

17<sup>th</sup> July 2012

**Country-of-origin information to support the adjudication of asylum claims from  
Lesbian, Gay, Bisexual, Transgender and Intersex ('LGBTI') asylum-seekers**

**The Russian Federation**

*Commissioned by the Office of the United Nations High Commissioner for Refugees (UNHCR), Division of International Protection. Any views expressed in this paper are those of the authors and not necessarily those of UNHCR.*

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## **Explanatory Note**

The following non-exhaustive excerpts of COI are from 2011-2012. The COI is presented in reverse chronological order and is cited directly from the original source, including original footnotes. All sources are publicly available and a direct hyperlink has been provided for all sources. The same source of COI may be repeated under more than one issue, if relevant. Only the most recent (2011) annual report from sources has been included and multiple sources documenting the same incidents have not been included. A list of sources consulted is provided, together with a short self-description of less well known sources.

## **1. The legal position of LGBTI persons in the country concerned including criminalisation**

**ILGA Europe, *Russia*, undated (current webpage, accessed 17 July 2012)**

[http://www.ilga-europe.org/home/guide/country\\_by\\_country/russia](http://www.ilga-europe.org/home/guide/country_by_country/russia)

### **Anti-discrimination**

Discrimination on the basis of sexual orientation and gender identity are not prohibited on any areas.

### **Legal gender recognition of trans people**

Russia has administrative procedures to obtain legal gender recognition without compulsory genital surgery however with compulsory divorce.

### **Partnership recognition**

Russia does not provide any legal recognition of same-sex partnerships.

### **Parenting rights**

Neither joint nor second parent adoption is available to same-sex couples in Russia.

### **Criminal law on hate speech/crime**

Laws on hate and violence do not refer to sexual orientation or gender identity and do not recognise sexual orientation neither gender identity as aggravating factor.

### **Freedom of assembly/Pride events**

LGBTI public events have been banned in 2004, 2005, 2006, 2007, 2008 and 2009.

### **Freedom of association**

Russia has violated the freedom of association during the last 10 years.

### **Criminal law on age of consent**

The age of consent is equal for all sexual acts. [...]

**Russia Times, *Russian HR watchdog to check ban on 'gay propaganda'*, 29 June 2012**

<http://rt.com/politics/homosexuality-matter-national-security-034/>

Russia's top Human Rights watchdog, The Public Chamber is planning to check if recently introduced laws banning gay propaganda are constitutional.

Public Chamber member Yelena Lukyanova is a professor of constitutional law, and said in a newspaper interview that some of the chamber members think the laws targeting gay propaganda are limiting freedom of expression. The Public Chamber suggests if the laws are not repealed as being anti-constitutional, a precise formula on what can be considered propaganda should be introduced.

Lukyanova said the Public Chamber will have hearings and pass a resolution on the subject in the near future.

"We should thoroughly check into these laws' conformity with the Constitution. It says that the rights can only be limited if there is a threat to national security. But is homosexuality a threat to national security? Is not is an artificial limitation, just as it was with the law on rallies?" the activist told the Izvestia newspaper, adding that it was necessary to start a broad public discussion regarding such initiatives.

Another member of the Public Chamber, Yelena Toppoleva-Soldunova, says in her view it was completely unnecessary to introduce separate laws banning gay propaganda as it was possible to make exactly the same limitation in already existing legal acts.

"We should distinguish between what is admissible and what is not. If someone is announcing his or her sexual orientation, this cannot be banned, but it is completely inadmissible to make children's television programs that promote homosexuality," Topoleva-Soldunova said.

One of the leaders of the Russian gay rights movement, Nikolai Alekseyev, has welcomed the Public Chamber's initiative and that the existing laws should be probed by lawyers, experts and psychologists. "In reality we are about 30 years behind in this process. They introduced anti-gay laws in Britain in the 80s under Margaret Thatcher, but later they cancelled them all in the 2000s. The same will happen in our country," Alekseyev said.

This year some Russian politicians started an active campaign against so-called gay propaganda – a special law was approved and signed into force in St. Petersburg, prompting legislatures in the cities of Samara, Ryazan, Arkhangelsk, Novosibirsk and Kostroma to introduce administrative fines for propaganda of homosexuality. A group of parliamentarians have suggested approving a similar law on a nationwide scale.

### **Radio Free Europe Radio Liberty, *Being Gay In St. Petersburg Gets Even Harder*, 25 June 2012**

<http://www.rferl.org/content/being-gay-in-russia-gets-harder-still/24625561.html>

[...] Aleksandra and Marina had never contemplated leaving Russia.

Now the two women, a longtime lesbian couple, are giving it serious thought following the adoption of a new law targeting homosexuals in their hometown of St. Petersburg,

The law, which came into effect in mid-March, criminalizes "public action directed at propagandizing sodomy, lesbianism, bisexualism, and transgenderism among minors."

It follows similar legislation in the cities of Ryazan, Arkhangelsk, and Kostroma. But its adoption in St. Petersburg, one of Russia's most liberal cities, has sparked international outrage and sown fear among the homosexual community.

Three months after the law's passage, homosexuals in St. Petersburg are finding that the fragile human rights gains they earned through years of activism have suddenly evaporated.

"'Homosexual propaganda' is an extremely vague term. Now when I tell Marina 'I love you,' it could be considered homosexual propaganda," says Aleksandra, a 40-year-old PR manager who chose not to give her surname to protect her privacy.

"We are shocked by how openly and crudely our government is telling us that we have no rights. So yes, sometimes we consider packing our bags and leaving."

#### **Chilling Effect**

The maximum punishment under the new law is a fine of about \$17,000. But many fear the law will fuel already deeply entrenched homophobia and pave the way for yet harsher measures against Russia's gays and lesbians.

It has already had a chilling effect on St. Petersburg's relatively vibrant gay scene. Activists say several cultural venues have already canceled events organized by the community for fear of being fined.

Perhaps more alarmingly for homosexual parents like Aleksandra and Marina, the law specifically targets people deemed to give children a "distorted impression" of "marital relations." Aleksandra and her partner, who are raising Marina's 2-year-old son together, fear for their family.

"Legislation could become even tougher. It's perfectly possible that in a year's time social services will knock at our door, ask us why we are living and raising a child together, declare that Marina is a bad mother and take the child away from us," Aleksandra says.

"Nothing is impossible in this country. If such a law is possible, then anything is possible. And this scares me." [...]

The State Duma is also working on a proposal to make "homosexual propaganda" punishable nationwide. [...]

**U.S. Department of State, *Country Reports on Human Rights Practices for 2011, Russia*, 24 May 2012**

<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?dlid=186397>

[...] *Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity*

[...] On September 29, it was reported that a new law outlawing all public displays of homosexuality, including pride parades, went into effect in Arkhangelsk Oblast. [...]

**Amnesty International, *World Report 2012: Russia*, 24 May 2012**

<http://www.amnesty.org/en/region/russia/report-2012>

[...] *Freedom of expression*

[...] Laws banning “propaganda of homosexuality among minors” were adopted in Arkhangelsk Region. [...]

**Amnesty International, *Russia urged to reconsider anti-gay laws as activist fined*, 4 May 2012**

<http://www.amnesty.org/en/news/russia-urged-reconsider-anti-gay-laws-activist-fined-2012-05-04>

[...] A prominent Russian LGBTI rights activist has become the first person to be fined for spreading “gay propaganda” under a new St Petersburg law after he picketed the city hall with a poster that said “homosexuality is not a perversion”. [...] Alexeyev was convicted under an offence created only in March this year when St Petersburg, Russia’s second-largest city, followed the lead of regions such as Arkhangelsk and Riazan and introduced anti-“gay propaganda” legislation. [...] The new laws effectively ban LGBTI public events and demonstrations under the pretext of protecting minors. Even information leaflets on rights or assistance or advice available to such groups can be severely restricted. There are concerns that the legislation violates the rights of freedom of expression and assembly as well as the right to non-discrimination and equality before the law, guaranteed by international human rights treaties to which Russia is a party.

“Furthermore, it contributes to a climate of hostility and violence towards LGBTI individuals,” said Dalhuisen.

Amnesty International is particularly concerned that plans for laws aimed at banning “propaganda of homosexuality” are underway in other regions including Samara and Novosibirsk.

A similar Bill was introduced to the Russian State Duma at the end of March. [...]

**ILGA, *State-sponsored Homophobia - A world survey of laws criminalising same-sex sexual acts between consenting adults*, May 2012**

[http://old.ilga.org/Statehomophobia/ILGA\\_State\\_Sponsored\\_Homophobia\\_2012.pdf](http://old.ilga.org/Statehomophobia/ILGA_State_Sponsored_Homophobia_2012.pdf)

[...] From the Co-Secretaries General

[...] More worrying are the developments in Russia, where the city of St. Petersburg and other regions have introduced legislation to punish “homosexual propaganda” that can include the human rights defenders work, a dangerous precedent which might soon be followed by the country as a whole. Despite de-penalizing homosexuality in 1993, Russia, unfortunately, is at the forefront of a group of countries which have been trying in the last years to limit, control or otherwise pre-empt the universal validity of the human rights declaration by promoting the notion of ‘tradition’ as a sort of filter to give the “appropriate” interpretation of human rights within the context of a culture. It is difficult at this stage, to understand whether Russia is doing all this more to profile itself as an unlikely leader in the battle against the west or to pay homage to its orthodox church... or both. While this policy will turn out to be

unsuccessful in the long run, there is no doubt however that it will cause great suffering in the short one. [...]

**ILGA-Europe, *Annual Review of the Human Rights Situation of Lesbian, Gay, Bisexual, Trans and Intersex People in Europe 2011*, May 2012**

<http://www.ilga-europe.org/content/download/23164/145355/file/Russia.pdf>

[...] *Freedom of expression*

[...] In September, Arkhangelsk adopted a law banning events which “promoted homosexuality,” supporters claiming this was needed to end what they claim to be “promotion of homosexuality” to children which is supposedly damaging for their health and morals. Supporters also considered that the “promotion of homosexuality” would lead to the development of homosexuality in children and a threat to Russia’s birth rate. It is nearly identical to a law passed in 2006 in Ryazan, and under which two human rights defenders were detained and fined for carrying around placards saying Homosexuality is normal and I’m proud of my homosexuality. Ask me about it. The Constitutional Court found that the ban did not violate the Constitution because it prohibited “[...] activities toward the purposeful and unregulated dissemination of information that could pose harm to health and moral and spiritual development, like forming distorted ideas about social equivalence between traditional and non-traditional marriage - among those who do not have the benefit of age to evaluate this kind of information independently.” The human rights defenders have taken their case to the European Court of Human Rights but the reasoning of the Constitutional Court has informed the strategy and drafting of subsequent legislation. [...]

**Human Rights Watch, *Is wearing a pink triangle a crime?* 26 April 2012**

<http://www.hrw.org/news/2012/04/26/russia-wearing-pink-triangle-crime>

A couple of weeks ago, when I was trying to decide whether to pin a pink triangle to the lapel of my black overcoat, Sergei Kondrashov was detained by police in the street of Russia’s northern capital with a banner saying, "A dear family friend is a lesbian. My wife and I love and respect her ... and her family is just as equal as ours."

Police officers thought his banner was illegal under the new St. Petersburg law against “gay propaganda.” This law — which purports to protect minors from "gay propaganda" by ensuring that any public act exhibiting or supporting homosexuality that a minor might see is rendered illegal — went into effect in March. St. Petersburg is the fourth Russian region to enact such a law. The laws are so broad and vague that someone could be arrested for anything from holding a rainbow flag to running a helpline for gay teenagers. [...]

It seems that fears activists had as the bill was making its way through the St. Petersburg legislature are already coming true. The law is being used to silence the work of LGBT organizations and activists. But it also carried an even more frightening message, around which gay and straight people are beginning to rally in opposition.

The “gay propaganda” legislation is reminiscent of fascism in defining sexual minorities as unequal and denying them access to the same set of rights. Emphasizing that societies that prey on their gay communities will very soon prey on other groups, Gessen has called on people to wear pink triangles in protest, harking back to the days when people were sent to Nazi concentration camps on the basis of their sexuality. [...]

**Radio Free Europe Radio Liberty, *Russian 'Gay Propaganda' Bill Submitted To State Duma*, 29 March 2012**

[http://www.rferl.org/content/russian\\_gay\\_bill\\_sent\\_to\\_parliament/24531561.html](http://www.rferl.org/content/russian_gay_bill_sent_to_parliament/24531561.html)

A controversial bill that would impose fines for the alleged "spreading of homosexual propaganda" has been submitted to Russia's State Duma lower house of parliament. The bill, submitted on March 29 by lawmakers from the West Siberian-Novosibirsk region, calls for fines of up to 500,000 rubles (around \$16,500) for "spreading homosexual propaganda" to minors, and up to 1 million rubles (around \$33,000) for "promoting pedophilia."

Critics say the measure, if approved into law, could be used to ban public demonstrations by Russia's embattled gay and transgender community.

Homosexuality was decriminalized in Russia in 1993, but anti-gay sentiment among many Russians remain strong.

Earlier this month, the governor of Russia's second-largest city, St. Petersburg, signed into law a similar measure governing that region.

### **Human Rights Watch, *Block St. Petersburg's Homophobic Law*, 12 March 2012**

<http://www.hrw.org/news/2012/03/12/russia-block-st-petersburg-s-homophobic-law>

On March 7, 2012, the governor of St. Petersburg, Georgiy Poltavchenko, signed the draconian homophobic law banning so-called "propaganda of sodomy, lesbianism, bisexuality and transgenderism, and pedophilia to minors." The law goes into force 10 days after its official publication. Governor Poltavchenko's failure to use his right of veto to stop this deplorable legislative initiative is profoundly disappointing, Human Rights Watch said. The prosecutor's office of St. Petersburg should use its authority to insist that the city legislative assembly annul the law Human Rights Watch said. The prosecutor's office should indicate that if the law is not annulled, they will refer the case to the Constitutional Court of the Russian Federation. [...]

The bill's language is so vague and broad that it could lead to a ban on displaying a rainbow flag or wearing a T-shirt with a gay-friendly logo or even on holding LGBT-themed rallies in the city. The vote in St. Petersburg followed the approval of similar laws in other parts of Russia – in Ryazan in 2006, in Arkhangelsk in September 2011, and in Kostroma in February 2012. Those promoting the bill claim it is aimed at protecting minors from LGBT "propaganda."

"The bill is setting a dangerous precedent by maliciously linking pedophilia with homosexuality – it only serves to stoke existing homophobic sentiment in society," Williamson [Hugh Williamson, Europe and Central Asia director at Human Rights Watch] said. "It also sets a dangerous precedent for freedom of expression more generally." [...]

### **European Parliament, *European Parliament resolution on the upcoming presidential election in Russia*, 14 February 2012**

<http://www.europarl.europa.eu/sides/getDoc.do?type=MOTION&reference=P7-RC-2012-0052&language=EN>

The European Parliament,

[...] 15. Strongly condemns the adoption by the Legislative Assembly of St Petersburg of a law against propaganda on sexual orientation; equally condemns similar laws adopted in the Ryazan, Arkhangelsk and Kostroma regions; calls on all Russian authorities to stop restricting freedom of expression in relation to sexual orientation or gender identity, in line with the European Convention on Human Rights and the International Covenant on Civil and Political Rights; calls on the Vice-President of the Commission/High Representative to convey the European Union's opposition to these laws; [...]



**Council of Europe, *Discrimination on grounds of sexual orientation and gender identity in Europe*, September 2011**

[www.coe.int/t/Commissioner/Source/LGBT/LGBTStudy2011\\_en.pdf](http://www.coe.int/t/Commissioner/Source/LGBT/LGBTStudy2011_en.pdf)

[...] *National legislation regulating gender recognition*

Twenty-four Council of Europe member states have adopted legislation on the legal recognition of the preferred gender. This is the case in Austria, Belgium, Cyprus, the Czech Republic, Denmark, Finland, Germany, Greece, Italy, Latvia,<sup>287</sup> Malta, Montenegro, the Netherlands, Norway, Portugal, Romania, the Russian Federation, Slovakia, Spain, Sweden, Switzerland (in some cantons only – no national legislation), Turkey, Ukraine and the United Kingdom.<sup>288</sup> [...]

In the Russian Federation there is also no legal basis for sterilisation, though some civil registry offices or courts have reportedly required sterilisation in order to recognise the new gender. [...]

In the Russian Federation there is also no legal requirement for divorce though some transgender persons reported that the existence of a marriage was regarded as an obstacle to be legally recognised in the new gender. [...]

**Inter-Regional Social Movement ‘Russian LGBT Network’, *An alternative report Submitted for the 46th CESCER Session; Discrimination On Grounds Of Sexual Orientation And Gender Identity In Health Care, Education, Employment And Social Security In The Russian Federation*, May 2011**

[http://www2.ohchr.org/english/bodies/cescr/docs/ngos/IRSM\\_RussianFederation\\_CESCR46\\_en.pdf](http://www2.ohchr.org/english/bodies/cescr/docs/ngos/IRSM_RussianFederation_CESCR46_en.pdf)

[...] *General prohibition of discrimination – art. 2, para. 2, of the ICESCR*

The States Parties to the present Covenant undertake to guarantee that the rights enunciated in the present Covenant will be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status (art. 2, para. 2, of the ICSECR).

As was explained by the CESCER, “‘Other status’ as recognized in article 2, paragraph 2, includes sexual orientation. States parties should ensure that a person’s sexual orientation is not a barrier to realizing Covenant rights, for example, in accessing survivor’s pension rights. In addition, gender identity is recognized as among the prohibited grounds of discrimination; for example, persons who are transgender, transsexual or intersex often face serious human rights violations, such as harassment in schools or in the workplace’ (para. 32 of the General comment No. 20). At the same time, it is highlighted that discrimination could be encountered in different spheres – ‘in families, workplaces, and other sectors of society’ (para. 11 of the General comment No. 20). Proper observance of LGBT people’s human rights should be ensured by the Russian Federation according to a number of its international obligations under treaties on human rights in which it participates.

Thus, the problems of violation of the rights, discrimination and violence against LGBT people in Russia were pointed out in the alternative reports submitted for the UN Human Rights Committee in 2009,<sup>1</sup> and for the CEDAW Committee in 2010.<sup>2</sup> The both Committees

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<sup>288</sup> However, (aspects of) the law have been declared unconstitutional in Germany and Austria, therefore these member states will have to adapt their laws or develop new legislation.

<sup>1</sup> See: Discrimination and violence against lesbian and bisexual women and transgender people in Russia: Shadow report / The Russian LGBT Network: submitted for the 46th CEDAW Session, New York, USA, 12–30 July 2010. URL:

[http://www2.ohchr.org/english/bodies/cedaw/docs/ngos/LGBTNetwork\\_RussianFederation46.pdf](http://www2.ohchr.org/english/bodies/cedaw/docs/ngos/LGBTNetwork_RussianFederation46.pdf)

(date of access: 12.01.2011).

<sup>2</sup> See: Violations of the Rights of Lesbian, Gay, Bisexual, and Transgender Persons in Russia: A Shadow report: October 2009. URL: [http://www2.ohchr.org/english/bodies/hrc/docs/ngos/JointStatement\\_Russia97.pdf](http://www2.ohchr.org/english/bodies/hrc/docs/ngos/JointStatement_Russia97.pdf)



have expressed their concern about these problems in the concluding observations, and recommended the Russian Federation to take appropriate measures to solve them – in particular, through the enactment of comprehensive anti-discrimination legislation, proper training of law enforcement officials, and launching a sensitization campaign aimed at the general public.<sup>3</sup>

The European Court of Human Rights (hereinafter – ECHR) also pointed out that transsexualism is included in non-exhaustive list of grounds, on which discrimination should not be allowed according to art. 14 of the CPHRFF4 (see P.V. v. Spain, 30 November 2010, No. 35159/09). An analogous conclusion was drawn earlier in relation to sexual orientation ground (see Salgueiro da Silva Mouta, 21 December 1999, No. 33290/96, and further practice). Nevertheless, no one normative legal act issued in the Russian Federation stipulates explicitly inadmissibility of discrimination on grounds of sexual orientation and gender identity. An extensive interpretation of non-exhaustive lists of grounds which could not lead to discrimination is practically not performed by law enforcement bodies. The norms establishing inadmissibility of discrimination on ground of affiliation to any social group are not applied because LGBT people are not recognised as a social group. [...]

*Protection of the family, motherhood and childhood – art. 10 of the ICESCR*

The States Parties to the present Covenant recognize that:

1. The widest possible protection and assistance should be accorded to the family, which is the natural and fundamental group unit of society, particularly for its establishment and while it is responsible for the care and education of dependent children. Marriage must be entered into with the free consent of the intending spouses.
2. Special protection should be accorded to mothers during a reasonable period before and after childbirth. During such period working mothers should be accorded paid leave or leave with adequate social security benefits.
3. Special measures of protection and assistance should be taken on behalf of all children and young persons without any discrimination for reasons of parentage or other conditions (art. 10 of the ICESCR).

Under the Russian legislation, a same-sex family is not recognised as a family in most types of relationships. Thus, relations between two same-sex partners receive no recognition under both the Russian Family Code<sup>1</sup> (as was particularly pointed out by the Constitutional Court of the Russian Federation, a marriage is a union between a man and a woman,<sup>2</sup> and no one quasimariage institute is established by the Russian law) and pension and allowance legislation (see Appendix 5). In the same way, relations between a child born and/or raised in a family founded by two persons of same sex are not also recognised. An individual person may become an adopter, but his/her same-sex partner can not adopt the same child. In this regard the norm of art. 137 of the Family Code is apparent to be discriminatory. It offers the opportunity of step-parent adoption to opposite-sex de facto couples, but at the same time refuses analogous opportunity to same-sex couples. According to this norm, if the child is

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(date of access: 12.01.2011).

<sup>3</sup> See: Concluding observations of the Human Rights Committee: Russian Federation: Ninety-seventh session, 12–30 October 2009: CCPR/C/RUS/CO/6. URL:

<http://www2.ohchr.org/english/bodies/hrc/docs/co/CCPR.C.RUS.CO.6.pdf> (date of access: 30.01.2011); Concluding observations of the Committee on the Elimination of Discrimination against Women: Russian Federation: Forty-sixth session, 12–30 July 2010: CEDAW/C/USR/CO/7. URL: <http://daccess-ddsny.un.org/doc/UNDOC/GEN/N10/485/54/PDF/N1048554.pdf?OpenElement> (date of access: 31.01.2011).

<sup>1</sup> Family Code of the Russian Federation: passed by the State Duma on 8 December 1995 // Collected Legislation of the Russian Federation. 1996. No. 1. Art. 16. Available in English at:

<http://www.jafbase.fr/docEstEurope/RussianFamilyCode1995.pdf> (date of access: 04.01.2010)

<sup>2</sup> See: On refusal to consider the complaint of citizen E. Murzin regarding the violation of his constitutional rights by Point 1 of Article 12 of the Family Code of the Russian Federation: Decision of the Constitutional Court of the Russian Federation of 16 November 2006]. Available in Russian at:

<http://www.ksrf.ru/Decision/Pages/default.aspx> (date of access: 28.01.2011).

adopted by one person, legal relations between this child and one of his/her parent retain if the parent is a woman and adopter is a man, and vice versa, but there is no word about marriage. Taking into account the ECHR interpretation (see, particularly, *Karner v. Austria*, 24 July 2003, No. 40016/98), the UN Human Rights Committee practice (*X. v. Colombia*, communication No. 1361/2005, views adopted on 14 May 2007, and *Mr. Edward Young v. Australia*, communication No. 941/2000, views adopted on 18 September 2003), as well as modern psychological and sociological research results,<sup>3</sup> a discriminatory character of this norm could become even more evident. The lack of legal recognition of relations between a child raised in a same-sex family and his/her non-biological parent leads to a broad range of negative consequences for this child. As opposed to his/her peers from heterosexual families, this child does not acquire a right to alimony payments from second parent if the relations between parents are broken; s/he is not provided with a legal representative in non-biological parent's face; he/she does not benefit from the possibility to draw the medical sick-leave certificate for non-biological parent in case of child's sickness; this child does not acquire a right to pension for loss of his/her step-parent breadwinner, etc. Moreover, a maternal capital, which is shaped, inter alia, in order to improve children's situation (by paying for their education or improving of housing conditions) and is offered if a second or subsequent child is born or adopted in a family,<sup>4</sup> is not accessible for same-sex families in which each of the partners has a child – irrespective of whether these children have been raised in a family from the very moment of birth, whether they were planned by the both parents, and how long time they all have been living together. Lastly, in spite of the development of the programmes of budget funding of assisted reproductive technologies, same-sex couples are excluded from these programmes in whole or in part because of the requirements to persons entitled to receive budgetary subsidies. Thus, a registered marriage, medical infertility or the absence of necessity of surrogacy or donorship are considered as prerequisites for the participation in such programmes.

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<sup>3</sup> A review of the relevant publications see, for example: *Lesbian, Gay, Bisexual and Transgender (LGBT) Parented Families* / The Australian Psychological Society. URL:

<http://www.psychology.org.au/Assets/Files/LGBT-Families-Lit-Review.pdf> (date of access: 28.01.2011).

<sup>4</sup> Petrov (Kochetkov), I. & Kirichenko, K. Op. cit. P. 28–29; *Discrimination and violence...* P. 6.

## **2. Evidence of the implementation of legal provisions, including police and judicial treatment and punishment of same sex activity**

### **Radio Free Europe/Radio Liberty, *Gay Rights Group Appeals To Strasbourg Court*, 14 July 2012**

<http://www.rferl.org/content/gay-rights-group-appeals-to-strasbourg-court/24645268.html>

A gay-rights organization in St. Petersburg has announced that it has filed a complaint against the city with the European Court of Human Rights in Strasbourg.

The "Ravnopraviye" organization has asked the court to rule on the Russian city's refusal to give permission for a gay-pride parade in June 2011.

Activists held an unsanctioned parade that day, and 14 people were convicted of administrative violations.

The city also refused to give permission for a gay-pride march on July 7 of this year, and Ravnopraviye says it plans to submit a complaint to the European rights court about that as well.

The 2011 rejection was made on the grounds that the city did not approve the parade's route.

This year, the parade was rejected under a new local law that bans the "propagandizing" of homosexuality among minors.

### **The St. Petersburg Times, *City's Gay Pride Demonstration Derailed by Arrests*, 12 July 2012**

[http://www.sptimes.ru/index.php?action\\_id=2&story\\_id=35912](http://www.sptimes.ru/index.php?action_id=2&story_id=35912)

[...] The St. Petersburg authorities thwarted an attempted St. Petersburg Gay Pride rally Saturday, arresting the two organizers who came to Polyustrovsky park in the city's northwest. The arrests came despite previous appeals to the authorities to allow the rally to go ahead, including a statement from Amnesty International. Four others were detained later the same day during a series of one-man protests near City Hall.

