “under the pretext of protecting the so-called sexual minorities, in effect there’s aggressive propaganda and the imposition of certain behaviour and values that may insult the majority of the society.”

- In September, Russia submitted a resolution to the United Nations which highlights and reinforces 'traditional values'. The resolution, entitled *Promoting human rights and fundamental freedoms through a better understanding of traditional values of humankind*, "recalls the important role of the family", and calls for "a better understanding of traditional values of humankind". It attempts to elevate 'traditional values' above the principles of human rights and freedoms. Experts believe that, if adopted, it may be applied to restrict the enjoyment of human rights and freedoms by LGBTI people.
- In November, the UN Committee Against Torture raised several questions with the Russian Federation about the status of homosexual, bisexual, and transgender people. Committee members pointed out cases of violence against LGBT people, including forced sterilisation of transsexual people and persecution of human rights defenders who support the LGBT community, and asked about the measures that the authorities undertake to ensure observance of the rights of LGBT people. In response to the questions raised, Mr. Georgy Matyushkin, head of the Russian delegation, stated that "in the Russian Federation, discrimination is prosecuted under the Criminal and Administrative Codes. The Russian legislation does not contain any norms that would discriminate against persons, including, as Mr. Matyushkin emphasised, on grounds of sexual orientation."

Freedom of assembly

- At the end of May, the District Court of Smolninsky ruled that the city authorities in St. Petersburg acted unlawfully when they did not allow LGBTI demonstrations earlier in the spring. The '*Anti-Propaganda Law*' was used as a ground for the refusal. The judge stated that the authorities lacked the competence to judge whether the demonstrations were going to constitute 'propaganda of homosexuality', especially before they actually took place. She also drew attention to the *Federal Law on Assemblies*, according to which the administration has no authority to refuse a

public demonstration, only to suggest a different time and place.

- In May, LGBT activists carrying rainbow flags were among the participants in an authorised demonstration held by St. Petersburg's democratic organisations in support of human rights. They were arrested by police officers who were rough and provided no explanations as to why they grabbed the activists carrying flags and why they drove them off in a prisoner van. In total, ten people were arrested. As soon as the arrests began, all those walking in the democratic column stopped moving. Since the police did not intend to release those arrested as demanded by the remaining participants in the march, the organisers of the democratic column took a decision to place the Rainbow column at the head of the march thus preventing further police arrests. Further participation of the LGBT community in the march would not have been possible without the support and solidarity shown by other organisations. The organisers sharing democratic values included the St. Petersburg Chapter of PARNAS political party, denied registration by the authorities, Solidarity Movement, the Russian People's Democratic Union, the Libertarian Party of Russia, Petersburg Observers association, Civic Responsibility movement, and the regional chapter of Yabloko political party. By the time the demonstration reached its destination of Konyushennaya Square, where the general rally was starting, another seven persons had been arrested over placards decrying the state's homophobia.
- In June, LGBTI activists in Moscow organised a small *March of Burning Hearts* on Taras Shevchenko Quay. The event was granted an official permit by the local authorities. The police were present and protected the participants from possible attacks by hooligans, who had gathered close to the place of the march. The event took place without incident and afterwards the police accompanied the participants to the metro station to ensure their safety.
- In June, Moscow City Council refused to issue a one-off permit for Gay Prides for a period of 100 years after activists submitted requests to City Hall to hold LGBTI demonstrations every year up until 2112. The

law does not state how far in advance event permits can be applied for and the decision only means that the City has refused to authorise 100 prides in advance. However, people can still apply for permission in each individual case. The decision was appealed to the High Court of Moscow, which upheld the refusal in August.

- In July, the City Hall of St. Petersburg first granted permission for a Pride parade but retracted the decision two days later referring to the 'Anti-Propaganda law'. The City Hall stated that the ban was imposed on the ground that local media had reported it as a "gay pride event (parade)," rather than a "march and stationary demonstration against the violations of LGBT people's rights," as it was described in the application submitted to City Hall. The activists nonetheless continued as planned, and on the day of the Pride some of the organisers were detained.

- In September, the Committee of Ministers of the Council of Europe, in reviewing whether Russia had complied with the judgment of the ECtHR in the Moscow prides case, *Alekseyev v. Russia* (Applications nos. 4916/07, 25924/08 and 14599/09), noted that the authorities still refused to agree such events, repeated its concern regarding the use of regional laws prohibiting propaganda of homosexuality, and called for Russia to raise the awareness of, and train, authorities responsible for freedom of assembly events.

