

LGBTI people, their human rights and organizations in Russia: developments between June and December 2013

This document addresses the most recent developments related to the situation of LGBTI people and civil society groups advocating for their rights in Russia since the passage of the federal law on ‘propaganda of non-traditional sexual relations among minors.’ It seeks to provide concrete examples of the changing legislative and social environment. It follows up on ILGA-Europe’s briefing note on the human rights situation of LGBTI people and other minority groups in Russia of August 2013.¹



May Day Pro-Democracy March, St Petersburg, 2013. Photo: AFP.

Banner reads: 'We demand repeal of the shameful homophobic law! Let's together stop hate and discrimination!'

CONTEXT

Throughout the past two years, since Putin returned to presidency in 2012, the Russian government has introduced a series of repressive laws that increasingly limit the civil society space and practically outlaw certain minority groups and activities of human rights defenders advocating for their rights.

In 2012-2013, a law on NGOs – so-called ‘foreign agents’ law, an extremely restrictive law on public assembly, an amendment to the federal law on the protection of minors from harmful information – so-called ‘propaganda’ law, an equally vague high treason law, the notorious anti-Magnitsky law² and a number of others were adopted at the national level. The passage of these legislative pieces and their further existence have been coupled with a concerted hate campaign, with hate speech being spread by national state-controlled media and federal and local officials, with civil society organizations being targeted by inspections and court cases, human rights defenders facing harassment and violence, and extreme right groups mobilizing in violent and aggressive ways, enjoying relative impunity.

These developments have gravely affected the status and standing of civil society organizations working in the fields of democracy and human rights, jeopardizing their credibility among the general population and subjecting them to extreme strains related to the necessity to accommodate inspections by the authorities and subsequent litigation.

¹ <http://www.ilga-europe.org/content/download/28423/176667/version/1/file/ILGA-Europe+briefing-Russia+LGBTI+FINAL+27+08+13.pdf> (accessed on 12 November 2013).

² The law is referred to by the Russian authorities as the ‘Dima Yakovlev’ law. It defines sanctions against U.S. citizens involved in violations of the human rights and freedoms of Russian citizens; contains a list of citizens who are banned from entering Russia, and also allows the government to freeze their assets and investments. The law suspends the activity of politically active non-profit organisations that receive money from American citizens or organisations, and bans adoption of children from Russia by U.S. citizens. The law was introduced in what seems to be a tit-for-tat response to the U.S. Magnitsky Act. Being named after Dima Yakovlev, an adopted toddler who died due to his American parents’ negligence, the law links adoption of Russian orphans with a wide array of political issues. In this light, it appears necessary to use a more correct title to not maintain the misrepresentation of the law and its purposes.

LGBTI people and human rights groups defending their rights increasingly find themselves in the crossfire of these legislative regulations and growingly hostile societal attitudes. The centerpiece of the debate about the rights of LGBTI people in Russia has been the ‘homosexual propaganda’ ban, which started as early as in 2006 with the adoption of a regional law banning ‘propaganda of sodomy (homosexuality and lesbianism) among minors’ in the Ryazan region and then spread rapidly across eleven regions of Russia after the passage of a similar regional law in Arkhangelsk in late 2011 and in St Petersburg in early 2012. In June 2013, the ‘propaganda’ ban made its way into the national legislation, with the amendment made in the federal law ‘On the protection of minors from harmful information’ that introduced administrative penalty for ‘propaganda of non-traditional sexual relations.’³

Both the regional and federal anti-LGBTI ‘propaganda’ laws are extremely vague in their language, having full potential to be applied arbitrarily. While the practice of application of the regional laws on ‘propaganda’ demonstrates their operation in a preventive, extrajudicial mode, the federal ‘propaganda’ law, despite its short history of only several months, has already opened Pandora’s box of hate speech, harassment and violence, discriminatory official practices and treatment in relation to LGBTI people and activists and organizations advocating for their rights. Moreover, due to the media campaign accompanying these laws and due to them functioning as powerful opinion-shaping tools, altogether they paved way for further restrictive and discriminatory official statements, policies, decisions, and legislation, which in turn led to higher-visibility, organized and public ‘witch hunt’ against LGBTI individuals and human rights defenders on the pretext of protection of the society and its ‘traditional values.’

In addition to being identified in the national legislation as ‘socially unequal’ and as an immediate threat to children, LGBTI people and those who defend their rights have become most marginalized and are subsequently portrayed in the national, state-controlled media and in the statements by Russian officials as a product of Western import and agents of foreign influence that put Russia’s national interests at stake.

LEGISLATIVE AND POLICY PROPOSALS

The anti-propaganda law, while being one of the founding blocks of the broader repressions against civil society in Russia, has also paved way for further legislation and policies taking away the rights from LGBTI people specifically.

- o Law banning adoption of children from Russia by foreign same-sex couples

On 3 July 2013, a law was passed and signed by the Russian president that prohibited adoption of children from Russia by foreign same-sex couples, justified by the duty to protect children from ‘moral suffering and non-traditional sexual behavior’ and identified as a measure aimed at ‘ensuring a harmonious and full upbringing for children in adoptive families.’ The ban extends to single people who are residents of countries with laws permitting same-sex marriage.