On July 3, City Hall granted a permit for the march and rally to be held in the remote park, which is located more than five kilometers from the nearest metro stations, after rejecting the sites and routes in the center proposed by the organizers, but banned the event two days later and had the organizers charged under the notorious local "gay propaganda" law.

During a press conference Friday, the organizers said they saw the revocation of the authorization as illegal, because the law on public assemblies does not contain any concept of revocation of previously granted authorization. They said they would act according to the previously given permit, while ignoring the revocation.

The two organizers, Yury Gavrikov and Maria Yefremenkova, were arrested and dragged or carried, respectively, to a police van in a demonstratively rough way soon after arriving at the park, while Gavrikov was talking about the permit withdrawal and showing City Hall's letters to the press, and Yefremenkova was taking out a placard. An anti-gay opponent who grabbed the poster and attempted to run away with it was also detained. [...]

The arrests were made 15 minutes before noon, the rally's scheduled start time. The press and onlookers started to disperse soon after, but police reportedly continued to patrol the park until late. [...] In an unprecedented move, City Hall withdrew the event's permit when two of the six organizers, Yury Gavrikov and Sergei Volkov, arrived at City Hall upon being invited there Thursday. City Hall's Law, Order and Security Committee chair Leonid Bogdanov accused the activists of misinforming the authorities about the nature of the event. [...]

"We didn't authorize any parade; we have only one parade — the Victory Day one — and we won't allow any parodies in our city, that's what the overall gist of his words was," Gavrikov said. To the objections that the word "parade" had been used by the press, rather than the

organizers, Gavrikov and Volkov were told that they were obliged to “meter out” information they give to the media and control what is published. [...]

According to Gavrikov, his police report read that he “organized the public distribution of information on the Internet, particularly on the Gayrussia website and in the July 5 issues of newspapers Metro and Nevskoye Vremya, thus damaging the health, moral and spiritual development of minors, with the aim of forming distorted views about the social equality of traditional and non-traditional marital relationships.”

Under the law, the two men face 5,000-ruble (\$152) fines. [...]

The police arrested three activists, two of whom had rainbow flags and one who had a rainbow painted on his placard reading “We won’t be driven underground anymore,” as well as one young woman as she was giving interviews to journalists. Two other activists who had posters with no rainbow symbols were allowed to leave the scene without being detained.

No reason for the detentions was given. Neither City Hall official Nikolai Strumentov nor a senior police officer present at the site would comment on the arrests.

Gavrikov and Yefremenkova were released Saturday evening, while Alexander Khots, Vasily Volkonsky, Ilmira Shakhraznova and Kirill Kalugin, who were arrested near City Hall, were held in a police precinct for 48 hours until Monday.

All those detained were charged with violating the law on public assemblies and failure to obey police officers’ orders. No charges under the “gay propaganda” law were pressed. The activists’ cases will be heard at their respective local courts [...]

#### **Interfax, Moscow gay parade organizer acquitted, 10 July 2012**

<http://www.interfax-religion.com/?act=news&div=9502>

Moscow's Tverskoy Court has acquitted Nikolay Alexeyev, organizer of a May 27 gay pride parade in Moscow, of a charge of participation in an unauthorized public event, Alexeyev said on Twitter on Tuesday.

He described the verdict as "a sensation."

#### **Pink News, Russia: Eight gay rights campaigners arrested in St Petersburg, 7 July 2012**

<http://www.pinknews.co.uk/2012/07/07/russia-eight-gay-rights-campaigners-arrested-in-st-petersburg/>

Eight gay rights activists were arrested today in St Petersburg, Russia, for handing out “homosexual propaganda”.

The campaigners were attempting to hold gay Pride rallies. Three were arrested in a park, while five more were arrested later at the Smolny complex.

St Petersburg passed a law in March banning “homosexual propaganda”.

Gay rights campaigner Nikolai Alekseev became the first person to be convicted of the offence in May and was fined 5,000 roubles (around £100).

Today’s attempted rallies were held to protest the law. According to reports, only nine people turned out to join the demonstrations.

The campaigners applied for permission to hold an event, which was initially granted. But when city officials revoked it at the last minute, the activists said a rally would still go ahead. [...]

#### **The St. Petersburg Times, Gay Pride Banned, Organizers Charged Under Notorious Anti-Gay Law, 6 July 2012**

[http://sptimes.ru/index.php?action\\_id=2&story\\_id=35911](http://sptimes.ru/index.php?action_id=2&story_id=35911)

City Hall performed an abrupt about-face on Thursday evening when it retracted the official approval it had issued Tuesday for the St. Petersburg Gay Pride event due to be held this

weekend, and had the organizers charged with violating the city's infamous anti-gay law. But the organizers say they will go ahead with the rally despite the ban.

City Hall said that the ban was imposed on the grounds that local media had reported it as a "gay pride event (parade)," rather than a "march and stationary rally against the violations of LGBT people's rights," as it was described in the application submitted to City Hall last week, the organizers said.

The organizers were summoned to City Hall on Thursday to be informed that holding the event was "not possible" and that they would be held responsible if they went ahead with it.

According to St. Petersburg Gay Pride's chair Yury Gavrikov, who is also the chair of Ravnopraviye (Equality) LGBT rights organization, after handing them the official rejection letter, Leonid Bogdanov, head of City Hall's Law and Order Committee, told Gavrikov and fellow organizer Sergei Volkov that a law enforcement representative wanted to talk to them. A police officer then entered the room and charged the two activists with violating the law forbidding the "promotion of sodomy, lesbianism, bisexuality and transgenderism to minors," Gavrikov said.

Gavrikov and Volkov were told that they had passed information about the authorized event to the website GayRussia.ru and local newspapers Nevskoye Vremya and Metro, and by doing so had distributed information "promoting the social equality of same-sex relationships with traditional marriage" among minors.

"What this means is that first they authorized the event, and then charged us for giving information about it to the media," Gavrikov said late Thursday, adding that he and Volkov were held for more than two hours at City Hall.

He also said that City Hall had insisted that all six people who signed the original application for authorization would come to the meeting, but that the authorities at no time stated that the meeting would be about a ban on the rally or that the organizers would face charges.

The organizers of the St. Petersburg Gay Pride — who already face substantial fines — said that the initial authorization had the force of law, but that the document presented to them Thursday revoking the authorization was not legal, and that they would go ahead with the rally on Saturday, July 7 at 2 p.m. in the Polyustrovsky park — the site and time initially approved by City Hall.

For the past two years, gay pride events in St. Petersburg have been banned by City Hall on questionable grounds, but were attempted to be held anyway in 2010 (on Palace Square) and 2011 (on Senate Square next to the Bronze Horseman), resulting in arrests.

Last year the event was attacked by a number of young men, some hiding their faces, who managed to punch at least two participants before those participants were arrested.

"The authorization was revoked due to the fact that the format of the application did not correspond to the actual event that the LGBT activists were planning to hold," St. Petersburg Governor Georgy Poltavchenko's spokesman Andrei Kibitov told RIA Novosti. [...]

### **Amnesty International, *Russia: St. Petersburg must allow Pride to go ahead*, 6 July 2012**

<http://amnesty.org/en/news/russia-st-petersburg-must-allow-pride-go-ahead-2012-07-06>

The St. Petersburg authorities must allow a peaceful Pride march organized by the city's lesbian, gay, bisexual and transgender (LGBT) community to go ahead as planned on Saturday, 7 July, Amnesty International said after an agreement for the event was withdrawn.

St. Petersburg Pride organizers applied to authorities in different districts of the city to agree on a route for the event in advance. An agreement had been reached earlier this week to hold it at Poliustrov Park on the city's outskirts, but on Thursday the authorities backtracked on this plan, citing numerous complaints against the decision as the reason for the change.



“It is time for St. Petersburg to portray itself as a global city where tolerance and respect for human rights are held high and where there is no place for discrimination,” said Sergei Nikitin, Director of the Moscow Office of Amnesty International.

In the last two years, local NGO Ravnopravie (equality) has submitted applications to the authorities to hold a Pride for St. Petersburg’s LGBT community. Different courts in St. Petersburg have ruled against the authorities’ repeated refusal to let Pride proceed.

St. Petersburg authorities have suggested on a number of occasions that Pride organizers hold the event in remote areas of the city, only to withdraw their agreement at the last minute.

“Such behaviour paints the St. Petersburg authorities in a very negative light, as they are flouting their international obligations to protect the basic human rights of all city residents,” said Nikitin. [...]

### **Radio Free Europe Radio Liberty, *Being Gay In St. Petersburg Gets Even Harder*, 25 June 2012**

<http://www.rferl.org/content/being-gay-in-russia-gets-harder-still/24625561.html>

[...] Aleksandra and Marina had never contemplated leaving Russia.

Now the two women, a longtime lesbian couple, are giving it serious thought following the adoption of a new law targeting homosexuals in their hometown of St. Petersburg,

The law, which came into effect in mid-March, criminalizes "public action directed at propagandizing sodomy, lesbianism, bisexuality, and transgenderism among minors." [...]

#### **Growing Campaign**

Several arrests have already been made in the city under the new law. Last month, Nikolai Alekseyev, Russia's leading gay-rights campaigner, was fined the equivalent of \$170 for holding a sign reading "Homosexuality is not a perversion, field hockey and ice ballet are."

Critics say the law is part of a government campaign aimed at boosting the Kremlin's flagging popularity by tapping into antigay sentiment. [...]

Critics say the law is part of a government campaign aimed at boosting the Kremlin's flagging popularity by tapping into antigay sentiment.

They suspect officials, too, are behind Gomoscope.ru, a new website launched last month to combat "the growing terror of sexual minorities." The site has published a list of media resources that it claims violated the law on promoting homosexuality, and its authors say they are ready to use force to defend the "rights" of heterosexuals. [...]

### **Ria Novosti, *Moscow Gay Pride Banned For 100 Years*, 7 June 2012**

<http://en.rian.ru/society/20120607/173899632.html>

The Moscow City Court upheld on Thursday a district court’s decision to ban gay parades in Moscow for the next 100 years, Gayrussia.ru reported.

The ban came after Moscow gay activists submitted requests on August 23, 2011, to the City Hall to hold gay rallies up until 2112. The LGBT-activists used a loophole in the law that only determines the deadline for submitting rally applications (no later than 30-45 days before the event), but does not state how far in advance events can be submitted.

Moscow City Court dismissed the requests, with the district court issuing a 100-year ban on public homosexual rallies, according to Gayrussia.ru.

After the city’s main court upheld the district court’s decision, Moscow gay rights activist Nikolai Alexeyev told Gayrussia.ru that he would appeal to the European Court on Human Rights in Strasbourg. [...]



**Russia Times, *Gay activists outsmart Moscow city authorities, hold first ever parade, 4 June 2012***

<http://rt.com/politics/gay-moscow-hold-rally-903/>

After years of direct banning or quiet blocking with red tape, LGBT activists managed to cheat Moscow city authorities and hold their first ever gay pride parade, media reports.

About 70 people marched on one of Moscow quays under rainbow banners and then held a two-hour rally calling for freedom of assembly and organization for sexual minorities.

According to Kommersant daily, the official name of the event was "March of the Burning Hearts" and the organizers initially applied for a permit to hold a rally against all types of discrimination. The paper also claims that the license was issued because the clerks from the Mayor's office did not perceive the real intention of the activists. [...]

**Coming Out, *Gay and lesbians have a won a victory in court against the officials, 31 May 2012***

<http://www.comingoutspb.ru/en/en-news/glwonagainstofficialsincourt>

The law-court recognized officially that the rejection of carrying out of LGBT-ACTIONS on the basis "the law on propagation" is illegal.

Today on May, 31st the regional court in Smolninsky administrative district recognized the rejections of the coordination of two LGBT-ACTIONS, the Day of silence (on April, 7th) and the International day of struggle against a homophobia and a transphobia (on May, 17th), pronounced by the administration of the Central administrative district, illegal.

As a reason for both rejections the recently passed in Saint-Petersburg law on "the propagation of sodomy and Lesbianism among the minors" served.

Judge Matusyak pointed out to the official representatives that the Federal act «About meetings» doesn't suppose rejection in carrying out of public action but may contain only the offer to change the place and time of that. Besides the judge noticed that the decision on the problem whether "the propagation" had existed in the notification before the action may be outside the official representatives' competence.

In conclusion the judge reminded that the similar actions must be submitted to municipal administration's approval and assumed that the position of the administration of the Central administrative district might be at variance with that of the municipal administration.

On the judge's questions why one didn't offer to the applicants to change time or a place of the actions, why the administration assumed responsibility to solve whether there was an infringement of law in notifications or actions any answer wasn't provided.

Having listening arguments of the interested parties, the judge has pronounced judgement that the rejections by the administration in the coordination of the public actions of the LGBT-COMMUNITY must be recognized illegal. The justification will be ready after June, 12th.

**Radio Free Europe/Radio Liberty, *Russian Gay Activists Met By Police Crackdown, Violent Opposition, 28 May 2012***

<http://www.rferl.org/media/photogallery/24595459.html>

About a dozen gay rights activists -- along with Orthodox Christian activists who oppose homosexuality -- were arrested during a gay pride parade in Moscow on May 27. The unauthorized gay rights demonstration took place near the town hall in Moscow and was met by a massive police crackdown.

**Amnesty International, *Russia: Moscow must end 'shameful' clampdown on Pride*, 28 May 2012**

<http://www.amnesty.org/en/news/russia-moscow-must-end-shameful-clampdown-pride-2012-05-28>

[...] Moscow's authorities must uphold the rights to freedom of assembly and expression for the city's lesbian, gay, bisexual and transgender (LGBT) activists, Amnesty International said after dozens were detained at a Pride event in the Russian capital.

On Sunday, a small group of LGBT activists gathered outside the Moscow City Duma and the Moscow mayor's office, where they attempted to unfold rainbow flags and raise small pieces of paper calling for an end to homophobia.

LGBT activists were immediately detained and later charged for allegedly violating the law on public meetings.

Meanwhile, another group of people was allowed to gather for at least an hour in front of the Mayor's office to protest against the Pride and shout homophobic slogans – police told the counter-demonstrators that their protest had been “unauthorized”, but only arrested those who attempted to attack LGBT activists.

“The Moscow authorities' shameful approval of homophobia and discrimination against LGBT people is evident in the different treatment received by these two groups of protesters,” said John Dalhuisen, Amnesty International's Europe and Central Asia Programme Director.

“Freedom of assembly must be protected for all, and Moscow's police must halt their arbitrary detention of people merely based on their sexual orientation or gender identity.”

Among those detained was Pride organizer Nikolai Alekseyev, who was whisked off the street the moment he appeared near the mayor's office with a rainbow flag in his hand.

Journalist Elena Kostiuhenko, who tried to unfold a rainbow flag, suffered a twisted arm when someone tried to tear the flag from her hands.

Activist Yuri Gavrikov, who spoke to journalists and tried to unfold a small rainbow flag was detained when he stood alone on a side street near the mayor's office. [...]

**U.S. Department of State, *Country Reports on Human Rights Practices for 2011: Russia*, 24 May 2012**

<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?dliid=186397>

[...] *Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity*

[...] In Moscow authorities refused to allow a gay pride parade for the sixth consecutive year, despite an ECHR ruling that the bans violated the rights to freedom of assembly and prohibition of discrimination. The Web site GayRussia.eu reported that on the same day city hall denied parade permits, it granted permission for a rally calling for the criminalization of homosexuality. On October 1, 40 people were arrested in Moscow during a sanctioned gay pride rally after violence ensued between parade members and protesters. [...]

**Amnesty International, *World Report 2012: Russia*, 24 May 2012**

<http://www.amnesty.org/en/region/russia/report-2012>

[...] *Freedom of assembly*

[...] Lesbian, gay, bisexual and transgender (LGBT) rights activists continued to face harassment and attacks. Attempted pride marches and pro-LGBT rights pickets in Moscow and Saint Petersburg were banned and promptly dispersed by police. [...]

## **Ria Novosti, St. Pete Police to Look for Gay Propaganda in Recent Campaign, 23 May 2012**

<http://en.rian.ru/society/20120523/173631116.html>

St. Petersburg police on Wednesday said they will investigate whether the actions of the recent sanctioned gay parade in one of the city parks involved elements of gay propaganda.

Last Thursday, several dozen masked individuals attacked the first sanctioned gay demonstration in St. Petersburg and then vented their anger on migrant workers after police drove the gays safely from the scene, Fontanka.ru said.

St. Petersburg police also arrested one man who shot a participant in the face with a non-lethal pistol during the event, which was devoted to the international day against homophobia on Thursday. [...]

## **Amnesty International, Russia urged to reconsider anti-gay laws as activist fined, 4 May 2012**

<http://www.amnesty.org/en/news/russia-urged-reconsider-anti-gay-laws-activist-fined-2012-05-04>

[...] A prominent Russian LGBTI rights activist has become the first person to be fined for spreading “gay propaganda” under a new St Petersburg law after he picketed the city hall with a poster that said “homosexuality is not a perversion”. [...]

Further indications of a growing intolerance towards LGBTI demonstrations come in a report from Reuters that around 17 gay rights activists were arrested in St Petersburg by Russian police under the “homosexual propaganda” law after participating in a May Day celebration. [...]

## **The St. Petersburg Times, LGBT marchers detained in May day demo, 1 May 2012**

[http://www.sptimes.ru/index.php?action\\_id=2&story\\_id=35544](http://www.sptimes.ru/index.php?action_id=2&story_id=35544)

The police deployed a notorious United Russia anti-gay law to detain 17 LGBT activists for attempting to raise rainbow flags or demonstrate anti-homophobia posters during the May Day demonstration in downtown St. Petersburg on Tuesday.

Before the march started, City Hall official Nikolai Strumentov approached the organizers with two police officers to request that the 100-strong LGBT (lesbian, gay, bisexual and transgender) group — part of a larger group of democrats — put away all of their rainbow flags and posters.

He said that the flags and posters violated the ban on the “promotion of sodomy, lesbianism, bisexuality and transgenderism” proposed by United Russia deputy Vitaly Milonov in November and signed into law by St. Petersburg Governor Georgy Poltavchenko in March.

[...] The activists obeyed the orders and put away their posters, but some tried to raise rainbow flags when marching along Nevsky Prospekt and were swiftly arrested on the corner of Nevsky and Ulitsa Marata. Ten activists were taken by bus to a police precinct.

When other activists called the precinct later Tuesday, the duty officer said the detained would be held until Wednesday morning, saying that those were the orders from his superiors, the Vychod (Coming Out) LGBT rights organization said in a statement.

Another seven LGBT activists were arrested during the democratic group’s stationary rally, which was held on Konyushennaya Ploshchad after the march, when they attempted to unfurl their posters.

However, instead of charging them under the anti-gay law, the police charged all the 17 detained activists with violating the rules on holding a public meeting and failure to obey a police officer’s orders. The latter offense is punishable by anything from a 500-ruble (\$17) fine to 15 days in prison.

Vykhod said in a statement Tuesday that the detentions were conducted roughly by the police, who did not offer any explanation for the arrests.

The police have not admitted to detaining anyone under the anti-gay law. They said in a statement that 15 people had been detained and charged with failure to obey police officers' orders.

"They make detentions based on the [anti-gay] law, but eventually press some other charges," detained activist Sergei Kondrashov said by phone from a police precinct Tuesday. [...]

### **ILGA-Europe, *Annual Review of the Human Rights Situation of Lesbian, Gay, Bisexual, Trans and Intersex People in Europe 2011, May 2012***

<http://www.ilga-europe.org/content/download/23164/145355/file/Russia.pdf>

[...] *Bias motivated speech*

[...]□ Permission was granted for a 3,000 strong rally to take place in Moscow May 28 "against sexual perversion and in support of the imprisonment of homosexuals." [...]

*Bias motivated violence*

□ The application to hold a rally and march on May 28 on "the history and attitudes towards homosexuality in science and literature" was refused by Moscow's City Hall on the grounds that it might damage children and thereby breaching international obligations on the rights of the child.

In the run up to the day a number of people, including officials from the Russian Orthodox Church and other religious and social organisations, had incited violence against participants of the event and online preparation for attack had occurred. On the day various participants were attacked by groups of young people who had freely gathered in the presence of the police, and others were attacked, detained and ill-treated by the police. A number of participants were injured and one was hospitalised.

□ In June, in St. Petersburg, after the authorities refused to issue a permit for the Slavic Pride Parade, 14 young people gathered with rainbow flags and placards in the centre of St. Petersburg to raise public awareness about the violations of the human rights of the LGBT community in the country. Shortly after the demonstrators were attacked by a group of individuals believed to belong to the People's Council which advocates for 'traditional values' and actively suppresses the LGBT community. The police eventually intervened, arresting the LGBT demonstrators, who were charged with participation in the rally and disobeying the police. They were held in police custody overnight. [...]

*Freedom of assembly*

□ In March, the Commissioner for Human Rights in the Russian Federation, Vladimir Lukin, declared illegal the 2010 ban imposed by Tyumen City Hall on a rally of the Tyumen Branch of the Russian LGBT Network and local LGBT organisation Rainbow House. At the time, human rights defenders intended to tie a ribbon on a 'tree of tolerance' in downtown Tyumen, thus expressing their concerns about discrimination based on sexual orientation and gender identity. The police had warned that anyone coming to the tree in violation of the ban would be arrested. [...]

□ In May, the first officially sanctioned mass action of the LGBT community took place in St. Petersburg. 150 human rights defenders and supporters of the LGBT community, including parents of gays and lesbians and members of human rights civil society, celebrated IDAHO under the slogans Different people – same values, We are against violence, Born to be ourselves. Three hundred balloons were released to symbolise the organisers' wish for a diverse world without violence or discrimination.

Attempts by opponents to disrupt the event were thwarted by the police. IDAHO in Russia has also been celebrated by a rainbow flash mob in different cities. In 2011, the Russian

LGBT Network once again supported the initiative and gave people instructions on how to organise and document a local flash mob.

□ In October, an official of the Novosibirsk City Hall refused to grant a permit for a street action aimed at disseminating information about “natural types of sexuality.” The refusal was explained on a number of grounds including provisions relating to morality, ethics, and the possible reaction of the city’s population. [...]

#### *Freedom of association*

□ In April, the European Court of Human Rights opened the communication stage of the complaint made by Tyumen LGBT organisation Rainbow House against Russia for refusing to register the organisation, and for discrimination on the grounds of sexual orientation. In September, responding to the Court’s questions, Russia defended the denial of registration on a number of grounds including those that the organisation’s “propaganda of untraditional sexual orientations” might undermine the safety of Russia, its government, its sovereignty and territorial integrity and its population, as well as provoking social and religious hatred and threatening the institutions of marriage and the stability of the family.

□ The first Russian LGBT Sport Federation was registered in September, in St. Petersburg, by the General Office of Ministry of Justice of the Russian Federation. It aims to organise sports events and projects for the promotion of a healthy lifestyle and sports among the LGBT community and others who accept the organisation’s goals. Registration will allow the organisation to advocate for the rights of LGBT sports people under the Russian legal system.

□ Four LGBT organisations were refused registration in Moscow.

#### *Freedom of expression*

In Russia, freedom of speech of dissenting voices to official position, and minorities in general is significantly curtailed. In 2011, the situation continued to deteriorate, and LGBT human rights defenders and community have experienced a surge of repression, including through legislative initiatives banning the so called “propaganda of homosexuality.”

[...]□ A woman was arrested in Ryazan for “propaganda of homosexuality to minors.” She challenged the arrest and the Human Rights Committee of the UN decided in November that it would hear the case against Russia during the Committee’s July 2012 session in Geneva. [...]

### **Human Rights Watch, *Is wearing a pink triangle a crime?* 26 April 2012**

<http://www.hrw.org/news/2012/04/26/russia-wearing-pink-triangle-crime>

A couple of weeks ago, when I was trying to decide whether to pin a pink triangle to the lapel of my black overcoat, Sergei Kondrashov was detained by police in the street of Russia’s northern capital with a banner saying, “A dear family friend is a lesbian. My wife and I love and respect her ... and her family is just as equal as ours.”

Police officers thought his banner was illegal under the new St. Petersburg law against “gay propaganda.” This law — which purports to protect minors from “gay propaganda” by ensuring that any public act exhibiting or supporting homosexuality that a minor might see is rendered illegal — went into effect in March. St. Petersburg is the fourth Russian region to enact such a law. The laws are so broad and vague that someone could be arrested for anything from holding a rainbow flag to running a helpline for gay teenagers. [...]

This week Kondrashev faced a court of law and was charged with disobeying police orders. The judge, however, did not invoke the “homosexual propaganda” law, citing a lack of evidence and protocols. While the judge used purely formal, procedural reasons to justify this decision, what happened in that court room inspires some hope.

As Kondrashov assessed the situation himself, “The courts are afraid of applying this law and do not want to take responsibility for its further enforcement.” [...]



***Coming Out, The first in St. Petersburg trial for the “propaganda of sodomy and lesbianism” will be held on April 16, 14 April 2012***

<http://www.comingoutspb.ru/en/en-news/low>

The first court hearing in the in the history of Saint-Petersburg on charges of promoting homosexuality will take place on 16 April at 14:30. The defendants are chairman of the Russian LGBT Network, Igor Kochetkov, and lawyer Sergey Kondrashov. The trial will be held at 4 Sovetskaya Street, 26 (judicial section 210). After the trial, Kochetkov and Kondrashov will give remarks at a street press conference.

The defendants were arrested on 7 April outside of the Big Concert Hall Oktyabrsky during the Day of Silence, a street protest against the silencing and discrimination of gays, lesbians, and transsexuals. Police decided that Kochetkov's and Kondrashov's slogans ("No to the silencing of hate crimes against gays and lesbians" and "One of our family's friends is a lesbian. My wife and I love and respect her, her way of life is normal like ours, and her family is socially equal to ours," respectively) violate the new law that prohibits "the propaganda of sodomy, lesbianism, bisexuality, and transgenderism among minors" in St. Petersburg.

Several days ago, Sergey Kondrashov released an open letter as a representative of the heterosexual majority to prime minister Vladimir Putin. The letter was signed by more than 50,000 people on AllOut.org. In his letter, Sergey urges the prime minister to repeal the anti-constitutional law in St. Petersburg and to prevent its adoption on the Federal level. [...]