- In October, the district court of Arkhangelsk held that the refusal of the city administration to grant official permission to LGBT organisation Rakurs for a street action was lawful. Judge Drakunova considered inadmissible a demonstration that was meant to draw attention to social problems of LGBT teenagers, due to the ban on "homosexual propaganda" among minors that is active in the region. The court explained that regional law adopted the previous year prohibited public discussion of homosexuality, thereby ignoring the Supreme Court decision which states that "the ban of homosexual propaganda does not prevent the enjoyment of the right to hold public actions in due order, including open public debates on the social status

of sexual minorities." The judge also omitted all procedural violations that the city administration committed in their consideration of the request for permission. Issuing the decision, Judge Drakunova said that she was not certain that it was correct and that she would not mind were the Arkhangelsk regional court to annul it.

- In December, human rights activists organised a protest in front of the Duma against the adoption of a federal 'anti-propaganda' law. Opponents of the protest threw eggs at the protesters, shouted insults at them and tried to beat them up. Following this, the police detained participants of the protest, some of the opponents and two journalists. Ten out of 11 people were detained overnight despite the detention cell being meant for only three people. The cell was very cold and the detainees were not provided with a hot meal, and were detained for around 30 hours without being given a reason for their detention. They were released the following day at around 6pm after a short trial, which led to them being fined 500 roubles each in accordance with the *Administrative Code* (hooliganism). The police report mentioned that participants of the action had clashed and they pelted eggs at passers-by. The activists intend to pursue a court case for unfair treatment.

Freedom of association

- In July, the Russian Parliament passed the law on 'foreign agents'. According to this law any politically involved NGO that receives funds from abroad should be registered as a foreign agent. The notion of political activity of NGOs is not clearly defined in the law. This makes it possible to use this law against the activity of any NGO in Russia and particularly against organisations that work to defend the rights of the LGBTI community especially taking into consideration existing homosexuality anti-propaganda regional laws. Experts say that this law was adopted to threaten the civil society in Russia and it might impede the activity of the organisations that do not have anything to do with political involvement.

Freedom of expression

- In June, a number of PACE members signed a written declaration drawing attention to the violations of the rights of the LGBT community in Russia, including the introduction of regional “propaganda for homosexuality” laws, and called “upon the Russian authorities to respect, rather than violate, the rights of LGBT people, and on the Committee of Ministers to insist that Russia respect its obligations as a member State of the Council of Europe”.
- In June, an LGBTI Film Festival *Side by Side* was cut short in the City of Novosibirsk. The final day of the festival was cancelled due to a threat of violent attack by homophobic protesters. On the evening of the second day of the festival, a group of approximately 30 protesters surrounded the facility where a screening was about to start, shouting insults and threats. The police were present outside the building, but told the organisers they were not planning to protect the festival participants the following day. The organisers had to call taxis in order to escape attack and harassment.
- In July, a member of the Public Chamber (a public human rights body), Yelena Lukyanova, stated that the ‘*Anti-Propaganda Law*’s’ conformity with the *Constitution* should be investigated as it might be violating the principle of freedom of expression. According to the Public Chamber, if the laws are not repealed as anti-constitutional, a precise formulation of what constitutes propaganda needs to be introduced.
- In August, Madonna held a concert in St. Petersburg. During the show, she spoke against the ‘*Anti-Propaganda Law*’ and video clips of demonstrations and same-sex couples kissing were shown. In the speech she praised democracy, love and freedom and compared the LGBT fights to Martin Luther King’s fights for equality. Local deputy Vladimir Milonov condemned the show saying that there were minors present in the audience and that it had therefore breached the ‘*Anti-Propaganda Law*’. He called for Madonna to be sued for the violation. Later that same month, activists from a group Trade Union of Russian Citizens sued her and the concert organisers

seeking compensation of 333 million roubles (over €8.3 million). “She insulted the believers’ feelings, she promoted homosexuality when there were children at the concert and this is forbidden in St Petersburg. We, the residents of the cultural capital, suffered a colossal moral damage,” union spokesperson Darya Dedova was quoted as saying. Another public organisation, Parental Control, filed a letter with the police calling for action against the pop star for breaching the ‘*Anti-Propaganda Law*’. On 22 November Judge Barkovski ruled against the claimants and ordered them to pay 60,000 roubles (circa €1,500) to the respondents. The judge explained that the actions during the concert did not aim to promote homosexuality and did not fall under the provisions of the ‘*Anti-Propaganda Law*’.