Photo submission to ‘Children-404’ – online support project for LGBTI adolescents. [facebook.com/children.404](https://www.facebook.com/children.404)

The explanatory note accompanying this law contains the same language and the same reasoning that the ‘propaganda’ laws have – the necessity to protect minors from ‘the imposition of non-traditional sexual behavior on them’; its proponents claim again that such restrictions are not discriminatory against sexual minorities.⁴

This law, being based on the language and argumentation

³ Unofficial translation of the law into English:

http://lgbt.net.ru/sites/default/files/russian_federal_draft_law_on_propaganda_of_non-traditional_sexual_relations_2d_reading_eng.pdf (accessed on 12 November 2013).

⁴ In Russian: <http://grani.ru/Politics/Russia/President/m.216387.html> (accessed on 30 December 2013).

applied in the 'propaganda' bans, can be rightfully seen as an indication that same-sex relationships will not be recognized by the Russian state.

- o Pre-announced draft law prohibiting blood donation by LGBTI persons

On 26 August 2013, a deputy of the State Duma for LDPR (Liberal Democratic Party of Russia) Mikhail Degtyariov announced that he would be preparing a draft law prohibiting blood donation by people practicing homosexual relationships. He said that any accusations of homophobia and discrimination are wrong, as it is the matter of high-risk groups and the health of Russian citizens.

No such draft law has ever been introduced. The announcement was made while Degtyariov was running for mayor of Moscow, which might mean that this was a move solicit electoral support making use of the rising homophobic and 'traditionalist' sentiment among the Russian population.

The pre-announcement of this draft law was accompanied by another statement by Degtyariov, who shared his plans to establish state-supported programs with voluntary consultations with psychologists, psychotherapists, and sexual therapists for homosexuals who seek to 'change their sexual orientation.' No such initiative has ever been officially discussed by Russian parliamentarians.

Both of the above statements were reported in the Russian media as draft laws being prepared for submission to the State Duma, however they have never been actually tabled for consideration by those who pre-announced these bills.

Prior to these populist statements by a State Duma deputy, on 2 August 2013, Vadim Pokrovsky, head of the Federal research and methodological center for HIV/ AIDS prevention and treatment declared that the Federal Service for Consumer Rights Protection and Human Welfare will launch in 2014 a mass HIV testing programme of homosexuals and commercial sex workers.⁵ There is no information as to whether these plans will be implemented, and if so how.

- o Draft law on withdrawal of parental rights from individuals who 'allow for non-traditional sexual relations'

On 5 September 2013, deputy of the State Duma Alexey Zhuravliov of the United Russia party submitted for the parliament's consideration a draft law that would amend the Family Code of the Russian Federation to include 'allowing for non-traditional sexual relations' in the list of reasons for termination of parental rights.

The vague language of the bill implies that not only LGBTI people can be subjects of this law if it is adopted, but also advocates for LGBTI equality and family members affiliated with LGBTI people.

Yelena Mizulina, head of the State Duma Committee on Family, Women, and Children's Affairs and active proponent of the federal 'propaganda' law, voiced criticisms of Zhuravliov's initiative, saying that this draft law would be difficult to enforce and would most likely be rejected by the Duma.

In October 2013, Zhuravliov withdrew this bill from the Duma allegedly to amend and polish its legal language, and human rights defenders in Russia believe the draft law to be reintroduced after the Olympic games in Sochi.



'Unusual Families Around Me', a book for children on diversity of family models, by 'Coming Out' LGBT organization

⁵ In Russian: <http://grani.ru/Society/Health/m.217507.html> (accessed on 12 November 2013).

This assumption can be seen as fair in light of a statement by Vitaly Mutko, Russia's Sports Minister, who said that the timing of the passage of the federal 'propaganda' law was a mistake. In response to the ongoing global debate about the incompatibility of the anti-LGBTI legislation in Russia with the Olympic charter and standards, he said that the law should have been passed later, because 'it was possible to calculate how much resonance it would cause in the West, especially in the run-up to the Sochi Olympics.'⁶

o Policies on promotion of 'traditional family values'

On 19-20 November 2013, Moscow hosted a big forum called 'The Holiness of Motherhood', which brought together more than 400 representatives from 60 regions of Russia: high government officials, representatives of the Russian Orthodox Church, sociologists, psychologists, journalists, etc. to develop "special sections in the state family policy, which will be dedicated to the information policy in the protection of family values." Among participants of the forum were national law and policy-makers, e.g. head of the State Duma's Committee on Family, Women, and Children's Affairs Yelena Mizulina and Ombudsman for Children's Rights Pavel Astakhov.

At the opening of the forum, Pavel Astakhov said that protecting the traditional family is an issue of Russia's security. "The main front for our country now is the fight for the traditional family, this is the target of the



**3d Forum 'The Holiness of Motherhood',
Moscow, November 19-20, 2013**

main strike and our children are most vulnerable in this sphere. What will happen to our children and in return to our country depends on us," Astakhov said. "Politicians and state officials, who support the destruction of [traditional] family, should be pariahs, should be cursed in centuries to come as destroyers of the family and the human race."⁷

The forums' spokesperson said that they sought to "facilitate the emergence of a state pro-family order for the media" and to set grounds for the government's work in promoting the family issue in the informational sector. Given the existing restrictive laws on Internet censorship, as

well as the federal 'propaganda' law that provides specific higher penalties for media outlets that disseminate 'propaganda of non-traditional sexual relations', this development indicates that there very well might be a greater crackdown on the media specifically in relation to information on LGBTI issues.⁸

The forum released a memorandum with recommendations for the development of state family-oriented informational policies, including proposals of special media monitoring bodies responsible for identifying information that is harmful for minors and of a reward system for journalists who promote 'traditional family values'.

⁶ http://www.huffingtonpost.com/2013/11/18/anti-gay-propaganda-bad-timing_n_4298174.html (accessed on 19 November 2013).