***Coming Out, Homophobic law alive in St. Petersburg, Russia, 5 April 2012***

<http://www.comingoutspb.ru/en/en-news/homophobic-law-alive-in-st.-petersburg,-russia>

Today St. Petersburg city administration denied LGBT activists the right to organize an International Day of Silence street protest. Basis for denial – the infamous "gay propaganda" law, which came into effect in St. Petersburg on March 30 of this year.

This is the first application of the anti-gay law in St. Petersburg, the heart of the Russian LGBT rights movement.

Contrary to numerous assurances by Russian politicians, including the author of the law in St. Petersburg Vitaly Milonov, St. Petersburg governor Georgiy Poltavchenko, and other members of the United Russia party, that this law is not meant to violate the rights of LGBT citizens or to hinder LGBT human rights activity, the facts speak to the contrary. "According to [the law]... any public activity, aimed at propaganda of sodomy, lesbianism, bisexuality, transsexuality, and pedophilia with the goal of forming a distorted view of social equivalence of traditional and non-traditional conjugal relations, is forbidden", says head of administration of central district of St. Petersburg, Ms. Scherbakova, in the official letter of denial.

Administrative ban to organize a peaceful street action, motivated by the "propaganda of homosexuality" law, is discriminatory and directly violates freedom of assembly, guaranteed by the constitution of the RF and by the European Convention on Human Rights (Articles 11 and 14 of the Convention). St. Petersburg LGBT activists will appeal the ban in regional court, and, if all national remedies fail, take this case to the European Court of Human Rights. Despite the ban, on April 7 activists are going to protest in the center of St. Petersburg with slogans "Homophobic hatred kills teenagers!", "Two moms is normal! Two dads is normal! Mom and dad is normal!", "No to silencing of hate crimes!" "Now that we are living with the homophobic law hanging over our heads like a sword of Damocles, it's even more important for us to publicly express our disagreement and outrage, and to attract attention of fellow citizens to the terrible consequences of homophobia in society. We will dedicate this Day of Silence protest to the hundreds of thousands of gay



people forced to be silenced by this law," says Mikhail Belodedov, LGBT organization Coming Out advocacy manager.

**Gay Russia, Activists fined in Arkhangelsk for 'promoting' homosexuality, 7 February 2012**

<http://www.gayrussia.eu/en/russia/3629/>

A court in Arkhangelsk has fined three Russian gay activists for 'the promotion of homosexuality' following pickets in the city last month protesting against that same new law. The legislation banning 'Propaganda of Homosexuality to Minors' was passed by the regional parliament at the end of last year. Russian activists say it is not actually about protecting children but about silencing lesbian, gay and bisexual rights demands.

The judge, Marina Glebova fined Nikolai Alekseev, the founder of Moscow Gay Pride, Alexey Kiselev and Kirill Nepomnyashiy 2,000 roubles each (€50, \$66) – the maximum penalty.

'This is the first instance of administrative proceedings being taken on the basis of the new law in the Arkhangelsk region,' Alekseev said today. 'The verdict will be appealed by us in the district court of Arkhangelsk.'

'But most important will be our complaint against these provisions of the law to the Constitutional Court of Russia and then to the European Court of Human Rights.'

The three were arrested on 11 January during their separate pickets outside the Arkhangelsk Regional Children's Library.

Alexey Kiselev, pictured, carried a placard which literally translates into English as: 'Russia takes first place in the world of teenage suicides. Among them, a huge proportion – homosexuals. They are going to take this step because of the lack of information about its nature. Deputies – infanticides. Homosexuality – it's good!'

Today (6 February), GayRussia.eu reported that the three had been charged under Section 1 of Article 2.13 of the Arkhangelsk Oblast Law On Administrative Offences.

After the arrests, all three were taken to the police department of the Lomonosov district of Arkhangelsk, where they were detained for four hours. GayRussia.eu reports that they were treated 'extremely well' during their detention.

The court hearing was originally scheduled for 20 January, but was postponed for two weeks by the judge.

Activists have taken a case against a similar law - the first ever regional law banning propaganda of homosexuality to minors in Russia in the region of Ryazan - to the European Court of Human Rights and UN Human Rights Committee. The UN already scheduled the hearing in the case for its July 2012 session in Geneva, Switzerland.

**The Guardian, Doll 'protesters' present small problem for Russian police, 26 January 2012**

<http://www.guardian.co.uk/world/2012/jan/26/doll-protesters-problem-russian-police>

[...] All authorities appear to be on high alert, as Russia prepares for its next day of protest on 4 February, one month before a presidential vote that Putin hopes will sweep him back into the Kremlin. On Thursday, the Moscow mayor's office approved the opposition's request to gather up to 50,000 people for a march through part of the city centre.

The jumpiest police were found this week in Kaliningrad, Russia's Baltic exclave. As two dozen nationalist youth took to the streets for a jog designed to promote a healthy lifestyle, carrying their traditional black, yellow and white flag, police descended upon the rally, having confused it for a gay pride parade. Gay rights remain largely unrecognised in Russia,

and gay rights rallies are regularly banned. Police questioned the activists before releasing them, local media reported. [...]

### **Human Rights Watch, *World Report 2012*, 22 January 2012**

<http://www.hrw.org/world-report-2012/world-report-2012-russia>

Events of 2011

[...] *Freedom of Assembly*

[...] In October 2010 the European Court of Human Rights (ECtHR), in the *Alexeev v. Russia* ruling, found Russia in violation of freedom of assembly for denying activists the right to hold gay pride marches. Despite this legally binding ruling, the May 2011 gay pride gathering in central Moscow was once again dispersed. Police used excessive force and failed to protect peaceful protesters from homophobic violence. One assailant delivered a heavy blow to the head of *Novaya Gazeta* journalist Elena Kostyuchenko. She had to be hospitalized. [...]

### **Ria Novosti, *Gays Detained After Unsanctioned Rally on Red Square*, 20 January 2012**

<http://en.rian.ru/russia/20120120/170858664.html>

Three people who took part in an unsanctioned gay rally on Moscow's Red Square were detained on Thursday night, police said.

"Three individuals were detained and taken to a police station," a police spokesman said, adding that after protocols were drawn up, they were released. [...]

### **Coming Out, *LGBT activists were detained on a picket in Kostroma*, 27 December 2011**

<http://www.comingoutspb.ru/en/en-news/detainedinkostroma>

On December, 27th at a building of Kostroma Regional Duma have been detained organizers and participants of the action of the protest against acceptance in Kostroma of the law on an interdiction of "homosexuality propagation". Totally are detained 5 persons, among which chairman of the Russian LGBT-network Igor Kochetkov. At this moment the detainees are in a call center of Department of Internal Affairs of the Central district of Kostroma. [...]

### **Council of Europe, *Written Declaration No 481, The banning of the Moscow Pride March in 2011*, 13 October 2011**

[http://assembly.coe.int/Mainf.asp?link=/Documents/WorkingDocs/Doc11/EDOC12648.htm#P39\\_1192](http://assembly.coe.int/Mainf.asp?link=/Documents/WorkingDocs/Doc11/EDOC12648.htm#P39_1192)

This written declaration commits only the members who have signed it

In September 2010 the European Court of Human Rights held unanimously that the Russian Federation had violated the right to freedom of assembly when banning public events in support of LGBT rights in Moscow in 2006, 2007, and 2008.

In May 2011 the authorities again prohibited such an event, and arrested a number of people who tried to proceed with a peaceful demonstration. This indicates a lack of commitment of the Russian Federation to the principles of the Council of Europe. Not only does it damage respect for human rights in Russia, it undermines the standing of the Court and of the Council of Europe itself.

We the undersigned express our grave concern at the manifest failure of the Russian Federation to carry out its obligation to respect the European Convention on Human Rights and the damage this is causing to the standing of the Council of Europe. We call upon the rapporteurs on Russia in the Monitoring Committee to give due consideration to these concerns in their next report.

Signed (see overleaf)

Signed<sup>1</sup>:

HAUGLI Håkon, Norway, SOC  
ACKETOFT Tina, Sweden, ALDE  
ANDERSEN Karin, Norway, UEL  
ÁRNASON Mördur, Iceland, SOC  
AXELSSON Lennart, Sweden, SOC  
BREMER Tor, Norway, SOC  
CAPARIN Karmela, Croatia, EPP/CD  
CEDERBRATT Mikael, Sweden, EPP/CD  
CHITI Vannino, Italy, SOC  
CHRISTOFFERSEN Lise, Norway, SOC  
CORMAN Igor, Moldova, SOC  
ERR Lydie, Luxembourg, SOC  
FERIĆ-VAC Mirjana, Croatia, SOC  
FLYNN Paul, United Kingdom, SOC  
GRAHAM Sylvi, Norway, EPP/CD  
GUNNARSSON Jonas, Sweden, SOC  
HÄGG Carina, Sweden, SOC  
JENSEN Mogens, Denmark, SOC  
JOHANSSON Mats, Sweden, EPP/CD  
JOHN-CALAME Francine, Switzerland, SOC  
KAUFER Virág, Hungary, SOC  
KIURU Krista, Finland, SOC  
KOVÁCS Elvira, Serbia, EPP/CD  
KUCHEIDA Jean-Pierre, France, SOC  
MAURY PASQUIER Liliane, Switzerland, SOC  
MYLLER Riitta, Finland, SOC  
OHLSSON Carina, Sweden, SOC  
PFLUG Johannes, Germany, SOC  
de POURBAIX-LUNDIN Marietta, Sweden, EPP/CD  
PRESCOTT John, United Kingdom, SOC  
RIGONI Andrea, Italy, ALDE  
SCHOU Ingjerd, Norway, EPP/CD  
STRÄSSER Christoph, Germany, SOC  
STUMP Doris, Switzerland, SOC  
von SYDOW Björn, Sweden, SOC  
TOMLINSON John E., United Kingdom, SOC  
TRETTEBERGSTUEN Anette, Norway, SOC  
VĖSAITĖ Birutė, Lithuania, SOC  
WOLDSETH Karin S., Norway, EDG  
GARDETTO Jean-Charles, Monaco, EPP/CD  
JENSEN Michael Aastrup, Denmark, ALDE  
JÓNSSON Birkir Jón, Iceland, ALDE

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<sup>1</sup>EPP/CD: Group of the European People's Party

SOC: Socialist Group

ALDE: Alliance of Liberals and Democrats for Europe

EDG: European Democratic Group

UEL: Group of the Unified European Left

NR: not registered in a group

LECOQ Jean-Paul, France, UEL  
LØHDE Sophie, Denmark, ALDE  
MÓSESDÓTTIR Lilja, Iceland, UEL  
POULSEN Jørgen, Denmark, ALDE

**Radio Free Europe/Radio Liberty, *Dozens Detained At Moscow Gay Rally, 2 October 2011***

[http://www.rferl.org/content/dozens\\_detained\\_at\\_moscow\\_gay\\_rally\\_/24346195.html](http://www.rferl.org/content/dozens_detained_at_moscow_gay_rally_/24346195.html)

Forty people have been detained by police in the Russian capital during a gay pride rally.

The October 1 rally in Moscow was one of the few gay rights events sanctioned by authorities.

Gay rights supporters, however, found themselves confronted by protesters, some of whom hurled tomatoes at them.

A police spokesman said authorities were still figuring out how many of the detained were part of the rally or among those trying to stop it.

In recent years, several attempts to hold gay pride marches in Moscow and other Russian cities have been blocked by police, Russian Orthodox Church activists, and soccer fans.

**Council of Europe, *Discrimination on grounds of sexual orientation and gender identity in Europe, September 2011***

[www.coe.int/t/Commissioner/Source/LGBT/LGBTStudy2011\\_en.pdf](http://www.coe.int/t/Commissioner/Source/LGBT/LGBTStudy2011_en.pdf)

[...] *Freedom of association*

LGBT NGOs have been formed in nearly all member states. LGBT NGOs in some member states of the Council of Europe face challenges on the most basic level: to register their organisation and statutes. Restrictions on the freedom of association have been observed in five member states during the period 2004-2010: Armenia, Azerbaijan, the Russian Federation, Turkey and Ukraine. Such restrictions by the authorities are usually motivated on the ground that the founding documents and scope of the association are contrary to national law. Authorities have also used the argument that the scope of the association is in contrast to or undermines national moral values. Furthermore, administrative issues may arise in relation to registration formalities.

In the Russian Federation, notwithstanding the constitutional guarantee of the freedom of association, some LGBT organisations have been refused registration. In February 2010, the Ministry of Justice of the Russian Federation denied state registration of the organisation “Marriage Equality Russia”. The organisation, which included in its statutes that it wished to achieve marriage equality for LGBT people in the Russian Federation, was denied registration because its founding documents would be contrary to the legislation of the Russian Federation as well as incompatible with the Family Code of the Russian Federation, which defines marriage as a union between a man and a woman.<sup>264</sup> Another organisation, Rainbow House, was denied registration because the goals of the organisation aimed “to protect the rights and freedoms of individuals, including persons of non-traditional sexual orientation, to promote education of identity of these individuals as citizens of society which are equal in rights and value”. According to the authorities “the propaganda of non-traditional sexual orientation”, which in turn “could lead to undermining the security of the Russian society and State”, would “undermine the moral values of the society, and undermined the sovereignty and territorial integrity of Russia because of a reduction of the population”, which means that the organisation would “infringe on institutions of family and marriage,

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<sup>264</sup> National contribution (legal report) on the Russian Federation, pp. 16-17.

protected by the State”.<sup>265</sup> The decision was unsuccessfully challenged domestically by the NGO,<sup>266</sup> which therefore decided to file an application at the European Court of Human Rights.<sup>267</sup>

Other cases in the Russian Federation involved organisations in Arkhangelsk and St Petersburg. In the first case, the NGO Rakurs in Arkhangelsk had already been registered in 2007 as an NGO working on women’s rights, but had at a later stage wished to change its statutes by defining its purposes as encompassing issues pertaining to homophobia, discrimination and support to LGBT persons. The refusal to accept the amendments to the statutes was motivated by the authorities with reference to the argument that they were in conflict with the Law on Countering Extremist Activity.<sup>268</sup> In the second case, the organisation Gender-L, which had organisational aims similar to those of the Rakurs organisation, successfully challenged in court the denial for registration. Indeed, there is evidence that more LGBT organisations have been able to register, such as two LGBT NGOs in St Petersburg and Murmansk whose statutes explicitly mention the fight against discrimination and homophobia as the purpose of the associations. [...]

Restrictions to freedom of association are not exclusively limited to unlawful interference by the authorities in registration processes. They can also take the form of impediments for LGBT associations to carry out social and cultural activities in their premises or in locations rented out by private parties. Evidence for such occurrences were identified in, but not confined to, Bosnia and Herzegovina, Georgia, Italy, Lithuania, Serbia, Slovenia and the Russian Federation. Refusals to rent or to provide access to these locations are connected to the LGBT-related character of these events. [...]

In the Russian Federation, the LGBT Film Festival “Side by Side” was prevented from taking place in 2007 because the owner of the premises intended to be used for the event in St Petersburg cancelled the booking, allegedly motivated in part by pressure from public authorities. A similar incident was also registered the following year when the owner of another facility in which the event was to take place cancelled the screenings following a threat to have the electricity cut off.<sup>275</sup>

### **Pink News, Updated: Russian police arrest 14 gay rights campaigners in St Petersburg, 25 June 2011**

<http://www.pinknews.co.uk/2011/06/25/russian-police-arrest-gay-campaigners-in-st-petersburg/>

Russian police have arrested and charged up to 14 LGBT (lesbian, gay, bisexual and trans) activists who were attempting to hold a demonstration in St Petersburg.

An AP photographer reports that police arrested several others who were accused of attacking the LGBT campaigners.

Eye witnesses report that a number of individuals attacked the LGBT protestors while attempting to seize their banners.

Nikolai Alexeyev, the founder of the GayRussia website is among those who have been arrested by police and is posting messages onto Twitter from the police station. A recent

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<sup>265</sup> National contribution (legal report) on the Russian Federation (Annex to Chapter 2, case 6).

<sup>266</sup> On the cassation appeal of A. V. Zhdanov on the decision of Centralny District Court of Tyumen, case No. 33-2383.

<sup>267</sup> European Court of Human Rights, Aleksandr Zhdanov and Rainbow House v. Russia, Application No. 12200/08.

<sup>268</sup> Decision of the Office of the Ministry of Justice of the Russian Federation on the Arkhangelsk Region and Nenets Autonomous District of 31 May 2010 No. 03-09-3266 on the refusal of state registration of amendments to the constituent documents of a public association

<sup>275</sup> National contribution (sociological report) on the Russian Federation, pp. 21-22.

tweet reports that there are “14 lgbt activists in police station. Two were beaten, Alexey Kiselev by police inside station and Alexander Sheremetyev by homophobe [sic].”

Mr Alexeyev reports that the gay rights activists will likely be taken to court but said “We will not surrender!”

He has tweeted that he has been charged with “illegal public protest and disobedience to police orders,” and adds: “Will be taken to court today!” If found guilty Mr Alexeyev and his fellow activists risk up to 15 days in prison.

Last month, police in Moscow arrested and detained a number of prominent gay rights activists including the openly gay US soldier Dan Choi as homophobic violence broke out during the banned Moscow Pride march near to the Kremlin. [...]

### **Amnesty International Urgent Action, *LGBT Activists Fear Arrest and Violence*, 21 June 2011**

<https://www.amnesty.org/es/library/asset/.../eur460262011en.pdf>

[...] The authorities in St. Petersburg, Russian Federation, have denied lesbian, gay, bisexual and transgender (LGBT) activists the right to hold a Slavic Pride, planned for 25 June. There are fears that the police will detain peaceful demonstrators, and there have also been threats of violence from anti-gay rights protestors.

Members of the organization Ravnopravie (Equality) gave notice of their intention to hold a peaceful demonstration for the rights of LGBT people in Russia and beyond to several district administrations in St. Petersburg in June. In line with the law on public meetings, demonstrations and pickets, the authorities can suggest a different location or a different time if there are legitimate objections to the proposed route or location of a public event.

Several districts responded with unsuitable alternative venues for the Pride event, including remote woodlands and industrial sites, or with arbitrary reasons why it could not go ahead in that area. For example, the administration of the Vasileostrovskii district informed Ravnopravie that the proposed route along the banks of the Neva river would distract drivers from the traffic and therefore might cause accidents. Ravnopravie and other activists are still trying to reach to an agreement with the authorities on an acceptable location for the Slavic Pride.

Amnesty International fears that unless the authorities agree to a suitable location for the event, it is likely that peaceful demonstrators for the rights of LGBT people will be detained by the police and risk attacks from counterdemonstrators if they decide to go ahead with the event. [...]

### **Russian LGBT-Network, *Statement of the Russian LGBT-Network regarding the events in Moscow on May 28, 2011, 31 May 2011***

[http://www.ilga-](http://www.ilga-europe.org/home/guide/country_by_country/russia/statement_of_the_russian_lgbt_network_regarding_the_events_in_moscow_on_may_28_2011)

[europe.org/home/guide/country\\_by\\_country/russia/statement\\_of\\_the\\_russian\\_lgbt\\_network\\_regarding\\_the\\_events\\_in\\_moscow\\_on\\_may\\_28\\_2011](http://www.ilga-europe.org/home/guide/country_by_country/russia/statement_of_the_russian_lgbt_network_regarding_the_events_in_moscow_on_may_28_2011)

May 28, 2011 a group of Russian and foreign activists tried to hold a peaceful demonstration in defense of human rights and against discrimination based on sexual orientation and gender identity. Some of the participants in the demonstration have been attacked, illegally detained and treated brutally by policemen, some are injured. One of them is in hospital. What happened was due to comprehensive violations of human rights and the failure of the authorities in Moscow and the police in their duty to protect participants of peaceful assembly.

Moscow Mayor's Office refused to allow the demonstration of gay activists, with alleged reasons being factitious and illegal. The officials who are responsible for this decision were



not guided by the law, but by personal prejudice. At the same time Moscow authorities have sanctioned public protests opposing the "gay pride". Thus direct discrimination was made on grounds of prejudice against sexual orientation and gender identity.

On the eve of the planned demonstration of LGBT activists Moscow police officially warned the organizers of Gay Pride that any attempt to hold an unsanctioned demonstration on May 28 would be suppressed, and its participants would be detained. This statement can be considered only as a deliberate intimidation of organizers and potential participants of a peaceful meeting in order to sabotage it. The mere participation in a demonstration which is not sanctioned by government is not a legal reason for restricting freedom of citizens, if they do not disturb public order and if the event is held in the forms that are not prohibited by law. Long before May 28, officials from the Russian Orthodox Church and other religious and social organizations and certain individuals publicly encouraged other people to use physical force against participants of the planned Gay Pride. Through Internet websites and social networks an open preparation of violent acts was conducted. Moscow authorities could not have been unaware of it. However, no preventive measures have been taken to prevent the crime. This position of the Moscow authorities can be characterized only as a crime of omission.

On the day of Gay Pride police didn't prevent accumulation of groups of young people who had an intention to attack the members of the demonstration. The police intervened only after the attack had begun. The participants and witnesses of the events had an impression of collusion between police and opponents. Thus, instead of protecting public order and citizens from violence, the police tried to stop the peaceful demonstration, which, in fact, could be described as a series of individual pickets.

Activists taking part in those pickets did not interfere with traffic nor violated public order at all. Nevertheless, police detained them with brute force, including those who offered no resistance during the arrest. [...]

**Pink News, *Peter Tatchell: Police colluded with Neo-Nazis at Moscow Pride protests*, 28 May 2011**

<http://www.pinknews.co.uk/2011/05/28/peter-tatchell-police-colluded-with-neo-nazis-at-moscow-pride-protests/>  
[...] A total of 18 gay rights protesters – 15 of them Russian – were arrested, as they tried to stage the banned Moscow Gay Pride parade.

Some of the Moscow Gay Pride participants were seized by police bear [sic] the Kremlin, including international gay rights supporters Andy Thayer, Dan Choi and Louis-Georges Tin; plus Moscow Gay Pride committee member, Anna Komarova and other Russian gay activists.

Several more Russian lesbian, gay, bisexual and transgender (LGBT) campaigners were arrested outside City Hall.

These arrests took place between 1pm and 2pm Moscow time.

Dan Choi, a US military officer who was dismissed from the American armed forces because of his homosexuality, was violently manhandled by police. He was wrestled to ground and punched. He has some minor injuries.

Neo-Nazis made repeated attempts to bash the LGBT campaigners as they were being arrested and taken to police buses. Some of the campaigners were struck but none were hurt seriously.

Anna Komarova reports being pressured by the police to give information about the organisation of Moscow Gay Pride. The police threatened to detain her for 48 hours unless she gave them the information they wanted.

By 6pm Moscow time, all 18 arrested gay pride protesters had been released. [...]

**Inter-Regional Social Movement ‘Russian LGBT Network’, *An alternative report Submitted for the 46th CESCR Session; Discrimination On Grounds Of Sexual Orientation And Gender Identity In Health Care, Education, Employment And Social Security In The Russian Federation, May 2011***

[http://www2.ohchr.org/english/bodies/cescr/docs/ngos/IRSM\\_RussianFederation\\_CESCR46\\_en.pdf](http://www2.ohchr.org/english/bodies/cescr/docs/ngos/IRSM_RussianFederation_CESCR46_en.pdf)

[...] *General prohibition of discrimination – art. 2, para. 2, of the ICESCR*

[...] *Change of civil gender and name*

The Committee is concerned about reports of cases where the lack of registration of place of residence and other identity documents in practice places limitations on the enjoyment of rights, including work, social security, health services and education. The Committee is also concerned about reports that some groups of people, including the homeless and the Roma, face particular difficulties in obtaining personal identification documents, including registration of residence. The Committee urges the State party to ensure that the lack of residence registration and other personal identity documents do not become an obstacle to the enjoyment of economic, social and cultural rights (Concluding Observations of the CESCR: Russian Federation (fourth periodical report), paras. 12 and 40).

Most transgender people in Russia are faced, one way or another, with a problem of obtaining documents reflecting gender identity associated with him/her. There are some rules establishing the possibility of amending the birth records and subsequent replacement of a birth certificate<sup>6</sup> and passport<sup>7</sup>. Nevertheless, the current procedure for change of civil gender is unsystematic and unclear. Transsexual people, when requiring the implementation of their rights, have to go to the courts and spend significant timing, financial and emotional resources on proving the fact that they have a right just formally guaranteed by the law. Unfortunately, even the courts not always establish the possibility of obtaining of new documents (see the description of some such cases in Appendix 1). Thus, in 2009–2010 in Volgograd, a transsexual man had had to obtain a total of nine decisions of different court instances and to have recourse to regional ombudsman before the new birth certificate was issued. Firstly, according to art. 70 of the Federal Law on Acts of Civil Status, a transsexual applicant should submit ‘a document in established form issued by the medical organisation’ in order to obtain his/her birth record to be changed. However, such a form has not been approved by the Ministry of Health for more than thirteen years. Therefore, the registry offices or even the courts either refuse to accept any conclusion issued by the medical commission or impose requirements not prescribed by the law on the applicants (see Appendix 2). Thus, officials of registry offices could require, without any professional knowledge in the field of medicine (and often – in jurisprudence), surgical operation from the applicant, alleging that just after that it could be recognised that ‘the sex has been changed.’ Even one or two surgical operations are not recognised sometimes as sufficient.<sup>8</sup> The same

<sup>6</sup> On Acts of Civil Status: Federal Law: passed by the State Duma on 22 October 1997; endorsed by the Federation Council on 5 November 1997 // Rossiyskaya Gazeta. 1997. November 20. Art. 70

<sup>7</sup> On Approval on the Provision on the passport of the citizen, the Pattern and the Description of the passport of the citizen of the Russian Federation: Decree of the Government of the Russian Federation of 8 July 1997 // Collected Legislation of the Russian Federation. 1997. No. 28. Art 3444; On Approval of Administrative Regulations of the Federal Migration Service on the provision of state service relating to the issue, replacement and fulfillment of the state duty to keep records on passports of the citizens of the Russian Federation, attesting identity of the citizen of the Russian Federation on the territory of the Russian Federation: Decree of the Ministry of Internal Affairs of the Russian Federation of 28 December 2006 // Rossiyskaya Gazeta. 2007. 17 February; On Approval of Administrative Regulations on the provision of state service relating to the issue of diplomatic and service passports, attesting identity of the citizen of the Russian Federation beyond the territory of the Russian Federation, by the Ministry of Foreign Affairs: Decree of the Ministry of Foreign Affairs of the Russian Federation of 15 January 2009 // Bulletin of Normative Acts of Federal Executive Bodies. 2009. No. 20.