- In October, in a resolution addressing Russia’s obligations as a member of the Council of Europe, PACE delegates voted to express their concern at the denial of freedom of assembly to LGBT people and at laws prohibiting “propaganda for homosexuality”.
- In November the UN Human Rights Committee recognised that in the case of *Fedotova v. Russian Federation* (Communication No. 1932/2010), the Ryazani law banning ‘propaganda of homosexuality’ contradicted two articles of the *International Covenant on Civil and Political Rights*: Article 19 (right to freedom of expression) and Article 26 (prohibition of discrimination). The Committee stated that Russia “has not shown that a restriction on the right to freedom of expression in relation to ‘propaganda of homosexuality’ – as opposed to propaganda of heterosexuality generally – among minors is based on reasonable and objective criteria.” Fedotova’s actions were not aimed at involving minors in any particular sexual activity. Rather, “she was giving expression to her sexual identity and seeking understanding for it.”
- UN High Commissioner for Human Rights Navi Pillay said in her opening statement to the June session of the UN Human Rights Council: “I am concerned about laws and bills restricting freedom of expression and assembly for LGBT persons and groups, for example in Ukraine, Moldova, and the Russian Federation, as well as repeated

high-level expressions of homophobia exacerbating the situation.”

- In December, the PACE General Rapporteur on tackling discrimination on the grounds of sexual orientation and gender identity issued a statement on Russia saying that “The Russian Parliament should remove the consideration of a draft bill prohibiting the promotion of homosexuality among minors from its order of business”.

Health

- In April, a teenager in the Moscow region, who came out as gay, was sent to a rehabilitation institute against his will. He stayed in the facility for 12 days before escaping with the help of his friends.

Police and law enforcement

- In January, three LGBTI activists were arrested in the northern city of Arkhangelsk for ‘propaganda of homosexuality’. The activists were holding a poster of ‘Homosexuality is Normal’ in front of the Regional Children’s Library. They were later ordered to pay fines ranging from 1,800 (circa €44) to 2,000 roubles (circa €50). One of the activists referred to the European Court of Human Rights contesting the Arkhangelsk ‘*Anti-Propaganda Law*’.
- In March, in Samara, a gay man was attacked by one of his friends after coming out to him. He suffered head injuries and was hospitalised; soft tissue bruises and a concussion were recorded. The medical report was referred to the police. Upon his discharge from hospital, the victim visited a police station to file a report, however, the police started trying to talk him out of it, suggesting that he invite the attacker to the police station to “talk this over and settle the dispute”. After the victim’s refusal, they were reluctant to write out a document confirming that the report had been accepted and only gave in after a telephone conversation with a lawyer from the Russian LGBT Network.
- In April, two LGBTI activists were arrested in St. Petersburg under the ‘*Anti-Propaganda Law*’, which

entered into force the previous month. During the action *Day of Silence* both men were participating in one-person pickets and had banners with slogans against homophobia: “My family’s friend is a lesbian, her family is as socially valuable as ours” and “No to silencing hate crimes against the LGBT”. Both men were detained under the ‘propaganda’ law, but were later tried for different offences – specifically, disobeying a lawful order from a police officer. One was found guilty, the other was acquitted, despite the fact that the conditions were identical.

- In May, during the May Day demonstrations in St. Petersburg, the police detained 17 LGBTI activists who were marching in a bigger crowd of democrats in the May Day Parade. The activists were holding rainbow flags and posters with anti-homophobic slogans. However, instead of charging the activists under the ‘*Anti-Propaganda Law*’, the police charged them for violating the rules on holding a public meeting and failure to obey police officers’ orders.
- In July, mass media spread information that, according to the Chief of the St. Petersburg Department of the Russian Ministry of Internal Affairs, 73 people were prosecuted in St. Petersburg under the ‘*Anti-Propaganda Law*’: 72 for ‘homosexual propaganda’ and one for ‘propaganda for paedophilia’. The published information created confusion because human rights organisations knew of only one case of the law being applied where a person was fined and three more cases that were being processed. Upon the request of activists the information was corrected to four persons. Several LGBT activists have been repeatedly detained for allegedly “promoting homosexuality” in public events, but none were convicted. In most cases, the law is not referred to in police reports, even though it was used as a pretext for the arrest. Most of the detainees were acquitted; some others were fined under other laws e.g. disobedience to the police or the violation of the order of the meetings. This shows that the practical application of ‘anti-propaganda’ laws in St. Petersburg is sporadic and neither the police nor the courts are sure as to when these laws may apply.

Member organisations of ILGA-Europe

Coming Out Saint Petersburg LGBT Organization
www.comingoutspb.ru

Gay Youth Right Defence Organization
www.gayser.org

Murmansk regional public organization

Raduzhny Dom

Rainbow Association Moscow
www.radarus.org

Rakurs – Arkhangelsk regional non-governmental LGBT
organization

Russian LGBT Network
www.lgbtnet.ru

Russian LGBT Sport Federation
www.gay-sport.ru

Russian National GLBT Center TOGETHER
www.gay.ru/together

The St.Petersburg LGBT Human Rights Center – “Krilija
(Wings)”
www.krilija.sp.ru