⁷ Major government's media source in Russia on the forum and its purposes: <http://www.rg.ru/2013/11/18/reg-pfo/svyatost-anons.html>, <http://www.rg.ru/2013/11/21/reg-cfo/itog-anons.html> (accessed on 25 November 2013).

⁸ The text of the memorandum released by the forum can be found here (in Russian): http://sm.cnsr.ru/ru/news/nfrf/Memorandum_Tret_ego_foruma_Vserossijskoj_programmi_%C2%ABSvyatost_mate_rinstva%C2%BB/?news=yes (accessed on 25 November 2013).

o Federal 'propaganda' law clarified by the Federal Media Monitoring Service

In November 2013, the Federal Media Monitoring Service (Roskomnadzor) issued a comprehensive concept note on informational safety of children, which offers analysis of the existing legislation and practical recommendations for its enforcement by government bodies.⁹ Section 11 of this document offers remarks and guidance on the understanding of the federal 'propaganda' law (Article 6.21 of the Federal Law 'On Protecting Children from Information Harmful to their Health and Development'). The document offers a summary of the federal 'propaganda' law and offers a list of criteria for defining instances of 'propaganda of non-traditional sexual relations'.¹⁰ This list includes a full spectrum of possible neutral or positive mentions of homosexuality, bisexuality, and transgender issues, for example:

"Discrediting the traditional family model" and "promoting alternative models of family relations" (with the following explanation: "For example, many sites that promote non-traditional relations, quote statistical data on the adoption of children by homosexual and heterosexual couples. Taken out of the broader context, this information can form in children and adolescents the idea that a gay couple can cope with parental responsibilities not worse than a heterosexual one.")

"Using emotionally charged images for discrediting the traditional family model and promoting alternative family models. For example, a couple in non-traditional sexual relations can be represented as bright and charming. For example, a couple in a heterosexual marriage can be represented as rude and repulsive."

"Personalized examples. For example, stories and narratives of people who deny family values, who are in non-traditional sexual relations, who show disrespect for parents and (or) other family members."

"Lack of critical approach. For example, messages containing appeals, orders, comments, suggestions, etc. (containing information about non-traditional sexual relations [...] conscious and critical perception and understanding of which by a child is difficult...)"

"Alternative models of behavior. For example, a clear demonstration (through images, photos or videos) of non-traditional sexual relations."

"Alternative standards for identification. Websites of the LGBT community containing lists of prominent people of past and present, who are in non-traditional sexual relations."

"Social approval. For example, direct or indirect approval of people who are in non-traditional sexual relations."

Throughout the document, information on LGBT-related issues is treated as being equally dangerous for underage persons as pornography, violence, unlawful activities, etc.¹¹

In the 'Glossary'¹² homosexual people are referred to as an example of a 'group of social risk', with the following definition: "A group that is exposed to dangerous negative influences and poses a threat to the life of society. Traditionally, risk groups are alcoholics, drug addicts, prostitutes, homosexuals, homeless, whose lifestyle can be defined as a display of diseases of the society."

The composition of the above-described developments clearly indicated that the Russian state has set out to a course of a future major assault on 'non-traditional' relations and identities.

⁹ Full text in Russian: <http://rkn.gov.ru/mass-communications/p700/p701/> (accessed on 30 December 2013).

¹⁰ Full text of the concept note in Russian: <http://rkn.gov.ru/mass-communications/p700/p701/> (accessed on 30 December 2013).

¹¹ More on this here: <http://queerussia.info/2013/12/24/3311/> (accessed on 30 December 2013).

¹² Glossary in Russian can be found here: http://rkn.gov.ru/docs/Prilozhenie_5_glossarij.pdf (accessed on 30 December 2013).

HATE SPEECH IN THE NATIONAL MEDIA

Discriminatory legislative and policy developments have been accompanied by intensifying hate speech in the federal, state-controlled media. Examples of derogatory and often openly violent and hateful statements are numerous, and those that are reported to the authorities as violating the Criminal Code of Russia by inciting hatred against a social group' are never addressed by law enforcement, investigators, and courts.

One of the most blatant examples is **the case of Dmitry Kiselev**, who is among Russia's most popular mainstream journalists and TV hosts and was appointed to head a new state news agency that was established to replace several major state media companies. At the program 'Historic Process', aired in April 2012 on one of the key federal, state-controlled TV channels 'Rossiya 1', he said that banning homosexual propaganda is not enough and that homosexual people 'have to be banned from blood and sperm donation, and their hearts in case of a car accident have to be buried in the ground or burned as unsuitable for prolonging anyone's life.'¹³ 'Rossiya 1' claims on its official website to have an audience of more than 50 million people in the former Soviet Union countries, with the "Historic Process' being among the most popular programs.¹⁴

The statement and its video footage attracted major attention of civil society activists, human rights defenders and communities in Russia with the passage of the federal 'propaganda' law, but despite complaints to the Prosecutor's General and to the media outlet by human rights activists, no measures followed. The Ministry of Interior did not find this statement to be in violation of the law.¹⁵

Among most recent examples is another TV-show aired on 'Rossiya 1' on 12 November 2013 – '**Special Correspondent' with Arkady Mamontov**. This hour-long program of the investigative journalism type was



Cover photo for the 'Special Correspondent' show

fully dedicated to the LGBTI movement in Russia and a debate on whether 'Russian sodomites' are collaborators with the Western invaders of Russia who aim to destroy the country by bringing sin. The program aired excerpts of a recording of a strategic meeting held earlier in October 2013 by Russian LGBT groups, which could only be obtained by surveillance. The program was opened by the host's statement, 'Western, European sodomites are trying to infiltrate Russia and organize a protest movement here, among our Russian perverts.'¹⁶