<sup>8</sup> Thus, under the advocacy letters project following the results of the CEDAW 46th session, we have received several replies from the civil registry offices. In Karelia, it is required to submit a medical conclusion confirming that sex reassignment surgery has been performed with ‘positive results.’ (The letter No. 85 of 2 February 2011). In the Krasnodar Territory, the civil registry offices require from transsexual applicants medical

reasoning is used by some courts. These facts appear to be an outrage violation of the right to respect for private life according to the both Russian and international law, since all the limitations of this right should be prescribed by the law, but no one Russian legislative act stipulates surgical operation as a prerequisite for the change of civil (passport) gender. Moreover, the ECHR has pointed out that determining the necessity of medical interventions in case of transsexuality is not a matter of legal definition, but is a question of medical discretion.<sup>9</sup> The Russian administrative and judicial bodies often neglect medical evidence and testimony, following just their own general ideas on what is sex/gender. Secondly, the name change is also problematic for transgender people, despite the presence of a quite simple general procedure for changing the name, and the absence of any requirements to chosen names in the Russian legislation. Thus, in 2009, the registry office refused the applicant – a transsexual man, whose civil sex change had been recommended by the medical commission, to change a name by general procedure. The refusal was justified by the fact that a female gender was indicated in a birth record, and therefore a male name could not be chosen. By doing so, the registry office referred not to the provisions of law, and not even to the bylaw, but to the Guide to Personal Names of the Peoples of the RSFSR, published in 1987. Later the applicant applied to the same registry office with the claim to amend his birth record in the part of name and gender (under art. 70 of the Federal Law on Acts of Civil Status). However, the registry office again refused, citing the fact that a name should be changed by general procedure (and not on the basis of a medical conclusion). Thirdly, the right to respect for transsexual people's private life is also violated in the process for changing the documents by disclosing information constituting a personal, medical or official secret.

The separate section of the Appendix to the Recommendation CM/Rec(2010)5 of the Committee of Ministers of the Council of Europe to member states on measures to combat discrimination on grounds of sexual orientation or gender identity<sup>10</sup> is devoted to the right to respect for private and family life. Para. 19 of the Appendix stipulates: 'Member states should ensure that personal data referring to a person's... gender identity are not collected, stored or otherwise used by public institutions..., except where this is necessary for the performance of specific, lawful and legitimate purposes; existing records which do not comply with these principles should be destroyed.'

However, violations of transsexual people's rights to respect for private life occur in current Russian practice. Thus, according to the one of the respondents, who was the applicant in a case of challenging the refusal to change the birth record, a representative of a registry office brought to the court and submitted for consideration of a judge several medical conclusions previously submitted by transsexual people to the registry office. Such deeds seem to be violation of persons' privacy, medical secret and the secret of civil status recording, which contradicts both the Russian legislation and international law. [...]

### **The Moscow Times, *Gay Rally Banned Over Mental Health*, 19 May 2011**

<http://www.themoscowtimes.com/news/article/gay-rally-banned-over-mental-health/437135.html>

Moscow once banned gay rallies as "satanic." Now the city's fathers says gays must be kept out of sight because a public gathering might "damage the psychological health" of children.

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conclusion confirming that it is required to change a gender marker, as well as medical documents confirming that hormonal replacement therapy and sex reassignment surgery have been performed. (The Letter No. 50-506/11-02.1-13 of 4 February 2011).

<sup>9</sup> See, for example: Van Kück v. Germany, 12 June 2003, No. 35968/97.

<sup>10</sup> URL: <https://wcd.coe.int/ViewDoc.jsp?id=1606669> (date of access: 28.01.2011).

City Hall has rejected a request by gay rights activists to stage an "educational rally" about the history of attitudes toward homosexuality in science and literature, Interfax reported Thursday. The May 28 rally on Bolotnaya Ploshchad was to be followed by a march along Myasnitskaya Ulitsa and a rally on Ploshchad Revolyutsii.

But City Hall said the event would violate Russia's international obligations to protect the rights of children because it "may impact psychological health and inflict moral damage on children and teenagers who were to become unwilling witnesses of the event," said GayRussia.eu, a web site run by the event's organizers.

City Hall also complained that the event would obstruct traffic in the area.

At the same time, city authorities approved a 3,000-member rally that will speak against "sexual perversion" and call for prison terms for gays on Bolotnaya Ploshchad on May 28, GayRussia.eu said.

City Hall said it feared clashes would erupt if both rallies were authorized, according to the web site. [...]

### **3. Societal attitude to LGBTI persons, evidence of non-state persecution and discrimination**

#### **The St Petersburg Times, *City's Gay Pride Demonstration Derailed by Arrests*, 11 July 2012**

[http://www.sptimes.ru/index.php?action\\_id=2&story\\_id=35912](http://www.sptimes.ru/index.php?action_id=2&story_id=35912)

The St. Petersburg authorities thwarted an attempted St. Petersburg Gay Pride rally Saturday, arresting the two organizers who came to Polyustrovsky park in the city's northwest. [...] Initially, the organizers had hoped to draw 300 to 400 in the event of an authorized rally, but only a handful of sympathizers showed up at the banned event. A group of young men who had seemingly come to the site with the aim of attacking the protesters was also seen. [...]

#### **Russia Today, *Orthodox activists urge Facebook ban over gay wedding icons*, 11 July 2012**

<http://rt.com/politics/facebook-gay-propaganda-ban-910/>

Russian religious activists have demanded Facebook be banned in the country over “gay propaganda” among minors and have launched a campaign to criminalize homosexuality.

The scandal erupted earlier this month after the popular social networking website introduced same-sex marriage status icons: one depicting two brides, the other two grooms.

In 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.

The activists sent a fax to the international network's office in Russia and gave the company 24 hours to fulfill the demands. If Facebook does not comply, they threatened to sue internet service providers who give users access to Facebook content.

Since the ultimatum was ignored, the Saratov's community began to collect signatures in support of returning a Soviet-era anti-gay article to the Penal Code, reports TemaSaratov news portal.

The campaign was launched in Saratov and several other Russian regions – including St Petersburg, Novosibirsk and Arkhangelsk – where gay propaganda is banned by law.

In just three days the activists managed to obtain 34,000 signatures, said the leader of the Orthodox public organization, Vladimir Roslyakovsky. The goal is to get the support of at least a million citizens, he stated, adding that Muslim, Catholic and Jewish communities are also participating in the campaign, since “Dealers who cash in on children have neither conscience nor religious beliefs.”

“We demand only one thing: Facebook should be blocked in the entire country because it openly popularizes homosexuality among minors,” Roslyakovsky is quoted as saying.

The organization's leader has already sent a request to the Prosecutor General's Office asking it to inspect the social network's activities in terms of gay, lesbian and pedophile propaganda. Once a million of signatures are collected, activists are also planning to submit an appeal to the State Duma.

“The US goal is that Russians stop having children. [They want] the great nation to turn into likeness of Sodom and Gomorrah,” Roslyakovsky told Saratov news portal.

According to the public activist, Facebook has already affected a large number of inexperienced youngsters and it is not clear what they will be like when they grow up.

“But I am confident that Russian laws and reasonable citizens will be able to protect their children from a fierce attack of sodomites,” he stated. [...]

**The St. Petersburg Times, *Gay Pride Banned, Organizers Charged Under Notorious Anti-Gay Law*, 6 July 2012**

[http://sptimes.ru/index.php?action\\_id=2&story\\_id=35911](http://sptimes.ru/index.php?action_id=2&story_id=35911)

City Hall performed an abrupt about-face on Thursday evening when it retracted the official approval it had issued Tuesday for the St. Petersburg Gay Pride event due to be held this weekend, and had the organizers charged with violating the city's infamous anti-gay law. [...]

"The authorization was revoked due to the fact that the format of the application did not correspond to the actual event that the LGBT activists were planning to hold," St. Petersburg Governor Georgy Poltavchenko's spokesman Andrei Kibitov told RIA Novosti.

Kibitov added that the ban was also influenced by complaints from the public.

"A great number of calls and emails have been received, not only from St. Petersburg but from other Russian cities as well, asking us to cancel the gay parade," he was quoted as saying. [...]

**Radio Free Europe Radio Liberty, *Being Gay In St. Petersburg Gets Even Harder*, 25 June 2012**

<http://www.rferl.org/content/being-gay-in-russia-gets-harder-still/24625561.html>

[...] Tapping Into Widespread Prejudice

Although homosexuality was decriminalized in 1993, hostility against gays and lesbians remains widespread in Russia.

A 2010 poll by the independent Levada Center found that 38 percent of Russians viewed homosexuality as a "bad habit," while 36 percent thought it was "a sickness or result of a psychological trauma."

At the public level, close allies of President Vladimir Putin and representatives of the Russian Orthodox Church have made no secret of their aversion toward homosexuals. [...]

**Side by Side LGBT International Film Festival, *Homophobic mob and inadequate police protection force LGBT Film Festival to cancel the final day*, 7 June 2012**

[http://www.ilga-europe.org/home/guide/country\\_by\\_country/russia/homophobic\\_mob\\_and\\_inadequate\\_police\\_protection\\_force\\_lgbt\\_film\\_festival\\_to\\_cancel\\_the\\_final\\_day](http://www.ilga-europe.org/home/guide/country_by_country/russia/homophobic_mob_and_inadequate_police_protection_force_lgbt_film_festival_to_cancel_the_final_day)

On the second day of the Side by Side LGBT Film Festival in Novosibirsk organizers and audience came under serious threat from a homophobic mob of aggressive youths. The youths, numbering around 30 or so in total, had surrounded the shopping centre where the screening was taking place in a multiplex on the fourth floor of the building. Prior to the start, during and at the end of the event the youths gathered around the screening hall, shouting insults and it was clear from their discussions with each other and behavior that they were intent on violence.

Organizers of the festival complained multiple times to the police, who were in force but outside the building overseeing a picket in support of the homophobic law that has its second reading in the local Novosibirsk parliament today, 7th June, 2012. The youths, eventually on the request of the police, left the multiplex only to return however within minutes and again begin hassling organizers. This pattern was repeated throughout the entire period of the event. Failing entirely in their duties and the attempt to maintain effective public order and safety the threat of violence and danger to both audience members, volunteers and organizers was imminent.

At 21.00 when the screening came to end the mob of youths had gathered outside the building. Transportation was organized for both audience members and organizers. Security guards escorted visitors of the festival to their awaiting cars and taken away safely. Last to leave were the festival organizers. An attempt was made to smash the rear passenger window



of the taxi. The youths had organized cars and a motorcycle to follow the organizers and police took no measures to stop their pursuit. It was only the high speed driving skills of the taxi driver that the organizers were able to escape without being followed. [...]

**Amnesty International, *Russia: Moscow must end 'shameful' clampdown on Pride*, 28 May 2012**

<http://www.amnesty.org/en/news/russia-moscow-must-end-shameful-clampdown-pride-2012-05-28>

[...] On Sunday, a small group of LGBT activists gathered outside the Moscow City Duma and the Moscow mayor's office, where they attempted to unfold rainbow flags and raise small pieces of paper calling for an end to homophobia.

Meanwhile, another group of people was allowed to gather for at least an hour in front of the Mayor's office to protest against the Pride and shout homophobic slogans – police told the counter-demonstrators that their protest had been “unauthorized”, but only arrested those who attempted to attack LGBT activists. [...]

**U.S. Department of State, *Country Reports on Human Rights Practices for 2011, Russia*, 24 May 2012**

<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?dliid=186397>

[...] *Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity*

LGBT communities continued to suffer from societal stigma and discrimination. Gay rights activists asserted that the majority of LGBT persons hid their orientation due to fear of losing their jobs or their homes, as well as the threat of violence. Nevertheless, there were active gay communities in Moscow and St. Petersburg. [...]

Openly gay men were targets of skinhead aggression, and police often failed to respond out of indifference. [...]

Societal animosity toward LGBT persons remained strong. In St. Petersburg on June 18, the People's Catholic movement and the group Parents Standing held an antigay rally to demand that the State Duma prohibit “propaganda of sexual perversion.” The city council allowed the rally but prohibited a gay rights rally the next week. [...]

**Amnesty International, *World Report 2012: Russia*, 24 May 2012**

<http://www.amnesty.org/en/region/russia/report-2012>

[...] *Freedom of assembly*

[...] Lesbian, gay, bisexual and transgender (LGBT) rights activists continued to face harassment and attacks.

**ILGA Europe, *Violent attacks on IDAHO events in St Petersburg and Tbilisi*, 18 May 2012**

[http://www.ilga-europe.org/home/guide/country\\_by\\_country/russia/violence\\_idaho\\_2012\\_st\\_petersburg\\_tbilisi](http://www.ilga-europe.org/home/guide/country_by_country/russia/violence_idaho_2012_st_petersburg_tbilisi)

[...] In St Petersburg an official authorised IDAHO event took place. Over 300 people gathered, however about 100-150 members of nationalist, soccer-fan, and aggressive clerical groups chanted homophobic extremist slogans, ready to charge at protesters. A row of police stood as buffer, holding the aggressors at bay. Despite the charged atmosphere, the IDAHO event was a success. The police and organisers of the rally provided buses that took the participants to safety. Unfortunately, violence could not be avoided. Two LGBT activists were attacked and are filing reports with the police. [...]

**Russia Times, *Neo-Nazis attack gay activists in St. Petersburg*, 17 May 2012**

<http://www.rt.com/news/clashes-lgbt-nationalists-petersburg-532/>

Several gay rights activists have suffered injuries after being assaulted during and after a chaotic demonstration in St. Petersburg

Dozens gathered in a city center park to mark International Day Against Homophobia. City authorities had sanctioned the demonstration, and a police unit shielded participants as they chanted slogans and gave out balloons to passers-by.

Afraid the police would not be able to keep the peace, the activists wrapped up the event within minutes. Police escorted the participants on to buses, but the convoy had only traveled several streets when a large group of shaven-headed men sporting football and neo-Nazi attire blocked their path.

The assailants threw several smoke grenades at the buses, before rushing them. They broke the windows with rocks and clubs and climbed inside, punching and kicking the activists. Police officers intervened and the drivers managed to get away. [...]

At least two gay activists have been hospitalized with injuries, though the final toll is not clear, and authorities have released no figures. [...]

**ILGA-Europe, *Annual Review of the Human Rights Situation of Lesbian, Gay, Bisexual, Trans and Intersex People in Europe 2011*, May 2012**

<http://www.ilga-europe.org/content/download/23164/145355/file/Russia.pdf>

[...] *Bias motivated speech*

[...] RIA Novosti, a Russian news and information agency, terminated the employment of its political commentator, Nikolai Troitsky, because of homophobic posts he made on his personal blog. The agency said that its journalists needed to remain civilised and not show extremism and his posts violated the ethical code which Novosti workers needed to abide by. The posts included innuendos about the “bombing of faggots” and “cleaning of the earth” that would result from the “death of these perverted dogs.” [...]

[...] *Bias motivated violence*

□ The application to hold a rally and march on May 28 on “the history and attitudes towards homosexuality in science and literature” was refused by Moscow’s City Hall on the grounds that it might damage children and thereby breaching international obligations on the rights of the child.

In the run up to the day a number of people, including officials from the Russian Orthodox Church and other religious and social organisations, had incited violence against participants of the event and online preparation for attack had occurred. On the day various participants were attacked by groups of young people who had freely gathered in the presence of the police, and others were attacked, detained and ill-treated by the police. A number of participants were injured and one was hospitalised.

□ In June, in St. Petersburg, after the authorities refused to issue a permit for the Slavic Pride Parade, 14 young people gathered with rainbow flags and placards in the centre of St. Petersburg to raise public awareness about the violations of the human rights of the LGBT community in the country. Shortly after the demonstrators were attacked by a group of individuals believed to belong to the People’s Council which advocates for ‘traditional values’ and actively suppresses the LGBT community. The police eventually intervened, arresting the LGBT demonstrators, who were charged with participation in the rally and disobeying the police. They were held in police custody overnight. [...]

□ In December, a gay human rights defender was attacked during a march against the election results in Novosibirsk. He had spread out a rainbow flag, and a few minutes later was assaulted, knocked down and beaten. [...]

*Freedom of assembly*

[...] □ In April, in St. Petersburg, more than 50 members of the LGBT organisation Coming Out joined the international youth event, the Day of Silence, to protest against the silencing of discrimination, humiliation and violence faced by LGBT people and their allies. The event was staged in phases: (i) Day of Silence posters were put on university bulletin boards; (ii) then information leaflets were faxed to the city administration, the courts, the Prosecutor's Office, Deans' Offices of universities and the city's main mass media; and (iii) finally a flash mob was held with over 50 people, mouths taped shut with red tape, walking along the Nevsky Prospect (the main boulevard in St. Petersburg), and handing out over 1000 leaflets. Public reaction was generally positive and a minor run-in with the police was quickly resolved. [...]

### **Ria Novosti, Church Activists Picket Gay Film Festival, 27 April 2012**

<http://en.rian.ru/russia/20120427/173084844.html>

Activists from a fundamentalists Russian Orthodox organization held a protest before the opening ceremony of an international gay and lesbian film festival in Moscow, the Ridus information agency reported on Thursday.

Members of the Union of Orthodox Banner Bearers and the Union of Orthodox Brotherhoods gathered at a Moscow movie theater on Thursday evening and kicked off their protest reciting the prayer "Lord, Save Thy People!"

In turn, gay rights activists attending the Side-by-Side film festival tried to hand out gay community badges to the protesters, but were rejected.

The protesters claimed that festival attendees were in the pay of exiled tycoon and bitter Kremlin foe Boris Berezovsky and charged that gays were trying to impose an "authoritarian society."

"We were chanting 'Perverts out of Russia!' and they: 'This fascism will not stand,'" protest coordinator Yury Ageshchev said.

Police were on hand but did not intervene in the standoff.

"I think we won a major spiritual victory," Ageshchev said.

The protesters said they would file a complaint with Moscow Mayor Sergei Sobyanin, who "allowed all this sodomy."

"We, Orthodox people, will not remain silent," he said.

The protest came as a shock to the foreign guests attending the festival, liberal radio station Ekho Moskvyy reported. Swedish director Ella Lemhagen said that the event showed the difficult situation faced by the gay community in Russia.

Lemhagen also criticized laws banning "propaganda of homosexuality" among minors that have recently been adopted in some Russian regions, saying that such bans often lead to increased violence against gays.

### **ABC News, *Russians Facing Tidal Wave of Proposed Anti-Gay Laws*, 27 April 2012**

<http://archive.globalgayz.com/europe/russia/russians-facing-tidal-wave-of-proposed-anti-gay-laws/>

Just a few months ago Sasha Semanova and her fellow activists thought they had turned the corner in their fight for gay rights in Russia, but now they are facing an avalanche of proposed laws that they believe would give authorities legal backing to persecute them for their sexual orientation.

"We had a feeling that everything was changing and that we are changing the society," she told ABC News by phone from St. Petersburg, where she is part of one of Russia's most active lesbian, gay, bisexual, and transgender (LGBT) communities.

"Everything has changed," she said.

Earlier this year St. Petersburg passed what has been called a “gay gag rule” law, prohibiting homosexual “propaganda” around minors. Violators could face fines up to \$16,700. Supporters say it is meant to protect children and defend what they call traditional Russian values.

Semanova and other opponents see it as an excuse to harass the entire community.

[...] Already the new law has had a chilling effect in St. Petersburg. According to Semanova, cultural venues and galleries that were contracted to host events for the community have pulled out for fear of being punished under the law. Billboard companies have refused their business because it could be seen as homosexual propaganda.

“You can just feel that people are afraid and it’s really hard to do anything,” she said. “Nobody really wants to get fined so people just choose not to have anything to do with this LGBT issue.” [...]

### **Human Rights Watch, *Is wearing a pink triangle a crime?* 26 April 2012**

<http://www.hrw.org/news/2012/04/26/russia-wearing-pink-triangle-crime>

[...] Recently, LGBT organizations in St. Petersburg bought advertising space from a company that then refused to display their ads for fear of a fine. The billboards were to depict images of the composer Pyotr Tchaikovsky, the poet Marina Tsvetaeva and the dancer Rudolf Nureyev and quotes from them about their same-sex beloveds. Ultimately this last-minute breach of contract equates to a ban on advertising any pro-LGBT messages. [...]

### **Ria Novosti, *Gay Teen Put into Rehab After Coming Out*, 25 April 2012**

<http://en.ria.ru/society/20120425/173045643.html>

In a coming-out story to discourage many adolescent Russians from leaving the closet, a gay teenager in the Moscow region was put away in a drug clinic by his irate traditionalist father. Ivan Kharchenko spent 12 days in the Marshak rehab facility before he was broken out by his supporters who staged an improvised siege of the facility, activist Dmitry Aleshkovsky Tweeted on early Wednesday.

Kharchenko publicly admitted his homosexuality at his 16th birthday earlier this year, Novaya Gazeta reported.

The news did not shock his classmates, but devastated some of his relatives, the report said. His grandmother tricked Kharchenko into going to a “witch” who unsuccessfully attempted to exorcize the “spirit of homosexuality” from him.

Failing magic, his father ordered the teenager to go to the drug clinic and left him there, allegedly against his will, Novaya Gazeta said.

“I’d rather have you disabled or a vegetable than gay,” the boy’s father was cited as saying by Ekho Moskv radio.

The formal reason for hospitalization was Kharchenko’s alleged drug abuse and alcoholism, but medics failed to confirm the allegations about his bad habits, lawyer Violetta Volkova said, Ekho Moskv reported.

Kharchenko was so drugged he was forgetting his friends’ names, Novaya Gazeta said.

However, he managed to put up an “I love you” banner, apparently addressed to his boyfriend, on his window in the rehab, though it was promptly taken down by staff, BBC Russian Service said.

Activists, spearheaded by Aleshkovsky and opposition leader Ilya Ponomaryov, a State Duma deputy with A Just Russia, staged a campaign in Kharchenko’s defense outside the clinic, insisting his placement in the rehab without his consent amounted to kidnapping.

Kharchenko was released on late Tuesday and spent the night at his mother's, who mounted no strong objections to him being gay, Novaya Gazeta said. His grandmother refused to take him in.

Law enforcements will hold a check into Kharchenko's hospitalization, the report said.

Open LGBT lifestyle became a hot topic in Russia after St. Petersburg legislators banned in March propaganda of such lifestyle to minors.

The vaguely-worded piece of legislation was denounced as homophobic propaganda by LGBT activists in Russia and beyond, but a bill proposing to spread the ban nationwide was later introduced into the State Duma and is pending review.

Ninety-four percent of Russians said they have never encountered gay propaganda, but 86 percent still support a ban on it, according to a poll by state-run VTsIOM earlier this month.

About 60 percent of some 750 callers at Ekho Moskvyy said their offspring being gay would be a "tragedy" for them, the liberal radio reported.

**Pink News, Poll: 94 percent of Russians have never seen 'gay propaganda', 86 percent support ban, 19 April 2012**

<http://www.pinknews.co.uk/2012/04/19/poll-94-percent-of-russians-have-never-seen-gay-propaganda-86-percent-support-ban/>

While only six percent of Russians say they have seen 'gay propaganda', 86 percent support a ban, the state-owned media agency RIA Novosti reports.

State-run polling company VTsIOM spoke to 1,600 respondents across the country.

96 percent of rural Russians asked had never seen 'gay propaganda', but that figure dropped to 85 percent in Moscow and St Petersburg.

Television accounted for 57 percent of instances, the report said, though it is not clear what definition of 'gay propaganda' was used.

RIA Novosti said: "Eight percent spoke of a ubiquitous 'cult of homosexuality'".

An overwhelming majority, 86 percent, across Russia supported the idea of a ban on the promotion of gay relationships, while just six percent disagreed with the idea. [...]

**Human Rights Watch, Block St. Petersburg's Homophobic Law, 12 March 2012**

<http://www.hrw.org/news/2012/03/12/russia-block-st-petersburg-s-homophobic-law>

[...] The environment for LGBT people in Russia is very hostile, and LGBT activists are vulnerable to harassment and physical attack. [...]

**Amnesty International, Beaten up for speaking out: Attacks on human rights defenders and journalists in the Russian Federation, 5 October 2011**

<http://www.amnesty.org/en/library/asset/EUR46/038/2011/en/9d8b29c1-a18f-4d86-8f75-5a885c75a3c0/eur460382011en.pdf>

[...] *ATTACKS ON LESBIAN, GAY BISEXUAL AND TRANSGENDER ACTIVISTS*

Homophobia is widespread in Russia and is officially endorsed by leading public figures and politicians responsible for regularly banning Pride events, refusing to register LGBT organisations and endorsing legislative proposals, such as the one adopted by the regional parliament of Arkhangelsk Region in September 2011, to prohibit the "public propaganda of homosexuality among minors".

Such actions foster further intolerance and create a climate in which homophobic attacks become more likely. The more assertive lesbian, gay, bisexual and transgender persons are about claiming their rights the more vulnerable to attack they become.

Artem Kalinin



In the Republic of Komi, LGBT-rights activist Artem Kalinin, has been beaten up twice since he appeared in November 2010 on a regional television programme, calling for greater respect for the rights of sexual minorities. On 29 January 2011, he was attacked by a group of young people; one of them reportedly shouted “Aren’t you the guy who defends pederasts?” The attackers left him lying unconscious on the ground. On 29 March 2011 he was again attacked outside his home by a man with a stick. [...]

### **Radio Free Europe/Radio Liberty, *Dozens Detained At Moscow Gay Rally, 2 October 2011***

[http://www.rferl.org/content/dozens\\_detained\\_at\\_moscow\\_gay\\_rally\\_/24346195.html](http://www.rferl.org/content/dozens_detained_at_moscow_gay_rally_/24346195.html)

[...] The October 1 rally in Moscow was one of the few gay rights events sanctioned by authorities.

Gay rights supporters, however, found themselves confronted by protesters, some of whom hurled tomatoes at them.

### **Council of Europe, *Discrimination on grounds of sexual orientation and gender identity in Europe, September 2011***

[www.coe.int/t/Commissioner/Source/LGBT/LGBTStudy2011\\_en.pdf](http://www.coe.int/t/Commissioner/Source/LGBT/LGBTStudy2011_en.pdf)

[...] *1.3. Attitudes towards LGBT persons*

Attitudes towards LGBT persons are not homogeneous across Europe or within the member states. They range from very negative to very positive. Their articulation may vary depending on a specific subject matter (access to marriage for same-sex couples) or political context (at election time defending the human rights of LGBT persons may not be considered attractive by some politicians). European and national public opinion surveys and research have measured the attitudes of the general population towards LGBT persons.

These European studies include the Eurobarometer<sup>14</sup> as well as the European Values Study<sup>15</sup> and the European Social Survey.<sup>16</sup> Such studies have focused on questions related to whether gay men and lesbian women should be free to live their life as they wish, how people feel about having a gay or lesbian neighbour or whether a gay or lesbian person should hold the highest political office in the country.

