

URGENT ACTION

DISCRIMINATORY LAW POSTPONED IN RUSSIA

Russian Parliament has postponed the first hearing of the amendments to the Russian Code of Administrative Offences regarding punishment for 'propaganda of homosexuality amongst minors' until 22 January 2013.

The bill, if passed, would lead to further discrimination of lesbian, gay, bisexual, transgender and intersex (LGBTI) people in a country where discrimination on ground of sexual orientation and gender identity is already widespread.

The Parliament's Legal department pointed out that punishment for 'propaganda of homosexuality amongst minors' cannot take place so long as homosexuality is not defined in other legislation. At present Russian legislation does not contain a definition of 'homosexuality'. In theory the draft law cannot go to a first hearing, so long as this definition does not exist. In response, the Committee on family, women and children's affairs stated that the bill should still go through. However, they suggested a definition of 'propaganda of homosexuality' as 'holding events by homosexuals in places which could be accessed by children, as well as calls to and approval of homosexual relationships on TV, radio at the time when children could see and hear them.' They argued the bill would not 'limit the right of a child to receive information about homosexuality, if it is stipulated by the child's needs and age'. Amnesty International activists received similar responses to their appeals to the Committee.

Several Russian LGBTI activists, who conducted a 'Kissing Day' public action in front of the Parliament on 19 December 2012, as well as several counter-protestors, were detained by police on charges of 'hooliganism' and spent the night in the police cells. They have been fined 500 rubles (approximately US\$16).

Please write immediately in Russian or your own language:

- Urging the authorities not to pass Draft Federal Law no. 44554-6, either in its current or amended form;
- Urging them to stop harassment of LGBTI activists;
- Calling on them to protect the rights of everyone, regardless of their real or perceived sexual orientation or gender identity, to freedom of expression and assembly, freedom from discrimination and equality before the law, in accordance with European and international human rights law;

PLEASE SEND APPEALS BEFORE 31 JANUARY 2013 TO:

Chairman, State Duma of the Federal

Assembly of the Russian Federation

Sergei Naryshkin

Address1: 1, Okhotny riad, Moscow

103265 Russian Federation

Address 2: 7, Mokhovaya str. Moscow

103265 Russian Federation

Fax: +7 495 6974258

Salutation: Dear Chairman

Chairwoman, Committee on family,

women and children's affairs

Yelena Mizulina

State Duma of the Russian Federation

2, Georgiyevski lane

103265 Moscow

Russian Federation

Fax: +7 495 692 54 61

Salutation: Dear Chairwoman

Head of GU MVD for Moscow

Anatolii Yakunin

38, Petrovka str,

Moscow 103265

Russian Federation

Fax: +7 495 698 6 777

Email: mos-police@yandex.ru

Salutation: Dear Head of GU MV

Also send copies to diplomatic representatives accredited to your country.

Please check with your section office if sending appeals after the above date. This is the first update of UA Further information: 348/12

<http://amnesty.org/en/library/info/EUR46/051/2012/en>

**AMNESTY
INTERNATIONAL**



URGENT ACTION

DISCRIMINATORY LAW POSTPONED IN RUSSIA

ADDITIONAL INFORMATION

The first hearing of the bill in the lower house of parliament, the Duma, was scheduled for 19 December.

Similar laws have been approved in regions including Ryazan, Arkhangelsk, Kostroma, St. Petersburg, Novosibirsk, Magadan, Samara, Bashkortostan and Krasnodar. Some of these laws prohibit "propaganda of paedophilia among minors", thus linking the sexual abuse of children with consensual, private sexual activity between adults.

The discriminatory section of Ryazan Region Law on Administrative Offences, concerning "public actions aimed at the propaganda of homosexuality", led to a submission to the UN Human Rights Committee by Irina Fedotova, an openly lesbian woman and activist in the lesbian, gay, bisexual and transgender (LGBT) movement in the Russian Federation. She put up posters that read "Homosexuality is normal" and "I am proud of my homosexuality" near a school in Ryazan. Following a police intervention, a court fined her 1,500 Roubles (US\$ 48) for "public actions aimed at the propaganda of homosexuality".

In October 2012 the Committee found that Russia had violated Irina Fedotova's right to freedom of expression and her right to non-discrimination under Article 19(2) of the International Covenant on Civil and Political Rights (ICCPR) read in conjunction with Article 26. The Committee recalled that the prohibition of discrimination under article 26 of the ICCPR comprises also discrimination based on sexual orientation, and concluded that the Ryazan Regional Law was discriminatory as the prohibition applied only to propaganda regarding homosexuality and not heterosexuality as well or sexuality in general.

The draft laws assume that protecting children from information relating to homosexuality is conducive to their attainment of healthy moral, spiritual and psychological development. However, having information about homosexuality can be helpful to children, and the principle of best interests of the child does not require that children be shielded from such information. Children as well as adults have the right to seek, receive and impart information and ideas of all kinds. This right is enjoyed by everyone, as provided in Article 19 of the ICCPR. This right is also explicitly guaranteed under Article 13 of the Convention on the Rights of the Child. The Committee on the Rights of the Child has interpreted this to include information about sexuality and sexual behaviour.

Name: n/a

Gender m/f: n/a

Further information on UA: 348/12 Index: EUR 46/054/2012 Issue Date: 20 December 2012