Like in the case of Dmitry Kiselev, where bloggers filed several complaints to the Prosecutor General's office asking to give a legal evaluation of his statement, activists from the organization 'Russian LGBT Network' filed a similar complaint against Arkady Mamontov and 'Rossiya 1', requesting the Prosecutor General's office to investigate whether Mamontov's remarks constituted hate speech.¹⁷ Nothing is known about the progress of the case. Attempts of activist Nikolai Alexeev and other Moscow activists to obtain authorization of street

¹³ Excerpt from the TV-program with Kiselev's statement (in Russian):

<http://www.youtube.com/watch?v=QZQXGgXGqb4> (accessed on 16 November 2013).

¹⁴ Link to the information on the official website of 'Rossiya' (in Russian):

http://russia.tv/article/show/article_id/7481/ (accessed on 16 November 2013).

¹⁵ In Russian: [http://smi.liga.net/medianews/2013-08-12/10396184-](http://smi.liga.net/medianews/2013-08-12/10396184-rossiyskie_blogery_pozhalovali_vlastyam_na_vedushchego_dmitriya_kiseleva.htm)

[rossiyskie_blogery_pozhalovali_vlastyam_na_vedushchego_dmitriya_kiseleva.htm](http://smi.liga.net/medianews/2013-08-12/10396184-rossiyskie_blogery_pozhalovali_vlastyam_na_vedushchego_dmitriya_kiseleva.htm) (accessed on 16 November 2013).

¹⁶ Full program can be watched here (in Russian): <http://www.youtube.com/watch?v=jU7IHDq4Chc>; more about the

case: [http://www.buzzfeed.com/lesterfeder/russian-government-spies-on-lgbt-activists-to-portray-them-a,](http://www.buzzfeed.com/lesterfeder/russian-government-spies-on-lgbt-activists-to-portray-them-a)

<http://www.hrw.org/news/2013/11/23/russia-s-anti-gay-laws-threaten-olympics-character> (accessed on 20

November 2013).

¹⁷ From the announcement on the social network's webpage of the organization 'Russian LGBT Network'

http://vk.com/lgbtrussia?w=wall-497578_24246.

rallies protesting the program were unsuccessful, with the authorities denying permission to hold public demonstrations.¹⁸

One of the most recent incidents involves infamous Ivan Okhlobystin, TV-show star and ex-priest, who responded to a question from the audience about his attitude to homosexuals that ‘he’d shove all of them alive in the oven.’¹⁹ Russian LGBT groups launched a public campaign calling on the prosecutor general and Okhlobystin’s employer – big phone retail company ‘Euroset’ – to hold him accountable.

In addition to the above, in the past several months there have been a number of statements by high government officials, emphasizing the importance of defending traditional family values and presenting them as one of the foundations of the Russian national stability and well-being that is being threatened by Western influence.

In November 2013, Valery Zorkin, Chair of the Constitutional Court of the Russian Federation, gave a speech dedicated to the 20th anniversary of the Russian Constitution, where he pointed out that “demands of tolerance towards any sexual or gender ‘emancipation’” present serious risks for the country’s nation-building and integrity.²⁰

In December 2013, president Putin in his annual address to both chambers of the Russian parliament claimed that on the international arena, Russia is the defender of traditional, conservative values against the assault of ‘infertile tolerance’, which ‘equals good and evil.’²¹ This statement followed a preceding attempt at calling for tolerance, which seems to be directed at the international critics in the run-up to the Olympic games. Then, on 20 November, Putin said that “We must not create xenophobia in the society on any basis towards anyone, including people of non-traditional sexual orientation”²². While such ‘moderate’ statements are rare in the official debate, they appear to be reactive media moves in response to the external international pressure.

UNLEASHED RADICAL FORCES LEADING TO HUMAN RIGHTS VIOLATIONS

Actively debated new legislative initiatives, along with the propaganda law itself and hate speech in the state media, create a growingly hostile environment for LGBTI people and organizations working to defend their rights.



**Counter-protesters singing prayers at the LGBTI rally, 12 October 2013, St Petersburg.
Photo by A. Demyanchuk/Reuters.**

The federal law on ‘propaganda’ explicitly announces ‘social inequality’ of ‘traditional’ and ‘non-traditional’ sexual relations, and, claiming to serve the interest of minors, identifies LGBTI individuals as a direct threat to children, families, and the whole society. The official debate around this law, its regional analogues, and new discriminatory legal initiatives, as well as the reaction of the authorities to obvious violations of rights on grounds of sexual orientation and gender identity sent a strong message to the society that violence against LGBTI people is permitted and even encouraged. Visible, public, organized attacks against LGBTI individuals and organizations are becoming more and more recurrent and altogether ignored by the authorities.

¹⁸ <http://www.themoscowtimes.com/news/article/activist-plans-protest-amid-outrage-over-talk-show-hosts-homophobic-meteor-comments/489681.html> (accessed on 20 November 2013).

¹⁹ <http://www.theguardian.com/film/2013/dec/16/russian-actor-ivan-okhlobystin-oven-homosexuals-burned-alive> (accessed on 30 December 2013).

²⁰ Full text of the speech in Russian: <http://www.ksrf.ru/ru/News/Speech/Pages/ViewItem.aspx?ParamId=65>, more on this in English: <http://queerussia.info/2013/11/27/2717/> (accessed on 30 December 2013).