European studies

Some differences between European attitude studies exist relating to the geographical focus: not all surveys include all Council of Europe member states. Secondly, the use of different methodologies is common: normally the focus is on lesbian and gay persons only rather than on bisexual and transgender persons. This often makes the figures incomparable. However, some overall patterns can be identified in these studies. For example, regarding opinions on the statement: “Gay men and lesbians should be free to live their own life as they wish”, respondents in Sweden, the Netherlands and Denmark register the lowest levels of disagreement with the statement (about 10% of respondents disagreeing).<sup>17</sup> In the same survey, respondents in Ukraine, Romania, Turkey and the Russian Federation give the highest rates of disagreement (about 70% of respondents disagreeing with the statement). [...]

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<sup>14</sup> European Commission, Special Eurobarometer 296, “Discrimination in the European Union: Perceptions, Experiences and Attitudes”, 2008; European Commission, Special Eurobarometer 317, “Discrimination in the EU”, 2009.

<sup>15</sup> European Values Study, “How do Europeans think about life, family, work, religion, sex, politics, and society?”.

<sup>16</sup> European Social Survey, “Exploring Public Attitudes, Informing Public Policy. Selected Findings from the First Three Rounds”, 2005.

<sup>17</sup> European Social Survey, “Exploring Public Attitudes, Informing Public Policy. Selected Findings from the First Three Rounds”, 2005, pp. 16-17.



As the Eurobarometer concludes:

It is quite stunning how potent an influence diversity in one's social circle is upon attitudes to minorities. Being open-minded and having contact with minorities is the factor with the most positive influence on people's attitudes. When rating out of 10 how comfortable (with 10 being completely comfortable) they would feel with an LGBT person attaining the highest elected office in the land, those with LGBT friends gave an average rating of 8.5, while those without gave an average rating of 5.5 – a significantly lower rating. This sort of finding is now consistent across three waves of this Eurobarometer study and is, no doubt, going to continue being so.<sup>24</sup>

This was also recognised by an expert in the Russian Federation: “Very few people in Russia have personal acquaintances with lesbian, gay or bisexual persons. Even fewer people know transgender persons, because it is a very new phenomenon in our society. People with personal relations with LGBT have a higher degree of tolerance.”<sup>25</sup> [...]

#### *1.4. Perceptions of the nation, religion and traditional values*

Despite differences between member states in their populations' attitudes towards LGBT persons, there are similarities across member states as regards the perceptions underpinning such attitudes. The first set of perceptions relates to the nation, religion and traditional values on gender roles, sexuality and the family.

In some member states, being gay or lesbian is viewed as a “betrayal” of national values and unity. Such arguments may be grounded on a specific understanding of the nation or the state which aims to preserve the homogeneity of the nation. For example, an interlocutor from the authorities explained that in Armenia being homosexual is often seen as disloyal to the traditional values of the Armenian people.<sup>37</sup> In other countries, LGBT persons may also be seen as damaging the unity and moral order of the country. With reference to the organisation of an LGBT Pride parade in the Russian Federation, the Moscow Patriarchate was quoted as stating that it “infringes on our multi-ethnic nation's moral norms, on public order, and in the long run – on people's future. ... If people refuse to procreate, the nation degrades. So the gay propaganda ultimately aims at ruining our nation.”<sup>38</sup>

#### *[...] 1.6. Media*

The media have a significant influence on, and to some extent mirror, public opinion and attitudes in society. [...]

The media as an active player in the creation of negative perceptions of LGBT people was also found in an analysis of the Russian media.<sup>57</sup> [...]

The presence of positive role models in the media was highlighted by many interlocutors as being of paramount importance for the visibility of LGBT persons. Role models could include openly LGBT artists, opinion leaders, sportspersons or politicians. Other good practices can also be reported in this field.

In 2005 in the Russian Federation, the Institute of Press Development organised two educational seminars for journalists in St Petersburg. The seminars served the purpose of dismantling myths and stereotypes about LGBT persons, and they allowed journalists to ask questions to representatives of the LGBT community.<sup>62</sup>

#### *[...] Perpetrators of violence against LGBT persons*

Visibility of LGBT persons in the public space is a common predictor for homophobic and transphobic attacks to take place – the more visible LGBT persons are, and the more they are recognised or perceived as LGBT, the more they run the risk of being exposed to aggression.

<sup>24</sup> European Commission, Special Eurobarometer 317, “Discrimination in the EU”, 2009, p. 119.

<sup>25</sup> National contribution (sociological report) on the Russian Federation, p. 7.

<sup>37</sup> National contribution (sociological report) on Armenia, p. 5.

<sup>38</sup> Moscow Patriarchate Department of External Church Relations, quoted by Interfax, “Stop gay propaganda in Russia – Moscow Patriarchate”, 23 May 2007

<sup>57</sup> Moscow Helsinki Group, “Situation of Lesbians, Gays, Bisexuals and Transgenders in the Russian Federation”, 2009, pp. 52-57.

<sup>62</sup> Sabynaeva M., “Lesbians, Gays, Journalists: In Search for Mutual Understanding”, November 2005

Transgender persons may be attacked due to their physical appearance, which may not fully correspond to the gender in which they are living, making them more visible and thus a potential object for ridicule, hatred and the like. Research conducted for this report points to the fact that LGBT persons, to a large extent, conceal their identity in public settings throughout the member states in order to avoid possible violent reactions. [...]

Perpetrators of violent attacks against LGBT persons do so because of their rejection of what they label as “visible” homosexuality or transgressing traditional gender roles. It is important to note that violence also happens against persons who are perceived to be LGBT even when they are not. The perpetrators are often unknown to the victim, though in some cases relatives or colleagues are the perpetrators. Lesbian women are more likely to be assaulted by older perpetrators, often acting on their own, and often by somebody they know. In some instances, for example LGBT sex workers, the client could be the perpetrator.

The perpetrators of anti-LGBT violence are primarily men and often young men in organised groups. Several interlocutors during the study linked the occurrence of hate crime against LGBT persons with broader nationalist, xenophobic or racist tendencies in society who attack anyone perceived as an outsider.<sup>134</sup>

[...] *Data on violence against LGBT persons*

[...] Official data on the scale and nature of police violence against LGBT persons and family violence is scarce. Official data on hate crimes and hate incidents are also scarce but data collected and published annually by the OSCE/ ODIHR show that 15 Council of Europe member states collect data on crimes committed against LGBT persons (Andorra, Belgium, Croatia, Cyprus, France, Germany, Iceland, Ireland, Liechtenstein, the Netherlands, Norway, Serbia, Spain, Sweden and the United Kingdom).<sup>167</sup> However, not all these 15 member states actually provided data to ODIHR. [...]

ILGA-Europe lists examples of hate killings against LGBT persons in the period 2005-2008 in the Netherlands, Portugal, the Russian Federation, Turkey and the United Kingdom.<sup>178</sup>

[...] *4.3. Situation in the member states, Freedom of assembly*

[...] Counter-demonstrations as a reaction to Pride parades are not uncommon in member states and may be held by religious communities, nationalist or extreme right-wing groups. While most of these counter-demonstrations are carried out within the limits of the right to freedom of assembly, others take the form of organised attacks on participants in Pride parades, resulting in clashes and incidents. This has been the case in at least 15 member states since 2004 (Bosnia and Herzegovina, Bulgaria, Croatia, the Czech Republic, Estonia, Hungary, Italy, Latvia, Moldova, Poland, Romania, the Russian Federation, Serbia, Sweden and Ukraine<sup>247</sup>). Sometimes counter-reactions have had a wider reach and have been promoted and sustained by political or religious figures. European institutions, including the Commissioner for Human Rights, have expressed concern for violence and limitations on the right to freedom of assembly of LGBT persons.<sup>248</sup> Violent clashes seriously hamper the

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<sup>134</sup> European Union Agency for Fundamental Rights, “Homophobia and Discrimination on Grounds of Sexual Orientation and Gender Identity in the EU Member States: Part II – The Social Situation”, 2009, p. 42; National contribution (sociological report) on Serbia, p. 7; National contribution (sociological report) on Russian Federation, pp. 25-26.

<sup>167</sup> OSCE/ODIHR, “Hate Crimes in the OSCE Region – Incidents and Responses. Annual Report for 2009”, Warsaw, 2010, pp. 18, 77-81.

<sup>178</sup> Submission to the Council of Europe Expert Committee: ILGA-Europe, “The Preparation of a Recommendation on Discrimination Based on Sexual Orientation and Gender Identity”, February 2009, paragraph 57-59.

<sup>247</sup> See (FRA) national contributions

<sup>248</sup> Commissioner for Human Rights, “Pride events are still hindered – this violates freedom of assembly”, 2010, Human Rights Comment

possibility for LGBT persons to peacefully demonstrate for their human rights and contribute to fostering hostility and prejudices.

**Russian LGBT Network, *Homophobia leads to very dangerous consequences, threat of terrorism in particular*, 25 July 2011**

[http://www.ilga-europe.org/home/guide/country\\_by\\_country/russia/Homophobia-leads-to-very-dangerous-consequences-threat-of-terrorism-in-particular](http://www.ilga-europe.org/home/guide/country_by_country/russia/Homophobia-leads-to-very-dangerous-consequences-threat-of-terrorism-in-particular)

In his interview to Shuum.ru, Igor Kochetkov, chairman of the interregional social movement Russian LGBT Network and director of the St. Petersburg LGBT organization Vykhod (Coming Out), discussed why homophobia is dangerous, why we need LGBT organizations, and when the fight for human rights can be considered to be over.

What is the purpose of the LGBT movement? What does it fight for?

The LGBT movement is part of the human rights movement; to sum up, we fight for human rights and against any discrimination, including discrimination based on sexual orientation and gender identity. According to our research, 26% of gays and lesbians attempted to commit suicide at least once in their life course as a result of their orientation. Approximately one-third of our respondents experienced physical violence due to their sexual orientation.

Is this your own statistics, obtained through your own polls?

Yes, it is our own poll that surveyed 3,000 people. But there is external data as well. In response to last year's opinion poll by Levada Centre, 4% said that gays and lesbians should be exterminated. Given that only 4-5% of the Russian population are gay, there is one potential killer for each one of us. However, this problem is associated not only with gay and lesbian people. Not so long ago, a terrorist group responsible for the bombing in Volgograd was detained. They were planning another attack in Astrakhan, and their motives were undoubtedly homophobic. The terrorists found a club attended by the local gay community members, and during the investigative experiment the main accused said, "Yes, we saw guys kissing and decided to blow up this club." Together with racism, homophobia is yet another irrational fear that brings about very dangerous consequences, the threat of terrorism in particular. [...]

**Gay Russia, *Russian Orthodox Religious group calls for the prosecution of GayRussia.Ru*, 1 July 2011**

<http://www.gayrussia.eu/en/russia/1981/>

The "Public Committee for Human Rights", a well known anti-gay group, asked the prosecution department to initiate a criminal case against GayRussia.Ru for the publication of "extremist material" against the Russian Orthodox Church and the Mayor of Moscow.

In his letter published by the nationalist website Russian Line on June 24, T.A. Kvitkovskaya, the Chairman of the organization accuses our website whom he calls "a site of sexual pervers" of publishing a series of cartoons which, "aimed at inciting hostility and religious hatred and degrading the views of Orthodox believers". According to Kvitkovskaya, the cartoons contain offensive graphics against those who oppose the imposition of the ideology.

The letter which was sent to the Chairman of the Investigation Committee of the General Prosecution, Alexander Bastrykin, asks to "immediately bring to the author (or authors) of these images and the editors of the website GayRussia.Ru in a criminal case under article 282 of the Criminal Code of the Russian Federation, to recognize these images extremist materials and to immediately suspend the site."

This is not the first attempt by Kvitkovskaya and his organization to attack human rights activists. In a series of previous unsuccessful attempts, the organization called to prosecute

human rights activists Lev Ponomarev, Ludmila Alekseeva, a TV Channel but also... Harry Potter.

Last year, another group connected with the Russian Orthodox Church asked the prosecution to initiate a criminal investigation against GayRussia.Ru but the prosecution dismissed the complain after investigating the matter.

Following last year's threats against GayRussia, the server of the website was transferred outside of Russia and we are now accessible via different extension in .eu, .tv and .fm

Since 2006, the prosecution dismissed four complaints initiated by activists of GayRussia to open criminal investigations against religious groups and high ranking officials towards LGBT people. [...]

### **The St. Petersburg Times, *Gay Pride Demonstrators Attacked at Rally, 29 June 2011***

<http://www.sptimes.ru/story/34211>

The unauthorized Slavic Gay Pride march, which lasted just four minutes, was first attacked by neo-Nazis and then dispersed by the police in St. Petersburg on Saturday.

A dozen activists shouting "Russia With No Homophobes" and "Equal Rights With No Compromise" marched to the Bronze Horseman in central St. Petersburg. They carried rainbow flags and posters such as "God is With Us, Hatred With You," "Russians Are Not Homophobes" and "Don't Be Scared: Homophobia Is Curable." [...]

Only one minute into the event, one activist was attacked by a hooded man, who punched him in the face, while two or three others rushed at the demonstrators seizing and tearing up the posters — despite the massive presence of the police on and near the site.

The police arrested the hooded attacker and proceeded to detain the activists, but, when the arrests were made, another group of activists produced posters on the steps of the Constitutional Court across the street. The police ran to arrest them as well. [...]

### **Gay Russia, *"Gay pride parade do not have their place in Russia" said the pro-Kremlin movement Locals, 29 June 2011***

<http://www.gayrussia.eu/en/russia/1979/>

Official website of the movement accuses homosexuals in the "destabilization of morality."

The movement is known for its support of socially-conservative policies

On the official website of the pro-government movement 'Locals', Sergey Mosolikov accused gays of the "destabilization of morality" and added that "Gay Pride Parades do not have their place in Russia."

"Sexual minorities became radical groups, which spit on everything that is possible. Selfishness and the destabilization of morality are the main reasons which drive these people in the streets" - he writes in his article published on the official website of the movement on June 24.

Mosolikov is calling those who take part in Gay Prides "a bunch of raging homosexuals who love to misbehave and cowardly appeal to the European Court against those who oppressed them"

"After such an orgy like the ones held in Europe, you realize that the gay prides are not a case for Russia", concludes Mosolikov.

Mosolikov who is the Deputy Head of the movement "Locals" declared in the past that homosexuality is a "disease" and that gay prides aim to "destroy the morals".

The movement 'Locals' is known for its conservative attitude and for its unconditional support to the government of Prime Minister Putin.

**Amnesty International Urgent Action, *LGBT Activists Fear Arrest and Violence*, 21 June 2011**

<https://www.amnesty.org/es/library/asset/.../eur460262011en.pdf>

[...] Anti-gay rights protesters have repeatedly called for violence against LGBT activists. On 17 June, a group in St. Petersburg staged a “public exorcism” of the gay rights movement, which included wrapping a coffin in a rainbow LGBT flag and “stabbing” it. The police did not interfere. The protesters also called on the head of the Moskovskii district in St. Petersburg to be sacked, after he had given permission for a demonstration against homophobia to go ahead in May 2011. [...]

**Pink News, *Peter Tatchell: Police colluded with Neo-Nazis at Moscow Pride protests*, 28 May 2011**

<http://www.pinknews.co.uk/2011/05/28/peter-tatchell-police-colluded-with-neo-nazis-at-moscow-pride-protests/>

Human rights campaigner Peter Tatchell reports from Moscow Pride after a day of clashes between gay rights campaigners, Neo-Nazis and the police.

We witnessed a high level of fraternisation and collusion between neo-Nazis and the Moscow police. I saw neo-Nazis leave and re-enter police buses parked on Tverskaya Street by City Hall

Our suspicion is that many of the neo-Nazis were actually plainclothes police officers, who did to us what their uniformed colleagues dared not do in front of the world’s media. Either that, or the police were actively facilitating the right-wing extremists with transport to the protest.

**Inter-Regional Social Movement ‘Russian LGBT Network’, *An alternative report Submitted for the 46th CESCR Session; Discrimination On Grounds Of Sexual Orientation And Gender Identity In Health Care, Education, Employment And Social Security In The Russian Federation*, May 2011**

[http://www2.ohchr.org/english/bodies/cescr/docs/ngos/IRSM\\_RussianFederation\\_CESCR46\\_en.pdf](http://www2.ohchr.org/english/bodies/cescr/docs/ngos/IRSM_RussianFederation_CESCR46_en.pdf)

[...] *General prohibition of discrimination – art. 2, para. 2, of the ICESCR*

[...] In a special report prepared by the Russian LGBT Network and Moscow Helsinki Group, a separate thirty-seven-page chapter is devoted to the concrete cases of discrimination against homosexual and bisexual people. The chapter describes the situations that had occurred in the field of health care, education, family relations, interactions with state authorities (including law enforcement), etc.<sup>5</sup> [...]

***Domestic violence***

The Committee remains concerned about the high incidence of domestic violence and the fact that victims of domestic violence are not adequately protected under existing legislation. The Committee calls upon the State party to intensify its efforts to combat domestic violence by enacting specific legislation criminalizing domestic violence and providing training for law enforcement personnel and judges regarding the serious and criminal nature of domestic violence. Moreover, the Committee urges the State party to ensure the availability and accessibility of crisis centres where victims of domestic violence can find safe lodging and counselling (Concluding Observations of the CESCR: Russian Federation (fourth periodical report), paras. 24 and 52).

Domestic violence is one more problem which LGBT people are faced with. Firstly, violence from the part of LGBT person’s relatives not accepting his/her sexual orientation or gender

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<sup>5</sup> Kochetkov (Petrov), I. & Kirichenko, X. The Situation of Lesbians, Gays, Bisexuals, and Transgender People in the Russian Federation, 2008. The Russian LGBT Network, Moscow Helsinki Group, ILGA-Europe, 2010. URL:[http://www.ilgaeurope.org/home/publications/reports\\_and\\_other\\_materials/the\\_situation\\_of\\_lesbians\\_gays\\_bisexuals\\_and\\_transgender\\_people\\_in\\_the\\_russian\\_federation\\_2008\\_translated\\_in\\_2010](http://www.ilgaeurope.org/home/publications/reports_and_other_materials/the_situation_of_lesbians_gays_bisexuals_and_transgender_people_in_the_russian_federation_2008_translated_in_2010) (date of access: 30.01.2011). P. 21–58.

identity is at stake. It is especially topical for young LGBT people who have not their own house, often have no personal income, and therefore absolutely depend on relatives. One of the many such examples is a case described in the joint report of the Russian LGBT Network and Moscow Helsinki Group and included in the alternative report for the CEDAW Committee. A lesbian girl had been subjected to violence by her brother and his friends, but did not report the incidence to her parents or to the police, because her brother frightened her.<sup>5</sup>

Another topical example is violence from the part of spouse from a previous heterosexual marriage, when a common child is used by one parent as an instrument for seizing control under other (LGBT) parent. The first parent could use threats to deny LGBT parent his/her parental rights, to address to guardianship authority, to disclose sexual orientation or transsexuality of LGBT parent to his/her relatives or colleagues without his/her will, etc. We receive many such reports under our monitoring programme, LGBT Hotline service and Legal Assistance Programme.

Secondly, LGBT people are especially vulnerable in circumstances where the partner violence occurs. In the absence of any specialised services and in the context of general negative attitude towards homosexuality as such<sup>6</sup> and towards homosexual unions in particular,<sup>7</sup> LGBT domestic violence victims find themselves face to face with a problem. LGBT people's fear to be subjected to additional discrimination from the part of law enforcement officials predetermines insecurity of people faced with such type of violence and causes a high latency of committed crimes.<sup>8</sup> There is no domestic violence legislation in Russia now. Therefore even theoretically LGBT person could not obtain, for example, a protection order. However, in the concluding observations of the CEDAW Committee the necessity of expeditious drafting and adoption of such law was pointed out.<sup>9</sup> At the same time, its actual effectiveness could be ensured only under broad family definition in the description of elements of domestic violence. [...]

*Right to take part in cultural life and to enjoy the benefits of progress – art. 15 of the ICESCR*  
The problems related to the perception of homosexuality, bisexuality and transsexuality exist not only in scientific or academic sphere, but also in culture as such.

For example, in 2010 in St. Petersburg, an attempt to wreck the International Queer Culture Festival was made. The festival was supported by many Russian and foreign musicians, poets, journalists and human rights activists. The day before the opening of the photo exhibition the venue terminated the leasing contract. As stated by the organisers of the festival, it happened on the local Cultural Committee's initiative because the Committee had

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<sup>5</sup> Petrov (Kochetkov), I. & Kirichenko, K. Op. cit. P. 28–29; Discrimination and violence... P. 6.

<sup>6</sup> Thus, according to the public opinion survey conducted by the Public Opinion Foundation in 2006, 47 % of the respondents condemned 'the representatives of sexual minorities.' URL: <http://bd.fom.ru/report/map/dd062227> (date of access: 31.01.2011) [In Russian]. In 2010, the analogous indicator amounted to 43 %. URL: <http://lgbtnet.ru/news/detail.php?ID=4493> (date of access: 31.01.2011) [In Russian]. These indicators were even higher in towns and villages.

<sup>7</sup> As is indicated by the results of public opinion surveys, attitudes towards possible legitimate socialisation of same-sex couples remain very negative. Thus, according to the survey conducted by the Russian Public Opinion Research Centre in 2005, 59 % of the respondents disagreed with the idea that gays and lesbians should have a right to conclude a marriage. Even more respondents (69 %) expressed negative attitudes towards possibility of same-sex couples to raise children. See in Russian: URL: <http://wciom.ru/index.php?id=459&uid=1084> (date of access: 31.01.2011).

<sup>8</sup> This problem was also highlighted in the alternative report submitted for the CEDAW Committee. Some concrete cases of domestic violence in LGBT families were described in the report. See: Discrimination and violence... P. 6.

<sup>9</sup> See: Concluding observations of the Committee on the Elimination of Discrimination against Women: Russian Federation: Forty-sixth session, 12—30 July 2010: CEDAW/C/USR/CO/7. Para. 23.



received complaints from some individuals and organisations which alleged that it was inadmissible to 'propagate homosexuality.'<sup>4</sup>

In 2008, the organisers of the LGBT Film Festival 'Side by Side' encountered the factual ban on open holding of events in St. Petersburg. The venues which had agreed previously to the lease were being closed on pretext of repairs (which were not being undertaken in fact) or of the violation of fire protection norms.<sup>5</sup> In 2010 in Kemerovo, the local government initially did not oppose holding the festival, but before the beginning of the events its position had been changed sharply. Holding the festival events at the municipal venue was banned with reference to the complaints of the displeased inhabitants. As reported by the regional coordinator of the festival, when he asked the city administration official about why the opinion of the inhabitants of Kemerovo who supported the festival and wanted to watch good cinema was not taken into account, the official suggested to them to 'meet at home and watch films there.'<sup>6</sup> The analogous situation had occurred in the same year in Arkhangelsk because of the resistance of the nreligious and nationalistic groups exerted pressure upon local administration.<sup>7</sup>

The argument of contradiction with culture, spiritual or religious values is often used by the Russian authorities in order to justify refusals to register NGOs and prohibitions of public events. Thus, in 2007 in Tyumen, it was refused to register LGBT organisation 'Rainbow House' with reference to the statement that 'protection of the rights and freedoms of citizens regardless of their sexual orientation,' as well as 'promotion of education of self-consciousness of these individuals as citizens of society which are equal in rights and value' lead to 'propaganda of non-traditional sexual orientation,' which, in turn, could 'lead to undermining the security of the Russian society and state,' since it would 'undermine the spiritual values of society.'<sup>8</sup> Appealing the refusal in several courts was unsuccessful.<sup>9</sup> At present this case is pending in the ECHR. References to the received petitions of the religious figures were used also in banning the Moscow gay prides by both administrative and court instances. In 2010, the ECHR has recognised that such interference of the authorities with the exercise of the freedom of assembly was not justified and was not necessary in a democratic society.<sup>10</sup> In 2010, the representative of the Ministry of Justice, appearing in the court proceeding concerning the refusal to re-register Arkhangelsk LGBT NGO 'Rakurs,' submitted that 'promotion of legal and gender culture' is related to the 'propaganda of homosexuality.' At the insistence of the officials, the petitions of the religious figures and the Russian Writers Guild in support of the refusal were attached to the case.<sup>11</sup> The refusal was ruled illegal just by the court of cassation.<sup>12</sup>

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<sup>4</sup> URL: [http://www.sptimes.ru/index.php?action\\_id=2&story\\_id=32460](http://www.sptimes.ru/index.php?action_id=2&story_id=32460) (date of access: 30.01.2011).

<sup>5</sup> URL: [http://www.advocate.com/Arts\\_and\\_Entertainment/Film/Russian\\_Gay\\_Film\\_Festival\\_Canceled/](http://www.advocate.com/Arts_and_Entertainment/Film/Russian_Gay_Film_Festival_Canceled/) (date of access: 30.01.2011); URL: [http://www.sptimes.ru/index.php?action\\_id=2&story\\_id=27281](http://www.sptimes.ru/index.php?action_id=2&story_id=27281) (date of access: 30.01.2011).

<sup>6</sup> URL: <http://www.bok-o-bok.ru/news.asp?pid=25&lan=1&tid=434> (date of access: 30.01.2011).

<sup>7</sup> URL: [http://www.ilgaeurope.org/home/guide/country\\_by\\_country/russia/russia\\_continues\\_to\\_violate\\_freedom\\_of\\_expression\\_and\\_association\\_of\\_lgbti\\_people](http://www.ilgaeurope.org/home/guide/country_by_country/russia/russia_continues_to_violate_freedom_of_expression_and_association_of_lgbti_people) (date of access: 30.01.2011).

<sup>8</sup> Decision of the Department of the Federal Registration Service for Tyumen Oblast, the Khanty-Mansijsk Autonomous District, and the Yamalo-Nenets Autonomous District of 1 June 2007 г. No. 01-20-008672/07.

<sup>9</sup> See: Decision of the Tagansky District Court of the Moscow city of 26 October 2007: Case No. 2-2095-07/10c; Decision of Centralny District Court of the Tyumen city of 7 November 2007: Case No. 2-2295-07; Decision of the Judicial Division for Civil Cases of the Tyumen Regional Court of 17 December 2007: Case No. 33-2383.

<sup>10</sup> See: Alexeyev v. Russia, 21 October 2010, Nos. 4916/07, 25924/08 and 14599/09.

<sup>11</sup> The Russian LGBT Network Advocacy Newsletter. 2010. No. 3. [In Russian].