²¹ <http://www.theguardian.com/world/2013/dec/12/vladimir-putin-defends-russia-anti-gay-conservatism> (accessed on 30 December 2013).

²² <http://en.ria.ru/russia/20131120/184831098.html> (accessed on 30 December 2013).

Radical, extreme right groups take on aggressive homophobic campaigns targeting LGBTI in the local communities, exposing homosexuals to harassment and violence, and attacking LGBTI organizations under the banner of ‘protecting minors from perverts’, ‘upholding Russia’s traditional values’, ‘acting in the national interests’, and ‘ensuring law enforcement’. These campaigns have taken various forms with diverse degree of violence, and it is common in these cases that the perpetrators refer directly to the ‘propaganda’ bans as grounds for their actions.

It was reported that in several cities of Russia signs were posted on the entrances to apartment buildings calling on residents to report their neighbors that are promoting homosexuality to the police. All these notices are signed ‘Administration’ and have the same texts in them, claiming that there was a certain number of people of ‘non-traditional sexual orientation’ identified in the building and requesting that residents are particularly alert with individuals suspected of propaganda. The notice goes on in saying that propaganda can be disseminated not only ‘directly’ through ‘descriptions of the advantages of homosexual lifestyle’ or ‘invitations to you and your family to have sexual intercourse’, ‘not only through bright outfits or unusual behavior, but also gradually, secretly, working to promote homosexuality in the building throughout many years.’²³ This development is indicative of the way the ‘propaganda’ law is interpreted by the population and what behaviors it evokes.

One of the most blatant manifestations of organized hate crime are the notorious cross-regional projects ‘Occupy Pedophilia’ and ‘Occupy Gerontophilia’, which under the banner of defending public morals and fighting pedophilia harass and torture men who are perceived as homosexual. Members and followers of these projects approach their planned victims through fake profiles on online dating websites. Those men who agree to a meeting are met by a group of thugs who interrogate, insult and torture them, forcing to admit homosexuality and/or pedophilia and/or engagement in commercial sex with men. Videos of these interrogations are published online on the projects’ online sources²⁴, dozens of pages in the social network VK.ru²⁵ and personal profiles of the projects’ followers with tens of thousands of views of about 200 torture videos that are published there. The most recent cases include torture of an Iraqi man in Lugansk, Ukraine²⁶, of a Swazi student in Belgorod²⁷, of an Uzbek man in Novosibirsk²⁸. In Ukraine, followers of ‘Occupy Pedophilia’ project announced a hunt after one of the Ukrainian leading LGBTI activists Daniil Los’²⁹.

The founder, ‘manager’, and inspirational role model for the projects is a neo-Nazi leader Maxim Martsinkevich³⁰, who had already served a jail term for incitement of racial hatred (sentenced to 3 years in prison in 2008). Martsinkevich has appeared on federal TV and has been interviewed by mainstream media numerous times. Regardless of the highly public nature and massive scope of Martsinkevich’s and his followers’ criminal activities, until now the Russian government officials have not made any statements condemning these actions, thus showing their unspoken support.



Maxim Martsinkevich

Despite the statements and calls for investigation and

²³ Example of a sign in Rostov: <http://www.novayagazeta.ru/news/91270.html> (accessed on 20 November 2013).

²⁴ <http://okkupay-pedofilyay.ru>.

²⁵ <http://vk.com/videos-39595315>, <http://vk.com/restrukt>

²⁶ <http://kriminal.tv/news/v-luganske-protiv-ohotnikov-na-pedofilov-hotjat-vozbudit-delo.html>, in Russian (accessed on 16 November 2013).

²⁷ <http://www.iol.co.za/news/africa/tortured-gay-student-back-in-swaziland-1.1606323#.UomLtMTwIZk> (accessed on 16 November 2013).

²⁸ <http://www.newsru.com/crime/16sep2013/homophobrapensib.html> (accessed on 16 November 2013).

²⁹ <http://news.mspravka.info/news/26911> (accessed on 16 November 2013).

³⁰ http://en.wikipedia.org/wiki/Maxim_Martsinkevich

prosecution of the perpetrators by human rights organizations³¹ and concerns raised by Commissioner for Human Rights of the Russian Federation, no criminal cases were brought to court in relation to the 'Occupy' projects. No perpetrator has been brought to justice yet, and the leader of the 'movement', Maxim Martsinkevich, is not facing any charges for his homophobic crimes. On October 31, the prosecutors opened a case against Martsinkevich – but not for the Occupy pedophilia project³². He is charged with incitement of racial hatred on grounds of the video reviews of two films that he published on his social profile on VK.com. Criminal cases were initiated against three of the assailants in the existing videos, and the cases are under investigation now, with hate motive not taken into consideration.

The Criminal Code of the Russian Federation does not mention hate motive or prejudiced opinion against LGBT individuals as an aggravating factor of criminal sentences. The Criminal Code of the Russian Federation does contain the concept social group, a protected characteristic that can result in aggravating circumstances, which could be interpreted in an open way to include LGBTI persons. However, the police and the courts do not define LGBTI individuals as a social group. For now, not a single hate crime against LGBTI people has been investigated as a hate crime and no individual has been convicted of a crime on grounds of hatred or prejudiced opinion against LGBTI individuals. At the same time public violence and crimes on grounds of sexual orientation happen more and more often.

Other manifestations of silently approved homophobic crimes, where assailants do not bear proportionate penalty for their actions, are attacks against LGBTI activists, which include:

- Two criminal assaults that happened on May 17, 2012, and June 12, 2012 in St Petersburg. These crimes were qualified by the police as hooliganism without aggravation despite the existing evidence of a hate motive. In both cases, the investigation ignored or declined motions by the victims' attorneys for re-qualification of the case as a hate crime committed on grounds of hatred towards a social group (LGBTI). The May 17th case was closed on November 11, 2013, with a suspended sentence of 1 year of imprisonment³³. The June 12th case was closed on 25 December 2013, with a sentence of 5 months of community service for the assailant.³⁴ Notably, members of extreme right groups often come to court hearings of such cases, and attempt to prevent supporters of the victims from being there. There have been cases when LGBTI activists who attended court hearings were attacked right in front of the court building, with no immediate reaction from the police being present there.³⁵
- The case of an organized attack against LGBTI activists – participants of an authorized rally against the adoption of the federal 'propaganda' law in Voronezh in January, 2013, was not qualified as a hate crime either. A group of 10 activists – participants of a peaceful authorized public action were confronted by an organized crowd of counter-protesters (by different estimates, there were between 300 – 500 participants in the counter-protest). LGBTI activists were attacked by a group of young men, and the police failed to duly protect them. A criminal case was initiated, but only one perpetrator was brought to court, and was convicted to two months of community service for the attack under article 'Hooliganism'³⁶. In October, LGBTI activists lost the case against the inaction of the police in response to violence at an authorized public demonstration³⁷.

³¹ E.g. <http://www.lgbtnet.ru/ru/content/rossiyskaya-lgbt-set-prosit-vozbudit-ugolovnoe-delo-po-faktam-izdevatelstv-nad>.

³² In Russian: <http://top.oprf.ru/news/12682.html> (accessed on 16 November 2013).

³³ http://www.comingoutspb.ru/en/en-news/stop_the_violence_en (accessed on 16 November 2013).

³⁴ More in Russian: <http://www.rosbalt.ru/piter/2013/12/25/1215383.html> (accessed on 30 December 2013).

³⁵ <http://lgbtnet.ru/en/content/witness-beating-lgbt-activists-deceased-lgbt-network-lawyer-attacked-court-house> (accessed on 16 November 2013).

³⁶ In Russian: <http://lgbtnet.ru/ru/content/2-mesyaca-ispravitelnyh-rabot-za-napadenie-na-lgbt-aktivista> (accessed on 16 November 2013).

³⁷ In Russian: <http://www.hro.org/node/17826> (accessed on 16 November 2013).

- On 3 November 2013, two masked men with traumatic guns and baseball bats attacked the St Petersburg office of LaSky, an HIV/AIDS prevention organization for MSM. The office was hosting a regular ‘rainbow social’ on that day – an almost private, non-publicized event for LGBTI people and allies. Two attendees were injured: a young man was shot in the eye and has already undergone two eye surgeries with one more to follow; a young woman was hit on her back with a baseball bat. The police that the guests of the social event called arrived on site but left immediately saying that they did not see any evidence of the crime. Reports and complaints were filed to the police by the victims. An investigation has been launched, but at present the crime is classified as ‘hooliganism’ with no intention to consider hate motive in the investigation.³⁸

Aside from numerous incidents of direct physical violence and attacks, advocates for LGBTI equality and LGBTI individuals who work at schools are becoming targets of **concerted public campaigns** calling for measures to be taken against them, including them being fired. One of the most known cases is the case of Ekaterina Bogach, a teacher of Spanish in a St Petersburg school, who is an active member of the Alliance of Heterosexuals for LGBT Equality. An unknown NGO launched a full-fledged campaign calling for an investigation of Ekaterina’s case and for school administration to fire her.³⁹ No demands were satisfied, but the accusations and aggressive attention to the teacher remain.



**Counter-protesters at IDAHO rally,
17 May 2013, St Petersburg**

It seems that whilst propaganda laws are not directly applied, all extreme right and conservative groups received a carte blanche in attempting to identify ‘propaganda’ and ‘promoters’ of homosexuality wherever they wish and in demanding the law’s enforcement. Examples of public calls for action to the authorities, as well as direct public attacks against individuals, cultural events, etc., include: repeated armed attacks on gay night clubs⁴⁰, an attack against a theater in St Petersburg where the German theater director Thomas Ostermeier dedicated the performance of a play to LGBTI people in Russia⁴¹, repeated bomb

threat calls during 5 days in a row of the Side by Side Film Festival to the venues that hosted the screenings.⁴²

In the view of hostile public discourse and poor record of protection of victims in such cases, most of the incidents go unreported. Individuals who face harassment and intimidations on grounds of their sexual orientation or gender identity often experience isolation, and tend to not seek help even from the existing LGBTI groups and organizations. It is safe to say that the impact of the anti-LGBTI public debate is far more cross-cutting than the documented cases suggest.

CONTINUED BARRIERS FOR OPERATION OF LGBTI ORGANIZATIONS

Organizations and groups that work to advocate for LGBTI rights in Russia face continuous barriers to their activities and increased risks to their safety and operation in general. Becoming subjects of attacks and provocations, they are almost never successful in obtaining protection from the police. Additionally, they are targets of prosecutors under the notorious ‘foreign agents’ law that requires NGOs to register with the

³⁸ <http://www.pinknews.co.uk/2013/11/04/russia-man-shot-in-eye-during-attack-on-lgbt-activists-in-st-petersburg/>,

in Russian: <http://grani.ru/people/2038/> (accessed on 16 November 2013).