<sup>12</sup> URL: [http://www.ilgaeurope.org/home/guide/country\\_by\\_country/russia/arkhangelsk\\_regional\\_court\\_judgment\\_in\\_favour\\_of\\_regional\\_lgbt\\_organization\\_rakurs](http://www.ilgaeurope.org/home/guide/country_by_country/russia/arkhangelsk_regional_court_judgment_in_favour_of_regional_lgbt_organization_rakurs) (date of access: 30.01.2011).

Also in 2010, in an interview about the refusal to register the LGBT organization 'For Marriage Equality,' politician Vasily Likhachev said that 'the steps taken by the representatives of the non-traditional orientation are contrary to the nation-wide morality of the Russian society,' 'it is not our culture and not our form of relationship.'<sup>13</sup> Finally, the reference to the religious values is used also in order to justify violence against LGBT people. Thus, in 2006, a big group of neo-Nazis and people equipped with orthodox symbols attacked the gay club in Moscow. The visitors of the club find themselves in the factual siege by aggressive crowd. Bottles, soil from the flowerbed and stones were thrown at the visitors. However, the reaction of the police was inadequate. In fact, the security was not provided to the people.<sup>14</sup>

In 2007, the prosecutor's office refused to institute a criminal case by the fact of the public statement of Mufti Talgat Tadjuddin concerning holding public action in defense of the LGBT people's rights: 'This [public events] must not be allowed by any means, but if they [LGBT people] go to the street, they must be just beaten.' This statement was justified by the allegation that it 'implied suppression of criminal violent actions, including public propaganda of the homosexual ideology and way of life among the under-aged.'<sup>15</sup>

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<sup>13</sup> URL: <http://www.regions.ru/news/ingush/2273023> (date of access: 28.01.2011). [In Russian].

<sup>14</sup> See: Kochetkov (Petrov), I. & Kirichenko, X. Op. cit. P. 30–31.

<sup>15</sup> See: Ibid. C. 35–36.

#### **4. Homophobia and transphobia in government institutions (including but not limited to government statements, state owned media, prisons, education, health system)**

##### **The St Petersburg Times, *City's Gay Pride Demonstration Derailed by Arrests*, 12 July 2012**

[http://www.sptimes.ru/index.php?action\\_id=2&story\\_id=35912](http://www.sptimes.ru/index.php?action_id=2&story_id=35912)

[...] The St. Petersburg authorities thwarted an attempted St. Petersburg Gay Pride rally Saturday, arresting the two organizers who came to Polyustrovsky park in the city's northwest. The arrests came despite previous appeals to the authorities to allow the rally to go ahead, including a statement from Amnesty International. Four others were detained later the same day during a series of one-man protests near City Hall. [...]

Legislative Assembly United Russia deputy Vitaly Milonov, who initiated the law banning the "promotion of sodomy, lesbianism, bi-sexuality and transgenderism," thanked City Governor Georgy Poltavchenko for banning what he called a "gay orgy."

"St. Petersburg is a sodomite-free city," he wrote on Twitter.

Former boxer and United Russia State Duma deputy Nikolai Valuyev applauded the disruption of the rally.

"The triumph of Sodom and Gomorrah in my home city of St. Petersburg did not happen! And I am very happy about that!" Valuyev tweeted Saturday. [...]

##### **Radio Free Europe Radio Liberty, *Being Gay In St. Petersburg Gets Even Harder*, 25 June 2012**

<http://www.rferl.org/content/being-gay-in-russia-gets-harder-still/24625561.html>

Aleksandra and Marina had never contemplated leaving Russia.

Now the two women, a longtime lesbian couple, are giving it serious thought following the adoption of a new law targeting homosexuals in their hometown of St. Petersburg,

The law, which came into effect in mid-March, criminalizes "public action directed at propagandizing sodomy, lesbianism, bisexuality, and transgenderism among minors."

[...] Tapping Into Widespread Prejudice

[...] At the public level, close allies of President Vladimir Putin and representatives of the Russian Orthodox Church have made no secret of their aversion toward homosexuals.

State Duma Deputy Vitaly Milonov, the law's main author, has branded them "perverts" and accused activists of colluding with Western governments to convert Russian children into homosexuals.

A man attacks an activist during a gay-pride parade in St. Petersburg last year, typical of the violence marchers face.

Repeated attempts to hold gay-pride marches, which have been described by former Moscow Mayor Yuri Luzhkov as "satanic," have been brutally repressed. [...]

Frederike Vehr, of Amnesty International, warns that Russian homosexuals should brace for a spike in violence. "Of course, such a law increases the possibility that people will consider that attacks on homosexuals are justified," he says. "The fear is there."

##### **Pink News, *Russian state radio interview with 'gay cure' therapist breached UK standards*, 14 June 2012**

<http://www.pinknews.co.uk/2012/06/14/russian-state-radio-interview-with-gay-cure-therapist-breached-uk-standards/>

Broadcasting regulator Ofcom has ruled that an interview with Christian therapist Lesley Pilkington on Russian state radio in which the presenter referred to homosexuality as a 'disorder' to be 'cured' and decried 'aggressive homosexual propaganda' breached the Broadcasting Code when it aired in the UK. [...]

Voice of Russia presenter Vakhtang Kipshidzhe used phrases such as "mental disorder", "cured" and "suffer from" throughout the twenty-minute interview, which took place in February before the appeal.

The body broadcasting the station in the UK, World Radio Network Broadcast, attributed it in part to "shortcomings" in his English.

The Voice of Russia is the government's international radio service. [...]

At the end of the interview he told his guest: "Thank you very much Mrs Pilkington and I wish you good luck in this fight and I hope that you will win in this case but generally, please feel support from our side because I think that many people in Russia are on your side, because nobody is happy about the things which are happening around the world in relation to this aggressive homosexual propaganda." [...]

### **U.S. Department of State, *Country Reports on Human Rights Practices for 2011: Russia*, 24 May 2012**

<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?dliid=186397>

[...] *Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity*

[...] On November 23, Moscow Mayor Sergei Sobyenin stated he was against any gay pride parade. [...]

### **Pink News, *Poll: 47 percent of Russians believe the media can turn people gay*, 17 May 2012**

<http://www.pinknews.co.uk/2012/05/17/poll-47-percent-of-russians-believe-the-media-can-turn-people-gay/>

47 percent of Russians believe the media can turn people gay, a state-owned polling agency says.

Russian polling agency VTsIOM said half of those asked believed "media and propaganda" were the "key factors contributing to development of a person's non-traditional sexual orientation". 35 percent believed friends influenced sexual orientation, 33 percent believed parents had an effect, the state news agency said.

16 percent said a bad previous relationship with a member of the opposite sex could explain homosexuality.

April's VTsIOM poll asked 1,600 people in 138 towns and 46 regions of Russia for their view on the causes of homosexuality, calculating a margin of error at 3.4 percent.

Numerous regions across Russia have 'gay propaganda' laws banning the promotion of homosexuality or transgender identities among minors, which activists believe silence the public voices of LGBT communities.

Last month, VtsIOM said that while only 6 percent of people polled had seen gay propaganda, 86 percent supported banning it.

### **Amnesty International, *Russia urged to reconsider anti-gay laws as activist fined*, 4 May 2012**

<http://www.amnesty.org/en/news/russia-urged-reconsider-anti-gay-laws-activist-fined-2012-05-04>

[...] Moscow's former mayor Yuri Luzhkov described gay parades as "satanic"; his successor Sergei Sobyenin has said he disapproves of gay gatherings because they can offend the religious beliefs of many Russians. [...]

**International Federation for Human Rights (FIDH), Open Letter to the President of the Russian Federation, Mr. Vladimir Putin, 2 May 2012**

<http://www.fidh.org/RUSSIAN-FEDERATION-Open-Letter-to>

[...] *The defence of LGBT rights in jeopardy*

[...] Moreover, the public comparison made in February by the President of the Legislative Committee Mr. Vitaly Milonov between homosexuality and drug trafficking or paedophilia has contributed to maintaining homophobia at its highest level among the Russian population. The general and institutional spread of homophobic opinions strengthens the climate of insecurity of both LGBT defenders' freedoms and safety. [...]

**ILGA-Europe, Annual Review of the Human Rights Situation of Lesbian, Gay, Bisexual, Trans and Intersex People in Europe 2011, May 2012**

<http://www.ilga-europe.org/content/download/23164/145355/file/Russia.pdf>

[...] *Freedom of assembly*

□ In February, the Mayor of Moscow stated that "gay parades" were inadmissible and that he doubted any such Parade would be held in the capital, as it was "unnecessary" and he was "not in favour of it". [...]

**Human Rights Watch, *Is wearing a pink triangle a crime?* 26 April 2012**

<http://www.hrw.org/news/2012/04/26/russia-wearing-pink-triangle-crime>

[...] Russia's unwillingness to uphold its obligations to respect LGBT rights was explicitly displayed at the recent G8 Meeting in Washington, where a human rights statement was adopted containing a sentence that Russia refused to endorse. It reads: "The ministers reaffirmed that human rights and fundamental freedoms are the birthright of all individuals, male and female, including lesbian, gay, bisexual or transgender individuals."

On April 13, commenting on his government's refusal to endorse this clause, Deputy Foreign Minister Sergei Ryabkov made a noteworthy remark, "Under the pretext of protecting the so-called sexual minorities, in effect there's aggressive propaganda and the imposition of certain behavior and values that may insult the majority of the society." According to Ryabkov, LGBT individuals do not qualify for protection under international human rights law. Unfortunately, his remarks were hardly a surprise. A few weeks earlier, when the law in St. Petersburg was about to come into force, Ryabkov's boss, Sergei Lavrov, asserted in a media interview that Russia "was trying to protect the society from homosexual propaganda" and argued that this approach was acceptable as rights of sexual minorities were nothing but an outside "appendage to the universal values." [...]

**Pink News, *St Petersburg lawmaker dismisses 'fake' mothers' plea over anti-gay law*, 17 February 2012**

<http://www.pinknews.co.uk/2012/02/17/st-petersburg-lawmaker-dismisses-fake-mothers-plea-over-anti-gay-law/>

A letter sent by the mothers of gay children to St Petersburg lawmakers asking them to reconsider their 'gay propaganda' law has been dismissed as a fake by a senior official who reportedly said "no one cares about offending the gay community".

Russian news site RT.com reports an English-language version of the letter and comments from the deputy of the city's legislative assembly that he did not believe the authors and that the legislature was trying to protect children.

The letter says: "We can understand your intolerance to LGBT people – we have experienced it ourselves some time ago. But the confessions of our children helped us look at the situation from another point of view."

“Being homosexual is not easy. Coming out is difficult and painful, especially because these young people are alone. When they realize their nature, they are often under-aged. Many of them end up on the verge of suicide, because there is no one they can talk to about their feelings.

“Children must be enlightened, not scared. Homophobia is laughable in the 21st century. Russia’s task is to destroy homophobia and help children and their parents who face this situation.”

But Vitaly Milonov, deputy of St. Petersburg’s legislative assembly, told RT: “There have been several of these letters.

“I suppose all of them were written by the same person. And I don’t think these were mothers. And I do not even think this to be a good example for real mothers – those who face this, I can even say, tragedy.

“The author of these letters says that we are offending the gay community. I do not care about offending the gay community. No one cares; they present no danger to the society. We just try to protect kids from gay lifestyle propaganda.”

### **Reporters Sans Frontières, *Authorities tighten control of all media in run-up to elections*, 1 December 2011**

<http://en.rsf.org/russie-government-tightens-control-of-all-01-12-2011,41489.html>

Reporters Without Borders firmly condemns the avalanche of arbitrary censorship measures that Russia’s federal and local authorities have been adopting ahead of the 4 December parliamentary elections and the presidential elections scheduled for 4 March.

They are targeting both the traditional media, which are closely scrutinized, criticized and threatened, and the Internet, now recognized as playing a key role in political debate. Russia has 51 million Internet users, more than any other country in Europe. A quarter of Russians say the Internet is their main source of news (according to the market research company comScore). Reporters Without Borders has compiled a list of recent freedom of information violations that show that no methods are being spared to bolster Russian strongman Vladimir Putin and promote unanimous acclaim for his decision to run again for the presidency. [...]

Three members of the management of radio Abakan, radio Ekho Moskvyy’s partner in the southern Siberian republic of Khakassia, resigned six days ago after being asked by the owners to change its programme schedule. Two subjects were to have been debated with listeners during the programme “Razvorot” on 24 November – “homosexual propaganda” (the subject of a Saint Petersburg municipal assembly bill) and “Putin’s third presidential term.” Abakan had to drop one of the topics because someone close to the ruling United Russia party asked it “not to mix Putin and homos.” [...]

### **The Moscow News, *St. Petersburg lawmakers denounce ‘gay and pedophile propaganda’*, 16 November 2011**

<http://themoscownews.com/russia/20111116/189209067.html>

St. Petersburg legislators voted Wednesday to ban the promotion of homosexuality and pedophilia to minors, suggesting escalating fines and in some cases heavy prison sentences. [...]

Vitaly Milonov of ruling party United Russia is the author of the bill, “children must be protected from destructive information,” Interfax quoted him as saying. St. Petersburg is covered from head to toe with “a wave of sexual perversion,” he added.

Despite the almost unanimous result the bill caused heated discussion. Yelena Babich, of the Liberal Democrats, said that the city was awash with gay imagery and demanded heavier punishments for this, Interfax reported.



She said that as city day approached rainbow flags, associated with gay rights, could be seen on the city's iconic image of Peter the Great. Gennady Ozerov, chairman of the Lib-Dems legislative chamber faction suggested "20 years [in prison] minimum" for promoting pedophilia, Lenta reported. [...]

### **Council of Europe, *Discrimination on grounds of sexual orientation and gender identity in Europe*, September 2011**

[www.coe.int/t/Commissioner/Source/LGBT/LGBTStudy2011\\_en.pdf](http://www.coe.int/t/Commissioner/Source/LGBT/LGBTStudy2011_en.pdf)

[...] *Hate speech*

[...] Speech which is likely to incite, spread or promote hatred against LGBT persons may create a climate where hate-motivated violence against them becomes an accepted phenomenon. While Article 10 of the European Convention on Human Rights guarantees the freedom of expression, this right is not absolute. Restrictions are permitted on speech or other expressions which incite to xenophobia, anti-Semitism and the like<sup>155</sup> as such speech is incompatible with the values proclaimed and guaranteed by the Convention. Two Committee of Ministers' recommendations<sup>156</sup> as well as the Council of Europe's White Paper on Intercultural Dialogue<sup>157</sup> call on the member states to take steps to combat speech which are likely to produce the effect of inciting, spreading or promoting hatred or discrimination. In Recommendation CM/Rec(2010)5, the Committee of Ministers points to the fact that a "specific responsibility is vested with the public authorities and officials to refrain from statements that may be understood as legitimising hatred or discrimination and to promote tolerance and respect for their human rights".<sup>158</sup> The Commissioner for Human Rights has publicly spoken out against hate speech on numerous occasions.<sup>159</sup>

During the research for this report numerous examples of often strong hate expressions were identified in Council of Europe member states. For example in relation to attempts to organise a Pride march in the Russian Federation a regional governor was quoted as saying: "Tolerance?! Like Hell! Faggots should be torn apart. And their pieces should be thrown in the wind."<sup>160</sup> [...]

The European Court of Human Rights has shown little tolerance for hate statements, in particular when they are used by authorities as an argument for defending a ban on a Gay Pride march. In the landmark case *Alekseyev v. Russia*<sup>165</sup> the Court stated:

As regards any statements calling for violence and inciting offences against the participants in a public event, such as those by a Muslim cleric from Nizhniy Novgorod, who reportedly said that homosexuals must be stoned to death ..., as well as any isolated incidents of threats of violence being put into practice, they could have adequately been dealt with through the

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<sup>155</sup> See, for example, European Court of Human Rights, *Incal v. Turkey*, Application No. 22678/93, judgment of 8 June 1998.

<sup>156</sup> Committee of Ministers Recommendation No. R (97) 20 on "hate speech", adopted on 30 October 1997; Committee of Ministers Recommendation CM/Rec(2010)5 on measures to combat discrimination on grounds of sexual orientation or gender identity, paragraphs 6-8.

<sup>157</sup> The Council of Europe White Paper on Intercultural Dialogue "Living Together As Equals in Dignity", section 5.1, 2008.

<sup>158</sup> Committee of Ministers Recommendation CM/Rec(2010)5 on measures to combat discrimination on grounds of sexual orientation or gender identity, paragraphs 6-8

<sup>159</sup> Viewpoint, "Homophobic policies are slow to disappear", 16 May 2007; Viewpoint, "Gay Pride marches should be allowed – and protected", 24 July 2006.

<sup>160</sup> Statement of Mr Betin, Governor of the Tambov Region, as quoted in ILGA-Europe, "Human Rights + Responsibility + Respect. A contribution to the Council of Europe conference: Human Rights in Culturally Diverse Societies: challenges and perspectives", p. 3; GayRussia.ru, 29 July 2008, "Activists intend to take the case to courts up to Strasbourg".

<sup>165</sup> European Court of Human Rights, *Alekseyev v. Russia*, Applications Nos. 4916/07, 25924/08 and 14599/09, judgment of 21 October 2010

prosecution of those responsible. However, it does not appear that the authorities in the present case reacted to the cleric's call for violence in any other way than banning the event he condemned. By relying on such blatantly unlawful calls as grounds for the ban, the authorities effectively endorsed the intentions of persons and organisations that clearly and deliberately intended to disrupt a peaceful demonstration in breach of the law and public order.<sup>166</sup>

[...] *Financial obstacles to accessing gender reassignment treatment*

The European Court of Human Rights has required states to provide insurance to cover expenses for "medically necessary" treatment, which gender reassignment surgery is a part of.<sup>392</sup> However, research for this report shows that access to health care insurance is highly problematic in at least 16 countries (Albania, Andorra, Armenia, Azerbaijan, Bosnia and Herzegovina, Bulgaria, Georgia, Lithuania, Moldova, Montenegro, Poland, Romania, the Russian Federation, Serbia, Slovakia and Turkey). In these countries transgender persons claim that they must bear the financial burden of medically necessary health care themselves. [...]

### **Gay Russia, St. Petersburg Slavic Gay Pride: Exclusive photos of Gay Activists from the prison cells, 2 July 2011**

<http://www.gayrussia.eu/en/russia/2010/>

The 14 participants arrested at last Saturday Slavic Gay Pride in St. Petersburg were detained for 24h by the police. While they were in detention, they managed to conceal a mobile phone and picture themselves. The activists said that they wanted to testify about the inhumane conditions they and others faced while being detained in St. Petersburg.

An article of the Italian daily "La Repubblica" created a shock. It was the first time that a large scale media have made the photo gone viral among Italian media: 14 websites republished the photos in Italy and one in Switzerland.

On Monday, Nikolai Alekseev, said that he asked the Minister of Internal Affairs to investigate about the conditions in which people are being detained in St. Petersburg.

"I am asking the Minister of Internal Affairs and the head of St. Petersburg Police department to conduct a proper investigation and I am ready to pay myself for the repairing of this torture room and make it up to human standards. The cell of 2meters by 3 in which 13 of us where put was like a sauna without ventilation,

The activists also explained that they were denied to go to the toilets.

"A woman had to defecate in a plastig bag in front of everyone".

"We were also denied food and drinks and had to try to sleep one after each other as there were not enough benches"

In addition, the activist claims that he witnessed a xenophobic attitude from the police officers:

"There is a terrible xenophobia which reigns in this police department. People from the Caucasus and Central Asia are insulted, humiliated , tortured and beaten. I have witnessed this attitude. This is a criminal offense and the facts must be investigated."

"We will sue Russia over the ban of the Slavic Gay Pride and our arrests claiming both a breach of our right to freedom of assembly and also inhuman treatment".

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<sup>166</sup> Ibid., paragraph 76.

<sup>392</sup> European Court of Human Rights, van Kück v. Germany, Application No. 35968/97, judgment of 12 June 2003, paragraphs 47, 73 and 82 and L. v. Lithuania, Application No. 27527/03, judgment of 11 September 2007, paragraphs 59 and 74.

**Gay Russia, Russian gay activists issue their ‘Hall of Shame List’ of homophobic officials, 17 May 2011**

<http://www.dayagainsthomophobia.org/Russian-Gay-Activists-Issue-Their,1057>

Russian Gay activists marked the International Day Against Homophobia and Transphobia (IDAHO) by publishing a list of homophobic statements made since 2005 by politicians, officials, public figures, organisations.

The ‘Hall of Shame’ list catalogues the hate speech against lesbian, gay, bisexual and transgender people by 487 Russian politicians, officials and public figures, judges, 19 governments and 40 parties, movements and organizations

The list, published today on GayRussia, is a joint initiative by ‘Article 282’, a group campaigning against hate speech towards sexual minorities and named after the article of the criminal code which criminalise hate speech against social groups, and the LGBT Human Rights Project GayRussia.

To date, no Russian Court has accepted a complaint by LGBT activists in a case of hate speech, refusing to consider gay or lesbians as a ‘social group’.

Making the list are a staggering 100 Russian judges, from the lowest to the highest courts, including those from the Constitutional Court, who, in the last six years, gave decisions against the rights of gays and lesbians which are enshrined in the European Convention of Human Rights – a convention that Russia signed up to when it joined the Council of Europe immediately following the collapse of the Soviet Union.

“Often, when you think about notorious Russian homophobes, the former Mayor of Moscow is the name which everyone can think of, but he is like the tree hiding the forest,” Nikolai Baev, a director of ‘Article 282’ and a co-organiser of Moscow Gay Pride, told UK Gay News.

“It is important to underline that homophobia in Russian politics hits all the political movements without exception: from far left to far right,

“It is very common for government officials and politicians to consider gays, lesbians and transgender people as monsters, degenerate, criminals, immoral and mentally ill.

“Every day, we browsed the leading Russian mass media, Internet publishing, the sites of political parties and movements.”

“Unfortunately, we have opened a horrifying picture of homophobic prejudices prevailing among the various political trends in Russia: from left to extreme right, from liberals to nationalist.”

The publication of the ‘Hall of Shame’ comes on the sixth anniversary of Gay Russia. [...]

**Pink News, New Moscow mayor says no to gay Pride marches, 17 February 2011**

<http://www.pinknews.co.uk/2011/02/17/new-moscow-mayor-says-no-to-gay-pride-marches/>

Moscow’s mayor Sergei Sobyenin says that the city does not need gay Pride marches.

When asked by the Ekho Moskvyy radio station if a march would be permitted this year, he said: “I doubt it.”

The Moscow News reports that Mr Sobyenin continued: “I have my own opinion on this. Moscow absolutely does not need this and I am not in favour of it.”

The city’s last mayor, Yuri Luzhkov, repeatedly banned the marches on pretexts of health and safety and has called gays and lesbians “satanic”. [...]

**5. State willingness and ability to provide effective protection to LGBTI persons; (particularly police attitude to LGBTI persons, investigations into crimes perpetrated against LGBTI persons)**

**Radio Free Europe Radio Liberty, *Being Gay In St. Petersburg Gets Even Harder*, 25 June 2012**

<http://www.rferl.org/content/being-gay-in-russia-gets-harder-still/24625561.html>

[...] *Tapping Into Widespread Prejudice*

[...] Attacks on homosexuals are rife and rarely punished. [...]

**Side by Side LGBT International Film Festival, *Homophobic mob and inadequate police protection force LGBT Film Festival to cancel the final day*, 7 June 2012**

[http://www.ilga-](http://www.ilga-europe.org/home/guide/country_by_country/russia/homophobic_mob_and_inadequate_police_protection_force_lgbt_film_festival_to_cancel_the_final_day)

[europe.org/home/guide/country\\_by\\_country/russia/homophobic\\_mob\\_and\\_inadequate\\_police\\_protection\\_force\\_lgbt\\_film\\_festival\\_to\\_cancel\\_the\\_final\\_day](http://www.ilga-europe.org/home/guide/country_by_country/russia/homophobic_mob_and_inadequate_police_protection_force_lgbt_film_festival_to_cancel_the_final_day)

On the second day of the Side by Side LGBT Film Festival in Novosibirsk organizers and audience came under serious threat from a homophobic mob of aggressive youths. The youths, numbering around 30 or so in total, had surrounded the shopping centre where the screening was taking place in a multiplex on the fourth floor of the building. Prior to the start, during and at the end of the event the youths gathered around the screening hall, shouting insults and it was clear from their discussions with each other and behavior that they were intent on violence.

Organizers of the festival complained multiple times to the police, who were in force but outside the building overseeing a picket in support of the homophobic law that has its second reading in the local Novosibirsk parliament today, 7th June, 2012. The youths, eventually on the request of the police, left the multiplex only to return however within minutes and again begin hassling organizers. This pattern was repeated throughout the entire period of the event. Failing entirely in their duties and the attempt to maintain effective public order and safety the threat of violence and danger to both audience members, volunteers and organizers was imminent. [...]

In a conversation with festival director Gulya Sultanova, one of the police heads stated: "Why have you circulated information about your festival? I don't plan to be here tomorrow and protect you."

Police indifference and their lack of concern to protect peaceful, law abiding citizens from violent thugs has forced the festival organizers to cancel today's screening out of reasons of safety.

**Side by Side LGBT International Film Festival, *Authorities in Kemerovo Side with Nationalists by Bringing an End and Violence to LGBT Film Festival*, 6 June 2012**

[http://www.ilga-](http://www.ilga-europe.org/home/guide/country_by_country/russia/authorities_in_kemerovo_side_with_nationalists_by_bringing_an_end_and_violence_to_lgbt_film_festival)

[europe.org/home/guide/country\\_by\\_country/russia/authorities\\_in\\_kemerovo\\_side\\_with\\_nationalists\\_by\\_bringing\\_an\\_end\\_and\\_violence\\_to\\_lgbt\\_film\\_festival](http://www.ilga-europe.org/home/guide/country_by_country/russia/authorities_in_kemerovo_side_with_nationalists_by_bringing_an_end_and_violence_to_lgbt_film_festival)

On 1 June, 2012 human rights Side by Side LGBT film festival, was scheduled to open in the Siberian town of Kemerovo. The third time the festival was to take place in the city, over the course of three days, through to 3rd June screenings and discussions on a range of LGBT issues were planned for. In the run up to the start of the festival, however, organizers began to receive threats of physical violence and attack from a far-right group, the Russian Patriot Club, who are based in a nearby town Novokuznetsk. The group, having already threatened festival visitors at a Side by Side event in March earlier in the year, were reported and made

known to the police. The police however failed to act on the information given, taking no measures at all against the group following the March incident.