³⁹ In Russian: <http://www.metronews.ru/novosti/uchitel-nicu-obvinili-v-propagande-lgbt-detjam/Tpomke---ByuBrt4lsNSD/> (accessed on 16 November 2013).

⁴⁰ http://queerussia.info/2013/11/16/2523/?utm_source=dlvr.it&utm_medium=facebook (accessed on 18 November 2013).

⁴¹ In Russian: <http://www.gay.ru/news/rainbow/2013/11/21-27569.htm>,

<http://www.gay.ru/news/rainbow/2013/11/18-27528.htm> (accessed on 22 November 2013).

⁴² <http://www.bok-o-bok.ru/news/archive?pid=25&lan=1&tid=1073> (accessed on 30 December 2013).

Ministry of Justice as a 'foreign agent' in case they engage in what is loosely defined as 'political activity' and receive funding from abroad.

There are countless examples of **inaction of the police at public rallies by LGBTI activists** in cases of violent counter-protests. The Russian law on public assembly requires from the organizers of a public demonstration only to notify the local authorities, with specification of date, time, location, purpose, and estimated number of participants. In practice, the authorities had often refused to approve LGBTI-related demonstrations under various formal pretexts and tended to relocate the demonstration to alternative locations in remote areas with almost no public.

The ECtHR decision in *Alekseyev vs Russia* confirmed the obligation of the Russian state to provide full protection to LGBTI public demonstrations. In the course of monitoring of the implementation of this decision, which revealed non-compliance of the Russian state, the Russian authorities developed a different practice of restrictions of freedom of assembly and expression for LGBTI persons. In November 2013, the UN Human Rights Committee issued its judgment in the case on the rights of peaceful assembly submitted by Nikolai Alekseyev, stating that refusal of permission to a picket advocating 'for the human rights of persons belonging to sexual minorities' by the Moscow authorities was 'one of the most serious interferences with the freedom of peaceful assembly.'⁴³

Notifications of public events by LGBTI activists and allies receive official approval, but the authorities fail to provide due protection and law enforcement during the event. The Russian law obliges the law enforcement to ensure safety and security of the organizers and participants of the authorized public event, to prevent any negative consequences after the action takes place, and to react to any violations of the law. However, in a growing number of cases the police do not react properly to violations by counter-protesters during LGBTI public events. There is a tendency of disproportionate detentions of peaceful participants of authorized LGBTI public actions and counter-protesters.

Examples of such actions include:

- o 29 June 2013, St Petersburg LGBT Pride Rally:

Participants of the peaceful demonstration were attacked by followers of various nationalist groups – first verbally and then physically, when counter-protesters switched to beating the demonstrators and pelting them with stones and smoke bombs. Police officers at the site failed to act adequately in order to prevent the violence, leaving the demonstration's participants in the position of having to defend themselves. At least seven Pride participants were later hospitalized by ambulance.

The attackers planned and coordinated their actions in advance. Among the organizers were groups "Slavyanskaya Sila" (Slavic Power), "Russkaya Probezka" (Russian Joggers), and others known for their calls for violence against homosexuals, people belonging to 'non-Russian' nationalities, and antifascists. They justified their actions as acceptable under the new laws banning so-called 'homosexual propaganda' (or propaganda of 'non-traditional sexual relations').

Organizers and participants in the demonstration followed all requirements of the law. Their goals and slogans (observance of civil rights for all, a ban on discrimination, fighting against hate crimes, marriage equality, etc.) fully corresponded to the language and spirit of the Russian Constitution. However, St. Petersburg officials and law-enforcement authorities failed to provide for safety at the event and required its termination under



LGBT Pride rally, St Petersburg, 29 June 2013

⁴³ Full text of the UN Human Rights Committee's communication: <http://www.ilga-europe.org/content/download/29020/180003/file/Views%20of%20the%20Human%20Rights%20Committee%20Alekseev%20October%202013.pdf>

far-fetched pretenses, and many participants were roughly detained. In all, nearly 50 of the demonstration's participants were arrested and forced to spend between four to six hours at police headquarters. One of the event's organizers was kept in detention until the morning of June 30.⁴⁴ At present all of them were acquitted by courts. These people's constitutional rights to the freedom of assembly and expression were grossly violated. At the same time, only 13 counter-protesters were detained at the site, and were released from the police stations without charges.

o 13 October 2013, LGBT public demonstration on the Coming Out Day in St Petersburg:

An authorized peaceful action organized by LGBTI activists and allies on Coming Out Day was disrupted by violence and attacks from counter-protesters who had gathered at the site before the start of the event. The police did not try to prevent violations and unlawful behavior of counter-protesters. Despite timely notification about the event, the authorities did not set up fences that are usually brought to surround the site of the action and prevent counter-protesters from entering the site. When the rally turned into a battlefield, the police started to detain people – regardless of whether they were participants of the authorized action, counter-protesters, and of whether they were the attackers or targets of these attacks. Among the detained participants were members of the Parents' Club in St Petersburg, which unites mothers of LGBT persons.⁴⁵

In addition to risks related to the conduction of public rallies, **organizations receive threats to their offices.** For example, the organization 'Russian LGBT Network' received two bomb threat calls in November in their St Petersburg office. Aside from direct risks to the safety and security of the organizations and people who work there, there is a risk that the business centers where organizations have their offices may refuse to host them anymore. Finding other premises would most probably be very problematic, as organizers of public cultural LGBTI events already face **barriers in access to services.** For example, Queer Fest, an annual queer culture festival held in St Petersburg by 'Coming Out' LGBT organization, by September 2013 was refused contracts by all but one of about 50 venues that they contacted for rent.

Activists with **LGBTI organizations are facing threats to their physical safety:** a number of homophobic groups in the social networks are collecting personal data (including photos) of activists and publish it in their online communities with calls for violence. These groups also attempt to organize raids against the offices of LGBTI organizations.⁴⁶

In addition to the above risks, organizations may further **become targets of persecution under the 'foreign agents' law.** LGBTI organizations that have already undergone inspections and litigation ('Coming Out' LGBT



'Foreign agent' graffiti, offices of the human rights center 'Memorial', Moscow

organization and Side by Side LGBT Film Festival) despite dismissal of charges by a higher court remain to be in a high-risk situation of further persecution and/or state interference in their activities and accounts. Human rights association 'Agora' reported that in October prosecutors had launched a second wave of inspections and cases, stating that NGOs that managed to avoid charges or get acquitted in courts in the spring of 2013 were targeted by the prosecutors again in at least 5 regions of Russia.⁴⁷ For example, 'Coming Out' LGBT organization is undergoing yet another prosecution with a civil complaint filed by the

Prosecutor's office against them in November 2013.

⁴⁴ <http://www.lgbtnet.ru/en/content/joint-statement-events-st-petersburg-lgbt-pride-parade> (accessed on 16 November 2013).

⁴⁵ <http://www.theguardian.com/world/2013/oct/12/gay-rights-protest-st-petersburg-arrests> (accessed on 16 November 2013).

⁴⁶ One of the largest and most active ones is a community called 'Volk-gomofob' (Homophobe Wolf) http://vk.com/public.priroda_ne_terpit_greha.

⁴⁷ In Russian: <http://openinform.ru/news/pursuit/21.10.2013/28969/> (accessed on 2 November 2013).

These organizations run the risks of either bearing hefty fines for failure to comply with the decision to force them register as 'foreign agents', or will be subjecting themselves to unregulated interventions from various authorities. Their persistent failure to register may lead to suspension of activities and to criminal charges against its director.

In response to the harassment, NGOs that have been targeted under the 'foreign agents' law had to reallocate the already scarce administrative resources from core activities to communications with the prosecutors, Ministry of Justice, tax service and other officials involved in related inspections, as well as to litigation to defend their interests.

DIRECT APPLICATION OF 'PROPAGANDA' LAWS

It still remains that both regional and federal 'propaganda' laws are rarely applied directly, with few cases of charges being brought under the 'propaganda' laws to courts.

In addition to previously reported cases of application of regional 'propaganda' laws⁴⁸ (there were five of them in different regions, all involving LGBTI activists staging street protests), in the fall of 2013 one more case emerged: promoters that brought Lady Gaga's concert to St Petersburg in 2012 were charged with 'homosexual propaganda' and fined 20 000 RUB (approximately USD 615).⁴⁹ The initial case that was brought to court earlier came from an activist of the Trade Union of Russian Citizens, an organization notorious for its extreme conservatism and public campaigning. The woman attended Lady Gaga's concert in December with her young daughter, and found Lady Gaga's statements in support of gays, lesbians, bisexuals and transsexuals during the concert violating the law on 'propaganda'. A court in St Petersburg made a final ruling on 15 November 2013 finding the promoters guilty. The company is appealing the decision.



Nikolai Alekseyev picketing a children's library, Arkhangelsk, 2 December 2013. Banner: 'Gay propaganda does not exist. You don't become gay, you are born gay' was identified by court as propaganda under the federal law.

Photo: gayrussia.eu

There is one single case of media being suspected of 'propaganda': a far-eastern newspaper 'Molodoi Dalnevostochnik' received a notice from the Federal Media Monitoring Service that identified an article in violation of federal 'propaganda' law. The article was dedicated to the story of a Khabarovsk geography teacher who was fired because of his sexual orientation, and the specific quote that the federal monitors were dissatisfied with was a quote from the teacher, 'My very existence is effective proof that homosexuality is normal.'⁵⁰

Finally, three activists have been found guilty of 'propaganda' and fined under the federal law in December 2013, two of them – in Arkhangelsk⁵¹ and one – in Kazan⁵², all of them – for one-person pickets with slogans in support of LGBTI equality. At the same time, the

'propaganda' laws continue to be used as extrajudicial grounds for refusals of authorization of LGBTI street actions. In one of the most recent cases, references to the federal 'propaganda' law were made by the Moscow authorities to deny official permission to a street demonstration that aimed to condemn repressions against gays and lesbians by the Benito Mussolini regime.⁵³

⁴⁸ See, for example: <http://www.ilga-europe.org/content/download/28423/176667/version/1/file/ILGA-Europe+briefing-Russia+LGBTI+FINAL+27+08+13.pdf> (accessed on 12 November 2013).

⁴⁹ <http://en.ria.ru/russia/20131115/184738439/Lady-Gaga-Tour-Promoters-Fined-Under-Gay-Propaganda-Law.html> (accessed on 18 November 2013).

⁵⁰ <http://www.themoscowtimes.com/news/article/regional-newspaper-suspected-of-breaking-gay-propaganda-law/489518.html> (accessed on 18 November 2013).

⁵¹ In Russian: <http://www.hro.org/node/18200> (accessed on 30 December 2013).

⁵² In Russian: <http://www.gayrussia.eu/russia/8403/#.UrKkfiTWbCk> (accessed on 30 December 2013).

⁵³ In Russian: <http://www.gayrussia.eu/russia/8206/#.UonrstFr4Z0.vk> (accessed on 18 November 2013).