In the days before the start of the festival, fresh threats were sent by the group and organizers lodged new complaints with the police. Organizers met with both law enforcement agencies and the city administration. The authorities indicated their unwillingness to provide protection for festival visitors and did everything in their power to make it impossible for the festival to take place. At the meeting a letter from the city's Mayor Vladimir Mikhailov was handed to Side by Side's local coordinator. It reads: "This event causes a negative reaction from residents and community organizations. In their letters of address they state that the opening of the festival would violate their rights and lawful interests. With this in mind, we believe that the organization of the Side by Side Film Festival in the city of Kemerovo is undesirable." Shortly after venues received letters and telephone calls from the administration "recommending" them not to hold the festival on their premises. Fear of the repercussions both venues pulled out two days prior to the festival start.

Only then, once the possibility of holding the festival had been brought to a halt, did the administration and police begin to show interest in the safety of the visitors and organizers. Telephone calls were received from a certain inspector A. A Balmaeva responsible for public order at the Office of Ministry of Internal Affairs affirming that: "We will ensure order during your festival so that no one is injured", coupled with heated enquiries as to if we had found an alternative. An alternative venue had been found, however, once made known to the authorities within a matter of hours the new venue pulled out.

The authorities have taken no action against the Russian Patriot Club instead choosing to target peaceful and law abiding citizens. The inaction of the police and the administration has only but emboldened far-right elements giving them free reign to terrorize, making death threats and inciting hatred towards both festival organizers and visitors.

In an attempt not to succumb to these forces Side by Side in these extreme conditions managed to hold on Sunday 3rd June a day of screenings and discussions. This however did not go without incident as local Side by Side coordinator was physically attacked by two members of the Russian Patriot Club in the city centre. The attack took place outside the local theatre where people had gathered in order to be taken by bus to an undisclosed location where screenings had been planned. Complaint of the attack was lodged with the police. [...]

**Amnesty International, *Russia: Moscow must end 'shameful' clampdown on Pride*, 28 May 2012**

<http://www.amnesty.org/en/news/russia-moscow-must-end-shameful-clampdown-pride-2012-05-28>

[...] On Sunday, a small group of LGBT activists gathered outside the Moscow City Duma and the Moscow mayor's office, where they attempted to unfold rainbow flags and raise small pieces of paper calling for an end to homophobia.

Meanwhile, another group of people was allowed to gather for at least an hour in front of the Mayor's office to protest against the Pride and shout homophobic slogans – police told the counter-demonstrators that their protest had been "unauthorized", but only arrested those who attempted to attack LGBT activists. [...]

While police did detain counter-demonstrators who were trying to physically attack the LGBT rights activists, some were reportedly later released without charges. [...]

**U.S. Department of State, *Country Reports on Human Rights Practices for 2011, Russia*, 24 May 2012**

<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?dlid=186397>



[...] *Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity*

[...] Openly gay men were targets of skinhead aggression, and police often failed to respond out of indifference. [...]

**ILGA-Europe, *Annual Review of the Human Rights Situation of Lesbian, Gay, Bisexual, Trans and Intersex People in Europe 2011*, May 2012**

<http://www.ilga-europe.org/content/download/23164/145355/file/Russia.pdf>

[...] *Bias motivated violence*

[...] In September, the police closed a case against a Russian Orthodox activist who beat a female reporter at an LGBT rally in Moscow. The attack was recorded on camera, and the victim said she had suffered an ear injury with a loss of hearing. In spite of this, the police closed the case on the basis of a police commissioned medical examination undertaken three months after the attack, which found no evidence that she had suffered “harm to her health.”

□ In December, a gay human rights defender was attacked during a march against the election results in Novosibirsk. He had spread out a rainbow flag, and a few minutes later was assaulted, knocked down and beaten. He was rescued by the Deputy Chief of the District Police, but the attackers were not detained and no police investigation was initiated. The Russian LGBT Network and Gender and Law sent several letters to the General Prosecutor’s Office and Police Departments asking for the investigation. These requests had not been answered by the end of 2011. [...]

**Radio Free Europe Radio Liberty, *Russian Activists Predict Surge In Gay Asylum Claims Amid 'Propaganda' Ban*, 30 April 2012**

[http://www.rferl.org/content/russia\\_gay\\_rights\\_lgbt\\_asylum/24564738.html](http://www.rferl.org/content/russia_gay_rights_lgbt_asylum/24564738.html)

In 2010, 26-year-old Artem Pavlov was followed by thugs as he left a cafe in his hometown of Ufa, Russia. The group had overheard him talking about being gay.

He was thrown to the ground and beaten before his friends could call for help. When police arrived and learned that Pavlov was attacked because of his homosexuality, they told him that he was, in fact, lucky -- lucky that the policemen themselves had not been there to join in the beating.

The details of the incident, pieced together through personal accounts in the absence of an official police report, were the foundation for Pavlov's request for asylum in the United States. The request was approved by a New York judge last year. [...]

**Amnesty International, *Beaten up for speaking out: Attacks on human rights defenders and journalists in the Russian Federation*, 5 October 2011**

<http://www.amnesty.org/en/library/asset/EUR46/038/2011/en/9d8b29c1-a18f-4d86-8f75-5a885c75a3c0/eur460382011en.pdf>

[...] *ATTACKS ON LESBIAN, GAY BISEXUAL AND TRANSGENDER ACTIVISTS*

[...] Artem Kalinin

In the Republic of Komi, LGBT-rights activist Artem Kalinin, has been beaten up twice since he appeared in November 2010 on a regional television programme, calling for greater respect for the rights of sexual minorities. On 29 January 2011, he was attacked by a group of young people; one of them reportedly shouted “Aren’t you the guy who defends pederasts?” The attackers left him lying unconscious on the ground. On 29 March 2011 he was again attacked outside his home by a man with a stick.

The latter incident has been transferred to a justice of the peace, who has no investigative authority. The first incident was handled by the police, who were reportedly perfectly polite,



but the investigation has made no progress at all. Artem Kalinin fears that the authorities lack the will to investigate the attack.

LGBT activists have repeatedly demanded that such attacks be recognized as hate crimes, for which provision is made under the Russian Criminal Code. To date however, there has not been a single case where homophobic motives have been recognised in court.<sup>7</sup>

The case of journalist and activist Elena Kostiuhenko is also revealing. She was beaten by a counter-protestor while attending the banned Moscow Pride on 28 May 2011. The police detained her - for participating in the unsanctioned event – and took her to a hospital. They also arrested her attacker, who was subsequently charged with assault. Elena Kostiuhenko instructed Ilmur Sharapov, from the human rights organisation AGORA to represent her in respect of proceedings against him. On 2 June, Ilmur Sharapov received an anonymous text message saying "May you all burn in hell, you sodomites and your cronies." In September 2011, the charges against Elena Kostiuhenko's assailant were dropped, reportedly on account of medical evidence suggesting that her injuries were insufficiently severe. [...]

### **Council of Europe, *Discrimination on grounds of sexual orientation and gender identity in Europe*, September 2011**

[www.coe.int/t/Commissioner/Source/LGBT/LGBTStudy2011\\_en.pdf](http://www.coe.int/t/Commissioner/Source/LGBT/LGBTStudy2011_en.pdf)

[...] In the Russian Federation, since 2005 notifications by the NGO GayRussia to hold a Pride parade in the city have been turned down by the Municipality of Moscow every year. However, activists have organised events, despite the impossibility of holding a Pride parade, which resulted in incidents and attacks from homophobic groups and which lacked effective protection of participants by the authorities.<sup>243</sup> In a recent European Court of Human Rights ruling<sup>244</sup> the Court found a violation of the Convention because it did not accept the argument from the authorities that the possibility of violent counter-demonstrations is a valid justification to prevent the Pride parade from taking place.<sup>245</sup> The Court recalled its previous case law that there is a positive obligation by states to protect the participants from violent counter-demonstrations. [...]

Administrative impediments have been justified by authorities on the ground that the police would not be able to protect the participants from hostile or violent counter-demonstrations. This has been the case in, amongst others, Estonia, Latvia, Moldova, the Russian Federation, Serbia, Turkey and Ukraine. [...]

### **Amnesty International Urgent Action, *LGBT Activists Fear Arrest and Violence*, 21 June 2011**

<https://www.amnesty.org/es/library/asset/.../eur460262011en.pdf>

[...] Anti-gay rights protesters have repeatedly called for violence against LGBT activists. On 17 June, a group in St. Petersburg staged a "public exorcism" of the gay rights movement, which included wrapping a coffin in a rainbow LGBT flag and "stabbing" it. The police did not interfere.

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<sup>7</sup> Instead, such attacks might have been recognized as acts of hooliganism, which carries the same sanction as hate crime.

<sup>243</sup> Human Rights Watch and ILGA-Europe, "We have an upper hand! – Freedom of Assembly in Russia and the Human Rights of Lesbian, Gay, Bisexual and Transgender People", June 2007

<sup>244</sup> European Court of Human Rights, Alekseyev v. Russia, Applications Nos. 4916/07, 25924/08 and 14599/09, judgment of 21 October 2010

<sup>245</sup> Ibid., paragraph 51.

## **International Federation for Human Rights, *Situation of Human Rights Defenders*, May 2011**

[http://www.fidh.org/-Russia-?id\\_mot=813](http://www.fidh.org/-Russia-?id_mot=813)

[...] In the context of the fight against terrorism and extremism, the authorities severely limited human rights defenders' freedoms of expression and peaceful assembly in 2010-2011. The legal and administrative framework for NGOs also remained unfavourable, and several defenders face criminal "defamation" charges as a result of their work. Impunity for the assassinations of prominent human rights defenders continued as the cases remained unresolved, while physical attacks and threats against human rights defenders continued. [...] *Violent attacks and threats against human rights defenders combating discrimination, racism and right-wing extremist groups*

The situation in the Russian Federation remained characterised by a total impunity with regard to violent attacks and threats against human rights defenders who struggle against discrimination, racism and activities of extreme right-wing movements. Once again, they were subjected to harassment by both governmental and non-State groups<sup>7</sup>. In particular, human right defenders defending the rights of lesbian, gay, bisexual and transgender people (LGBT) were again victims of violence by neo-Nazi groups. For instance, on October 30, 2010, five LGBT human rights defenders<sup>8</sup> in the city of Tomsk were attacked by eight masked individuals, while they were distributing leaflets in the streets calling for tolerance towards LGBT people. On November 9, 2010, a criminal case was opened by the District Department of Interior of Tomsk under Article 116 Part 2 (a) of the Criminal Code for "causing light damages to health on the basis of hooliganism". On November 18, 2010, the five human rights defenders requested the Department of Interior and the District Prosecutor's office to apply Article 116 Part 2 (b) "causing light damages to health on the basis of hate motives to a particular social group" but, on November 26, they received a negative response from the Prosecutor's office as the investigation did not find evidence that the defenders belonged to a particular social group. The investigation was suspended on April 8, 2011 for lack of identification of an assailant<sup>9</sup>. In addition, during the interrogation of the human rights defenders in the course of the investigation, the police officer inquired primarily about how the information about the assault had reached international monitoring organisations. [...]

## **Russian LGBT-Network, *Statement of the Russian LGBT-Network regarding the events in Moscow on May 28, 2011, 31 May 2011***

[http://www.ilga-europe.org/home/guide/country\\_by\\_country/russia/statement\\_of\\_the\\_russian\\_lgbt\\_network\\_regarding\\_the\\_events\\_in\\_moscow\\_on\\_may\\_28\\_2011](http://www.ilga-europe.org/home/guide/country_by_country/russia/statement_of_the_russian_lgbt_network_regarding_the_events_in_moscow_on_may_28_2011)

[...] On the day of Gay Pride police didn't prevent accumulation of groups of young people who had an intention to attack the members of the demonstration. The police intervened only after the attack had begun. The participants and witnesses of the events had an impression of collusion between police and opponents. Thus, instead of protecting public order and citizens from violence, the police tried to stop the peaceful demonstration, which, in fact, could be described as a series of individual pickets.

Activists taking part in those pickets did not interfere with traffic nor violated public order at all. Nevertheless, police detained them with brute force, including those who offered no resistance during the arrest. [...]

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<sup>7</sup> See ADC Memorial

<sup>8</sup> The names of the defenders are not disclosed for security reasons.

<sup>9</sup> See International Youth Human Rights Movement

**Pink News, *Peter Tatchell: Police colluded with Neo-Nazis at Moscow Pride protests*, 28 May 2011**

<http://www.pinknews.co.uk/2011/05/28/peter-tatchell-police-colluded-with-neo-nazis-at-moscow-pride-protests/>

Human rights campaigner Peter Tatchell reports from Moscow Pride after a day of clashes between gay rights campaigners, Neo-Nazis and the police.

We witnessed a high level of fraternisation and collusion between neo-Nazis and the Moscow police. I saw neo-Nazis leave and re-enter police buses parked on Tverskaya Street by City Hall

Our suspicion is that many of the neo-Nazis were actually plainclothes police officers, who did to us what their uniformed colleagues dared not do in front of the world's media. Either that, or the police were actively facilitating the right-wing extremists with transport to the protest.

During the Second World War, Mucovites stood against the Nazis. Now the Mayor of Moscow is colluding with neo-Nazis. He gave the neo-Nazi groups permission to stage a protest calling for violence against gay people, while denying Moscow Gay Pride a permit to rally for gay equality.

I went to City Hall to protest but was separated from our Gay Pride group. Neo-Nazis identified me for attack. Being alone and with the police refusing to protect us, I had to escape down side streets and alleyways to avoid a beating. [...]

## 6. (Limitations in) access to social and economic rights for LGBTI persons

### **U.S. Department of State, *Country Reports on Human Rights Practices for 2011, Russia*, 24 May 2012**

<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?dliid=186397>

[...] *Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity*

LGBT communities continued to suffer from societal stigma and discrimination. Gay rights activists asserted that the majority of LGBT persons hid their orientation due to fear of losing their jobs or their homes, as well as the threat of violence.

[...] Medical practitioners reportedly continued to limit or deny LGBT persons health services due to intolerance and prejudice. According to recent studies, gay men faced discrimination in workplace hiring. [...]

[...] Transgender individuals faced difficulties in changing their names and gender classifications on government documents. Although the law allows for such changes, the government has not established a standard procedure for doing so, and in practice many civil registry offices denied these requests. When their documents fail to reflect their gender accurately, transgender persons often faced discrimination in accessing health care, education, housing, and employment. [...]

### **ILGA-Europe, *Annual Review of the Human Rights Situation of Lesbian, Gay, Bisexual, Trans and Intersex People in Europe 2011*, May 2012**

<http://www.ilga-europe.org/content/download/23164/145355/file/Russia.pdf>

[...] *Legal gender recognition*

In spring, in Novosibirsk, a post-operative transsexual applied for a change of identity papers, producing the necessary medical certificates on diagnosis and surgeries, but the Civil Registry Office refused to grant the application. Prior to the application, the Novosibirsk Regional Civil Registry Office had stated that they did

change transsexuals' documentation if applicants submitted medical certificates relating to surgery. The applicant changed the documentation using court procedures instead. [...]

### **Amnesty International, *Urgent Action: Anti-LGBTI Bill Passes Final Hearing*, 2 March 2012**

<http://www.amnesty.org/en/library/asset/EUR46/008/2012/en/27c3bfe8-24b2-4612-b7b7-0691c7331d93/eur460082012en.pdf>

A bill that would severely restrict the right to freedom of expression of lesbian, gay, bisexual, transgender and intersex (LGBTI) people in St Petersburg, Russia, passed its final hearing on 29 February. It is due to be signed into law by the Governor of St Petersburg in less than two weeks. The bill, which aims to introduce fines for “public actions aimed at propaganda of sodomy, lesbianism, bisexuality, transgenerness amongst minors”, passed the third and final hearing on 29 February. It was originally introduced in November 2011. If it is signed into law by the Governor, it will adversely impact the freedom of expression and assembly of LGBTI individuals, and will prevent LGBTI young people from accessing or sharing information that is vital to their health and well-being, including information about social groups, support networks, and sexual and reproductive health. The bill will also severely curtail the activities and operations of LGBTI organisations in St Petersburg. [...]

**Pink News, *Gay Aeroflot steward 'forced to marry woman'*, 30 January 2012**

<http://www.pinknews.co.uk/2012/01/30/gay-aeroflot-steward-forced-to-marry-woman/>

A gay air steward for the Russian carrier Aeroflot was forced to marry a woman in order to keep his job, campaigners say.

GayRussia.eu reported that campaigners had filed notice of a demonstration after gay employee Maxim Kupreev suffered unusual kind of discrimination by his employer.

When Kupreev, 25, tried to found a gay support network at the airline, he was seemingly ordered to marry.

The gay steward tied the knot with his school friend Sofia Mikhailova so he could keep his job at the end of last year, reportedly to minimise publicity for his attempted LGBT network.

A protest in Moscow on 9 February is being planned to coincide with the airline's 89th birthday. [...]

**Council of Europe, *Discrimination on grounds of sexual orientation and gender identity in Europe*, September 2011**

[www.coe.int/t/Commissioner/Source/LGBT/LGBTStudy2011\\_en.pdf](http://www.coe.int/t/Commissioner/Source/LGBT/LGBTStudy2011_en.pdf)

[...] *Discrimination and harassment against LGBT persons in the work place*

[...] LGBT employees may experience the denial of benefits provided to heterosexual staff and their spouses such as parental leave; health care insurance for employees and their families; educational and leisure facilities for employees and their families; bereavement leave, or leave to care for a sick partner and survivor's benefit in occupational pension schemes. Discrimination against transgender persons may occur when they are not addressed by the correct name and/or pronoun or when they are denied time off work for gender reassignment therapy. In states where men and women retire at different ages, transgender women may be forced to wait for a state pension until they reach male retirement age.

Employees who are "out" at work, or suspected of being lesbian, gay, bisexual, or transgender, can experience indirect discrimination by employers, colleagues or clients which can include sexually explicit remarks intended to embarrass or ridicule. [...]

The scale of discrimination against LGBT persons in the work place is hard to estimate. Very few member states compile statistics on discrimination in the employment sector, and statistics that exist are generally not disaggregated in a meaningful way. Research for this report revealed that between 2005 and 2010 a handful of employment discrimination cases came to court or equality bodies in at least 21 Council of Europe member states (Austria, . Belgium, Cyprus, the Czech Republic, Denmark, Estonia, France, Germany, Hungary, Latvia, Lithuania, Italy, the Netherlands, Norway, Poland, Romania, the Russian Federation, Spain, Sweden, Turkey and the United Kingdom).<sup>452</sup>

[...] Under-reporting may be endemic. Some equality bodies and NGOs think this is because LGBT persons risk more than most other people if they complain.<sup>458</sup> By irrevocably "coming out" with a complaint in the workplace, they fear, like other complainants, being victimised and dismissed. Unlike other complainants, however, they fear they will never be able to conceal their sexual orientation or gender identity in the future and so become permanently unemployed, especially if they live in a small town where the social control is strong. It is

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<sup>452</sup> FRA) national contributions (legal reports) contain annexes with descriptions on such cases identified in the member states. See also European Union Agency for Fundamental Rights, "Homophobia and Discrimination on Grounds of Sexual Orientation and Gender Identity in the European Union Member States: Part II – The Social Situation", 2009, p. 64.

<sup>458</sup> For example Walsh J., Conlon C., Fitzpatrick B. and Hansson U., Enabling Gay, Lesbian and Bisexual Individuals to Access their Rights under Equality Law, Equality Authority and Equality Commission for Northern Ireland, 2007, p. 47.

fear of dismissal and long-term unemployment that prompts many LGBT persons to adopt a protective silence.<sup>459</sup>

*The impact on victims and strategies to end discrimination*

[...] LGB persons tend to conceal their sexual orientation in the workplace. The Eurobarometer survey found that 68% of European Union citizens think that it is difficult for a homosexual person to state his/her sexual orientation in the workplace.<sup>461</sup> An investigation in Sweden found that 50% of LGB respondents were not “out” at work and 40% avoided socialising with colleagues for fear of having to share such private details with colleagues.<sup>462</sup> This pattern was also identified in empirical studies in Albania,<sup>463</sup> Croatia,<sup>464</sup> Finland,<sup>465</sup> Germany,<sup>466</sup> Norway,<sup>476</sup> Poland,<sup>468</sup> the Russian Federation<sup>469</sup>, Slovakia,<sup>470</sup> and in an ILGA-Europe report.<sup>471</sup> [...]

**UN Committee on Economic, Social and Cultural Rights, *Consideration of reports submitted by States parties under Articles 16 and 17 of the Covenant Concluding Observations of the Committee on Economic, Social and Cultural Rights*, 20 May 2011**

[http://www2.ohchr.org/english/bodies/cescr/docs/E.C.12.RUS.CO.5\\_en.doc](http://www2.ohchr.org/english/bodies/cescr/docs/E.C.12.RUS.CO.5_en.doc)

[...] 36. The Committee requests information concerning the extent of the practice of discrimination against lesbian, gay, bisexual and transgender persons in particular in employment, health care, and education in the State party (art 2.2). [...]

**Inter-Regional Social Movement ‘Russian LGBT Network’, *An alternative report Submitted for the 46th CESCR Session; Discrimination On Grounds Of Sexual Orientation And Gender Identity In Health Care, Education, Employment And Social Security In The Russian Federation*, May 2011**

[http://www2.ohchr.org/english/bodies/cescr/docs/ngos/IRSM\\_RussianFederation\\_CESCR46\\_en.pdf](http://www2.ohchr.org/english/bodies/cescr/docs/ngos/IRSM_RussianFederation_CESCR46_en.pdf)

*General prohibition of discrimination – art. 2, para. 2, of the ICESCR*

[...] We also receive reports about violence and discrimination on ground of gender identity. Thus, in 2003, a transsexual young woman, a university student, addressed to a legal clinic in Novosibirsk. She was periodically insulted and abused by others, and could not find any serious assistance in law enforcement bodies. In 2010, the consultant of the LGBT Hotline service recorded a case narrated by another transsexual woman: ‘She had undergone a sex

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<sup>459</sup> Moscow Helsinki Group, “Situation of Lesbians, Gays, Bisexuals and Transgenders in the Russian Federation”, 2009, p. 45

<sup>461</sup> European Commission, Special Eurobarometer 263, “Discrimination in the European Union”, 2007, p. 13.

<sup>462</sup> National Institute for Working Life. Arbetsvillkor och utsatthet, Sweden, 2003, pp. 123-24.

<sup>463</sup> GISH, “Survey Research with the LGBT community in Albania”, Tirana, 2006

<sup>464</sup> Lesbian Group Kontra, “Violence Against Lesbians, Gays and Bisexuals in Croatia: research report”, Zagreb, 2006, p. 39.

<sup>465</sup> Lehtonen J. and Mustola K. (eds), “Straight People Don’t Tell, Do They?”: Negotiating the Boundaries of Sexuality and Gender at Work, Ministry of Labour, Helsinki, 2004, pp. 4-5.

<sup>466</sup> Frohn D. (ed.), “‘Out im Office?!’ Sexuelle Identität, (Anti-)Diskriminierung und Diversity am Arbeitsplatz”, Schwules Netzwerk NRW e.V., Cologne, 2007, p. 7.

<sup>476</sup> Moseng B. U., “Lesbiske og homofile arbeidstakere – en pilotundersøkelse”, NOVA, Oslo, 2005.

<sup>468</sup> Abramowicz M. (ed.), “The Situation of Bisexual and Homosexual Persons in Poland: 2005 and 2006 Report”, Campaign Against Homophobia and Lambda Warsaw Association, Warsaw, 2007.

<sup>469</sup> Moscow Helsinki Group, “Discrimination based on Sexual Orientation and Gender Identity in the Russian Federation”, Moscow, 2007.

<sup>470</sup> Daucikova A., Jojárt P. and Siposova M., “Report on Discrimination of Lesbians, Gay Men and Bisexuals in Slovakia”, Documentation and Information Centre, Bratislava, 2002.

<sup>471</sup> Quinn S. and Paradis E., “Going Beyond the Law: Promoting Equality in Employment”, ILGA-Europe, Brussels, 2007, p. 24.



reassignment surgery recently, but could not change the documents; she was said to be observed by physician during one year before the new documents will be issued. With old documents and a new appearance she has a lot of problems, namely: her mother (and not only she) threatens her with a physical violence; she could not find a job; there is a danger of eviction.’

In the most serious cases, the hopeless situation, lack of any support and permanent bullying or violence surrounding gay, bisexual and especially transsexual persons lead to suicides. Thus, in 2006 in Novosibirsk, a 29-years-old transsexual woman committed suicide. Earlier, when filling in a special form on a transgender electronic resource, she reported that she had faced twice with an imminent danger to life; several times had been subjected to physical abuse resulted in traumas; more than two hundred times had faced with the violation of her right to physical integrity [...]

*Right to work – art. 6 of the ICESCR*

1. The States Parties to the present Covenant recognize the right to work, which includes the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts, and will take appropriate steps to safeguard this right.

2. The steps to be taken by a State Party to the present Covenant to achieve the full realization of this right shall include technical and vocational guidance and training programmes, policies and techniques to achieve steady economic, social and cultural development and full and productive employment under conditions safeguarding fundamental political and economic freedoms to the individual (art. 6 of the ICESCR).

As explained by the CESCR, ‘Under its article 2, paragraph 2, and article 3, the Covenant prohibits any discrimination in access to and maintenance of employment on the grounds of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth, physical or mental disability, health status (including HIV/AIDS), **sexual orientation** [bold added], or civil, political, social or other status, which has the intention or effect of impairing or nullifying exercise of the right to work on a basis of equality’ (para. 12 of the General comment No. 18).

The Russian Labour Code<sup>1</sup> contains a broad list of circumstances that shall not be grounds for limiting the rights. This list is open since it includes ‘other factors not relevant to professional qualities of the employee’ (art. 3). However, sexual orientation and gender identity are not mentioned in it explicitly, which creates a basis for abuse on the part of employers.

As was noted in a special report on the situation of LGBT people in Russia, ‘Direct discrimination based on sexual orientation – the dismissal or refusal of employment – is apparently quite rare, but it is not the result of employers’ tolerance.’<sup>2</sup> Thus, among the interviewed users of the Qguys.ru portal, 78.6 % declared that they hide their homosexuality from their employers and colleagues.<sup>3</sup> The survey carried out within the joint discrimination monitoring programme of Moscow Helsinki Group and the Russian LGBT Network also demonstrated that among gays and lesbians the percentage of persons providing incomplete information to get the job is much higher than [sic] among heterosexual people (see Appendix 3). During the monitoring programme we also have received reports on cases when people who took state employment underwent vetting about whether they were ‘normal’ in their private life. If HR management learns that an employee is gay, they often take measures to get rid of such an employee.<sup>4</sup> The education workers and people from towns find

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<sup>1</sup> Labour Code of the Russian Federation: passed by the State Duma on 26 December 2001 // Rossiyskaya Gazeta. 2001. December 31. Available in English at:

<http://www.ilo.org/dyn/natlex/docs/WEBTEXT/60535/65252/E01RUS01.htm> (date of access: 14.01.2010).

<sup>2</sup> Kochetkov (Petrov), I. & Kirichenko, X. Op. cit. P. 46.

<sup>3</sup> Ibid. P. 46.

<sup>4</sup> Ibid. C. 46–48.

themselves in a specifically intricate situation. After discriminatory dismissal they have often no opportunity to find a new job and have to move in.<sup>5</sup>

The cases of discrimination in employment on ground of gender identity are also reported. In 2010, the Russian LGBT Network received a message from a transsexual woman. A year previously she had been dismissed after sex reassignment surgery by the firm director because, according to him, ‘such workers are a dishonour to the firm.’

In 2011, we received one more report. An employer hired a transsexual man who had changed all his documents. Without any legal grounds or employee’s consent the employer found out the details of a personal history of the transsexual men. After this he started to call an employee by his previous (female) name, and spread this information among staff members.

The practical difficulties with a change of birth certificate and passport before performing of surgical operation pointed out above just worsen the situation. Without new documents a transsexual person is not able to find a well-paid job. This means that he or she can not pay for surgical interventions (and they are not funded by the state), which, in turn, are required for the issue of new documents reflecting new name and appropriate gender.

Finally, transsexual people are faced with specific difficulties in the employment sphere when they trying to change work record books. The rules of execution of work record books are established by the Instruction on completion of work record books approved by the Order of the Ministry of Labour of the Russian Federation of 10 October 2003.<sup>6</sup> However, this instruction does not take into account the specificity of the situation of changing of transsexual persons’ civil gender.

Thus, in 2007 in Ryazan, a court rejected the claims of a transsexual woman who had obtained earlier a new passport with a new female name. She claimed against the employer for the issue of a duplicate of her work record book with restored records and for the compensation for moral injury. The representatives of the respondent did not acknowledge the claims and said that all amendments, according to the Instruction on completion of work record books, could be made in the work record book only by striking through the previous personal data, and making nearby the new entries. The duplicate of work record book is issued on the base of the data indicated in the previous lost work record book. The plaintiff declined issue of the original work record book according to the Instruction, and this fact was recorded. The court dismissed the claims of the woman noted that they ‘are not in conformity with the established rules of execution of work record book.’

Therefore, the current normative legal acts give transsexual persons only two alternatives: either they could obtain a duplicate of the previous work record book with the previous name (which apparent to be the violation of a right to respect for private life and forced a transsexual person to explain the personal details in every employment process), or they could obtain a new work record book, but without records concerning their previous work experience.

#### *Right to social security – art. 9 of the ICESCR*

The States Parties to the present Covenant recognize the right of everyone to social security, including social insurance (art. 9 of the ICESCR).

When explaining the content of this right, the CESCR noted that ‘the obligation of States parties to guarantee that the right to social security is enjoyed without discrimination (article 2, paragraph 2, of the Covenant), and equally between men and women (article 3), pervades all of the obligations under Part III of the Covenant. The Covenant thus prohibits any discrimination, whether in law or in fact, whether direct or indirect, on the grounds of race, colour, sex, age, language, religion, political or other opinion, national or social origin,

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<sup>5</sup> Ibid. C. 48

<sup>6</sup> Rossiyskaya Gazeta. 2003. 19 November.

property, birth, physical or mental disability, health status (including HIV/AIDS), sexual orientation [bold added], and civil, political, social or other status, which has the intention or effect of nullifying or impairing the equal enjoyment or exercise of the right to social security' (para. 29 of the General comment No. 19). At the same time, 'the right to social security encompasses the right to access and maintain benefits, whether in cash or in kind, without discrimination in order to secure protection, inter alia, from... unaffordable access to health care' (para. 2 of the General comment No. 19). In connection with these explanations, the possibility of funding the medical expenses related to transsexuality by public funds takes a special meaning. In this sense the right of transsexual persons to social security is not secured in Russia. Thus, the whole costs of hormonal treatment are paid by transsexual persons themselves. As was noted in the alternative report for the CEDAW Committee, 'monthly costs of life-long adverse hormone treatment of a person might amount to 2.000–3.000 RUR'<sup>1</sup> (€ 50–75). Such situation could not be recognised as satisfactory in any way, and especially in the light of the fact that the most of the European countries, in which medical expenses related to transsexuality are covered, include in public insurance catalogues costs of HRT (hormone replacement therapy).<sup>2</sup>

The financial aspect of sex reassignment surgery is even more problematic. Most of such operations are not covered by the public funds, and at the same time the price of the relevant services is in large excess over the average monthly income in Russia (and this problem escalates in the situation of de facto discrimination of transsexual people in employment).

Thus, at least three sex reassignment surgical operations could be performed for transsexual men, namely: mastectomy, hysterectomy and phallo/urethroplasty (or) metoidioplasty. The cost of the first and second operations amounts from 50.000 RUR to 90.000 RUR (€ 1.250–2.250) for an operation. The costs of phallourethroplasty vary from 60.000 RUR to 200.000 RUR (€ 1.500–5.000). The operation of metoidioplasty costs in average about 130.000 RUR (€ 3.250). Similar numbers are identified also as a cost of sex reassignment surgery for transsexual women: orchiectomy – from 10.000 to 20.000 RUR (€ 250–500); genital nullification – from 10.000 to 20.000 RUR (€ 250–500); penile inversion vaginoplasty – from 75.000 to 200.000 RUR (€ 1.875–5.000); sigmoid vaginoplasty (sigmoid colpopoiesis) – from 50.000 to 200.000 RUR (€ 1.250–5.000). Initially performed operations often require the following correction, which is paid additionally.

At present, only some costs related to phallo/urethroplasty could be covered by the funds of federal budget under quotas for microsurgery. However, most of medical centres performing sex reassignment surgery for transsexual people are not working with quotas. The very few medical organisations which staff includes professionals in this field of surgery and which are in the special list of organisations working under quota programmes, are not able to meet the needs of all transsexual persons because of both the limitation of quotes and lack of budget coverage of travel costs. Moreover, as proved by transsexual people addressing to us, pay for standing at hospital during performance of surgery and primary restoration after it is not included in the costs covered by the budget. Thus, for example, in one of the Moscow hospital when such surgery is performed, the costs of staying amount 3.000 RUR (€ 75) per day, and a patient should be at a hospital during two weeks. Lastly, there are not covered by the quotas either previous stages of surgery intervention (mastectomy, hysterectomy) or metoidioplasty (an alternative to phallo/urethroplasty) which is less painful because it does not presupposed withdrawal of large skin-muscular flaps from another parts of a patient's

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<sup>1</sup> Discrimination and violence... P. 11.

<sup>2</sup> In 2008, among these countries was: Austria, Belgium, Bulgaria, Czech Republic, Denmark, Finland, France, Germany, Ireland, Latvia, Malta, the Netherlands, Poland, Portugal, Spain, Sweden, and the United Kingdom. See: Transgender EuroStudy: Legal Survey and Focus on the Transgender Experience of Health Care / Prof. Stephen Whittle O.B.E., Dr. Levis Turner, Ryan Combs and Stephenne Rhodes. Brussels, 2008. P. 25–26.

body, and is considered by many transsexual men as an optimum alternative. The existing situation also raises a question about de facto discrimination against transsexual persons in the field of health care and social security as far as surgical operations and other types of medical interventions which are performed when a diagnosis 'Transsexualism' is established, in the absolute majority of cases are paid by patients themselves. At the same time, it is possible nearly always to deliver free health care when other diagnoses are in place (see Appendix 4). [...]

*Right to the highest attainable standard of health – art. 12 of the ICESCR*

The States Parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health (art. 12, para. 1, of the ICESCR).

As was explained by the CESCR, 'By virtue of article 2.2 and article 3, the Covenant proscribes any discrimination in access to health care and underlying determinants of health, as well as to means and entitlements for their procurement, on the grounds of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth, physical or mental disability, health status (including HIV/AIDS), sexual orientation [bold added] and civil, political, social or other status, which has the intention or effect of nullifying or impairing the equal enjoyment or exercise of the right to health. The Committee stresses that many measures, such as most strategies and programmes designed to eliminate health-related discrimination, can be pursued with minimum resource implications through the adoption, modification or abrogation of legislation or the dissemination of information. The Committee recalls General Comment No. 3, paragraph 12, which states that even in times of severe resource constraints, the vulnerable members of society must be protected by the adoption of relatively low-cost targeted programmes' (para. 18 of the General comment No. 14).

Art. 17 of the Fundamentals of Legislation of the Russian Federation on Health Care<sup>1</sup> contains a special anti-discrimination norm. However, the corresponding list does not explicitly include sexual orientation or gender identity. The Draft Federal Law on the Fundamentals of the Care for Health of the Citizens in the Russian Federation published in summer 2010 on the web-site of the Ministry of Health Care and Social Development<sup>2</sup> in a similar manner contains general anti-discrimination norm with non-exhaustive list (art. 5, para. 4), but neither sexual orientation nor gender identity is included in it explicitly. The text of Doctor's Oath established by the draft does not mention inadmissibility of infringement of rights and interests on ground of sexual orientation or gender identity, although the World Medical Association has included the respective mention in its text of the Oath.<sup>3</sup>

Homosexuality had been excluded from the International Classification of Diseases 10<sup>th</sup> Revision, and the medical standard in Russia was changed respectively in 1999. Nevertheless, perception of homosexuality as a pathology remains in practice. Researches conducted by us reveal cases of violations of gay and bisexual people's rights in health care. There are also many problems related to the access of transsexual people to medical services. Thus, an informant from Leningrad Region reported the following: 'Last year [in 2009] I was visiting my good friend, a HIV-infected gay, in a hospital in St. Petersburg. The nurse tried to prevent me from going into the ward, claiming that "this is not place for the meeting of faggots" and "there is nothing for you here to arrange your hangouts." And this case is not single.' He also reported the case when he with his same-sex partner (they had been together

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<sup>1</sup> Fundamentals of Legislation of the Russian Federation on Health Care: passed by the Supreme Soviet of the Russian Federation on 22 July 1993 // Gazette of the Congress of People's Deputies and the Supreme Soviet of the Russian Federation. 1993. No. 33. Art. 1318.

<sup>2</sup> URL: <http://www.minzdravsoc.ru/docs/mzsr/projects/754> (date of access: 29.01.2011).

<sup>3</sup> WMA Declaration of Geneva. URL: <http://www.wma.net/en/30publications/10policies/g1/index.html> (date of access: 14.08.2010).

for ten years, and one of the men was HIV-positive) was refused a medical consultation of the AIDSCentre psychologist: ‘Such consultations are offered at the AIDS-Center for other families – for wives as well as for husbands who are treated as contacted partners. But we have no opportunity to obtain such consultation because we can not prove that we are a family.’

The Government does not fund the programmes aimed at the prevention of sexually transmitted diseases and HIV/AIDS among male persons who engage in sexual activity with persons of the same sex. Such programmes supported and realised only by several NGOs funded by foreign grants. And even these organisations are not working for the prevention of relevant diseases among lesbian and bisexual women. Since medical professionals, and in particular gynecologists, do not receive special training on specific needs of lesbian and bisexual women, these women have little access to specialized information and tools to protect their health.

[...] One more problem is that most of medical professionals, especially in rural areas, have virtually no or very little essential up-to-date knowledge and qualification in the field of transsexuality. Thus, one of our informants, a transsexual woman, reported that endocrinologists just frequently prescribe adequate medications ‘because no one knows exactly what endocrine profile should be maintained for MtF... Considering the fact that most of the local physicians have had no experience in FtM-endocrinotherapy, the results of such treatment could be quite deplorable.’

This situation, according to the reports receiving by us, leads often to the ‘self-medication’ when hormones are purchased using loopholes, and without prior consulting and prescribing of the medications by the medical professionals. As pointed by one of the informants, ‘the most of [transsexual people] prefer just not to get involved with unnecessary physicians (it should be said that not all of them are tolerant and understanding), and buy what they need just like that.’ There is also a problem of regional accessibility of quality medical services related to sex reassignment surgery. For example, the operations for transsexual men are performed only in a few Russian cities (Moscow, St. Petersburg, Yekaterinburg, Novosibirsk, Tomsk, Ufa, Khabarovsk and Chelyabinsk). And even in these regions not in all cities it is possible to perform the most sophisticated surgical measures (laparoscopic instead of abdominal hysterectomy; metoideoplasty).

In other cities and regions there are simply no surgeons working with transsexual patients. Although in principle such surgical operations as mastectomy or hysterectomy are performed in case of other diagnosis, transsexual people in many regions have no access to the respective services. Thus, one of the informants, a transsexual man, said: ‘mastectomy and hysterectomy – they could be made in every hospital with surgical department. I have addressed one. I was told that “the operation is not difficult, but we have no license.” In another I run up on a physician who was a believer. He blocked me as early as at preassessment stage. He said something like “I will not go against God’s will.” But the chief physician of the surgical department in principle was not against. He was not satisfied with the wording of my medical conclusion.’ We are also receiving the same reports from other cities.

#### *Right to education – art. 13 of the ICESCR*

The States Parties to the present Covenant recognize the right of everyone to education. They agree that education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms. They further agree that education shall enable all persons to participate effectively in a free society, promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups, and further the activities of the United Nations for the maintenance of peace (art. 13, para. 1, of the ICESCR).

The general norm established inadmissibility of discrimination in education is contained in art. 5 of the Law of the Russian Federation on Education.<sup>1</sup> However, this norm includes an exhaustive list of grounds, discrimination on which should not be allowed, and sexual orientation as well as gender identity is not enumerated.

As was pointed out above, a disclosure of sexual orientation of a teacher or another education worker could put an end to him/her career, and there are known the cases of dismissals and discrimination of the teachers on this ground. Bullying and violence against LGBT pupils or students in schools and other educational institutions is also quite common phenomenon in Russia. Moreover, not only pupils or students but also teachers and school or university administration express negative and hostile attitudes towards LGBT people.

Thus, during monitoring of discrimination against LGBT people conducted in St. Petersburg in 2008, a twenty-year-old lesbian girl reported she had been discriminated in the teaching college where she had studied. Once the director of the college learned about her sexual orientation, she and her girlfriend were constantly called to the dean's office, and had to attend compulsory discussions with the psychologist who was trying to 'correct' the girls. After that incident, most of the students stopped talking to them, and teachers began to present unreasonable demands, threatening not to provide grades until the girls 'corrected' themselves. The girl was reprimanded about her appearance (e.g., short hair); she was told that she did not correspond to 'the Russian teacher image.' Finally, the girl was asked to choose between: loving men, leaving the college of her own free will, or being expelled.<sup>2</sup>

Transsexual people are faced with the problems in educational sphere also when changing documents. Issues related to the execution of the documents confirming education are regulated by the instructions approved by the Ministry of Education.<sup>3</sup> According to these instructions, if a person's name has been changed, he/she puts in an application and documents confirming name change to the head of the education institution. Change of educational documents is performed on the resolution of the head of the institution.

Nevertheless, there are cases in practice when the officers of educational institutions refuse to change the documents. Thus, one of the informants reported that he was refused to change the diploma by the university staff members ('you've obtained it, and should be with it all your life'). In such situations the possibility to obtain a new diploma could be realised only through court action. Thus, in 2007 in Ryazan a transsexual woman who had received a new passport with a female name, was refused a new diploma with reference to the fact that 'there is no legal grounds to issue a [new] diploma.' She filed the petition in the court and won the case. The court pointed out that 'the petitioner's name have been changed in accordance with the procedure established by law in connection with gender reassignment,' and issue of new diploma will be pursuant to the rules established by the relevant instruction. Another problem is virtually total lack of adequate coverage of homosexuality and transsexuality issues by the syllabi and teaching courses. It is especially topical for such spheres as psychology, psychiatry, sociology, social work or law.

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<sup>1</sup> On Education: Law: passed by the Supreme Soviet of the Russian Federation on 10 July 1992 // Gazette of the Congress of People's Deputies and the Supreme Soviet of the Russian Federation. 1992. No. 30. Art. 1797

<sup>2</sup> 2008 Regional St. Petersburg Report Based on the Results of Monitoring of Discrimination Based on Sexual Orientation and Gender Identity. URL: [http://piter.lgbtnet.ru/2009/01/27/monitoring-2/?langswitch\\_lang=en](http://piter.lgbtnet.ru/2009/01/27/monitoring-2/?langswitch_lang=en) (date of access: 16.01.2010).

<sup>3</sup> See, for example: Instruction on the order of issue of State-standard documents of higher professional education, completion and keeping of relevant forms of documents (approved by the Order of the Ministry of Education and Science of the Russian Federation of 10 March 2005 // Rossiyskaya Gazeta. 2005. 22 April); Instruction on the order of issue of State-standard documents of secondary professional education, completion and keeping of relevant forms of documents (approved by the Order of the Ministry of Education and Science of the Russian Federation of 9 March 2007 // Rossiyskaya Gazeta. 2007. 16 May).



In published papers – educational materials and specialised journals there could be found often inaccurate or outdated data, and the authors themselves frequently rest not upon reliable information but upon their own general perception of homosexuality and transsexuality as negative phenomena. This statement could be illustrated with the article by K.A. Chernega, Candidate of Legal Science and the Senior Teacher of the Department of Civil and Family Law, devoted to the same-sex marriages issues. In this paper the researcher called relations between persons of same sex ‘sin of Sodom’ and ‘loathsome things of Sodom,’ and also added: ‘there are no sufficient legislative obstacles to the propaganda and dissemination of various forms of sexual perversion in contemporary Russia.’ Without any mention of the ICD 10th Revision (by which homosexuality was removed from the list of diseases), the author notes: ‘However, it is necessary to thank the drafters of the penultimate 9th revision of the International Classification of Diseases of the World Health Organization (WHO), which have attributed homosexualism to the category of sexual perversions and malfunctions.’<sup>4</sup>

An analogous situation could be observed in psychological sciences: ‘for example, the papers of a “living classic” of psychology, Prof. Il’in. In his book “Differential Psychophysiology of Men and Women” which is used by all our students, “homosexualism” is considered in the chapter “Disturbance in Sexual Development of Men and Women,” and it is alleged, for example, that “homosexualism is divided into active and passive. The most pathological form for a man is a passive one, and for a woman – an active” (p. 250).’<sup>5</sup>

When preparing the Russian report under the project ‘Comparative study on the situation concerning homophobia, transphobia and discrimination on grounds of sexual orientation and gender identity in the Council of Europe member states’ initiated by the Office of the Commissioner for Human Rights of the Council of Europe, we have received from the psychological researchers and the practicing university teachers the following information. Dmitry A. Andronov, the Senior Teacher of the Department of Psychology of the Omsk Humanitarian University, testified: ‘The vast majority of teachers of psychology at the universities are not competent in the field of sexual orientation, sexual identity, as well as displaying of it and forms of its development; gender stereotypes continue to be traced. Many teachers continue to think of diagnoses, without resorting to ICD-10 and DSM, and to some extent perceive homosexuality as an undesirable form of sexuality... The policy of silence prevails, and it is not accepted to talk a lot, long and seriously about homosexuality. As a rule, jokes about homosexuality are sounded. If there is a teacher in high school, whose homosexuality is well known, s/he becomes the subject of discussing and often people laugh behind his/her back; in case of dismissal from work the [real] reason is not always disclosed, and the other causes often are found and sounded;’ ‘In high schools (and even at the departments of psychology) there are no special courses, which addresses the LGBT issues.’<sup>6</sup> Mariya L. Sabunaeva, Candidate of Psychological Science, the Docent of the Herzen State Pedagogical University of Russia, reported the following cases: ‘When my undergraduate student was giving a mandatory lecture to a student group of a teacher of my department, the Docent and Candidate of Sciences, the latter broken off the lecturer and started to set out her own stereotypes that “they [homosexuals] should be treated for an illness”, and in fact did not give the student a chance to continue her research. The Chairman of the Department of the Clinical Psychology, writing the review on the Master’s thesis devoted to the problematics of young men’s homosexual identity, permitted himself to compare topicality of the research to the topicality of the investigation of “freckles on a back”,’ ‘Such papers [on psychological aspects of homosexuality] are preparing here and there, but they are unsystematic, single, and

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<sup>4</sup> Chernega K.A. Legal Aspects of Legalization of ‘Non-Traditional’ Family in Russia. Citizen and Law. 2003. No. 4. [In Russian]

<sup>5</sup> E-mail correspondence with Mariya L. Sabunaeva (25.01.2010).

<sup>6</sup> E-mail correspondence with Dmitry A. Andronov (18.01.2010).

often of a low level of quality because there is no specialists which could be advisers of such researches;’ ‘The specialised institutions teaching to psychological consulting offer no training on problematics of psychological aid for homosexual people.’<sup>7</sup> [...]

*Right to take part in cultural life and to enjoy the benefits of progress – art. 15 of the ICESCR*

1. The States Parties to the present Covenant recognize the right of everyone:
  - (a) To take part in cultural life;
  - (b) To enjoy the benefits of scientific progress and its applications;
  - (c) To benefit from the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.
2. The steps to be taken by the States Parties to the present Covenant to achieve the full realization of this right shall include those necessary for the conservation, the development and the diffusion of science and culture.
3. The States Parties to the present Covenant undertake to respect the freedom indispensable for scientific research and creative activity.
4. The States Parties to the present Covenant recognize the benefits to be derived from the encouragement and development of international contacts and co-operation in the scientific and cultural fields (art. 15 of the ICESCR).

The CESCR uses a broad approach to interpreting the content of a culture (paras. 10—13 of the General comment No. 21). It is also highlighted that ‘in the Committee’s view, article 15, paragraph 1 (a) of the Covenant also includes the right of minorities and of persons belonging to minorities to take part in the cultural life of society, and also to conserve, promote and develop their own culture’ (para. 32 of the General comment No. 21).

Describing acceptable limitations of the right to take part in cultural life, the CESCR also notes that ‘no one may invoke cultural diversity to infringe upon human rights guaranteed by international law, nor to limit their scope’ (para. 18 of the General comment No. 21). At the same time, ‘[the] limitations must pursue a legitimate aim, be compatible with the nature of this right and be strictly necessary for the promotion of general welfare in a democratic society, in accordance with article 4 of the Covenant. Any limitations must therefore be proportionate, meaning that the least restrictive measures must be taken when several types of limitations may be imposed’ (para. 19 of the General comment No. 21).

The current Russian practice places the degree of actual fulfillment, respect and protection of the right to take part in cultural life, which belongs to LGBT people (as is to other members of society), in question. Thus, the difficulties related to the coverage of homosexuality and transsexuality issues in academy should be mentioned in addition to the addressing analogous problems in education.

In 2010, the following case was reported to the Russian LGBT Network by a researcher. After disclosure of his homosexuality, he had to convince his colleagues that he is heterosexual (while it was not true) in order to be admitted to the postgraduate programme and to achieve the scientific adviser to be appointed to him. But even after that the topic of the research proposed by him was rejected, and another topic was imposed. One of the papers prepared by the researcher was not accepted by the editor of the collected articles alleging that it is ‘a propaganda of homosexuality, and she will never publish an article with such subject matter.’ After some time, when the dissertation had been prepared for the defense, the Head of the Dissertation Committee let him and his new scientific advisor known that ‘the [Dissertation] Committee is not ready for such topic, the candidate for a degree will never defend his dissertation in this Committee and he should try to find another organisation, and it is foregone conclusion that he will fail with such a topic.’

As evidenced by Mariya L. Sabunaeva, Candidate of Psychological Science, the Docent of the Herzen State Pedagogical University of Russia, ‘there is a lack of Russian-language scientific literature on psychology of homosexuality. The American journal “Gay-Lesbian

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<sup>7</sup> E-mail correspondence with Mariya L. Sabunaeva (25.01.2010).

Psychotherapy” is absent in all Russian libraries and is absolutely unachievable for the Russian researchers.’ She also makes the following example which had occurred in the publishing house ‘Piter’. The publisher removed the paper on the perception of homosexuality prepared by one of the authors, and rejected also the paper on overcoming homophobia (just three of thirty five or forty papers were rejected altogether, the third one was related to the sex work issues; all three papers were of academic character and high quality).<sup>1</sup> The candidates for a degree in legal sciences (including doctor’s degree) allow themselves to make discriminatory wording which do not correspond to the human rights concept. Thus, in 2009, a candidate for a degree suggested to put a mark ‘gender changed’ in all new documents of transsexual people (‘because such measure could prevent abuse of confidence of citizens expecting to bear children in a family with a person changed him/her sex; could rule out the possibility of being awarded prize-winning places in sporting events by participating in the group of people who have not changed their sex; and also could prevent preservation of a marriage with a person who have not changed his/her sex’).<sup>2</sup> In 2002, it was defended the dissertation which author stated that ‘homosexual relations (contacts) on a voluntary basis disrupt the existing pattern of sexual relations,’ said about ‘propagation of homosexuality by mass media’ and suggested to establish different ages of consent to heterosexual and homosexual relations in order to aggravate criminal liability for the commission of a crimes against sexual inviolability and sexual freedom.<sup>3</sup> [...]

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<sup>1</sup> E-mail correspondence with Maria L. Sabunaeva (25.01.2010).

<sup>2</sup> See: Pal’kina T.N. Personal Non-Property Rights and Non-Material Values in Civil and Family Law of the Russian Federation: An abstract of a dissertation for the degree of Candidate of Legal Science. Moscow, 2009. URL: <http://law.edu.ru/book/book.asp?bookID=1353448> (date of access: 28.01.2011). [In Russian].

<sup>3</sup> See: Koneva M.A. Crimes against Sexual Inviolability and Sexual Freedom, Committed by Persons with Homosexual Orientation: An abstract of a dissertation for the degree of Doctor of Legal Science. Volgograd, 2002. URL: <http://law.edu.ru/book/book.asp?bookID=120192> (date of access: 28.01.2011). [In Russian].

## Sources consulted (including descriptions of lesser known sources)

### **Amnesty International, Russia pages**

<http://www.amnesty.org/en/region/russia>

### **ECOI**

[www.ecoi.net](http://www.ecoi.net)

**LGBT Human Rights Project GayRussia.Ru:** “The “LGBT Human Rights Projects GayRussia.Ru” (also called “Project GayRussia”) is a translational organization advocating for the rights of Lesbian, Gay, Bisexual and Transgender founded on May 17, 2005 in Moscow. [...] Web portal [www.GayRussia.Ru](http://www.GayRussia.Ru) is the non-commercial news portal of the organization which is run by the activists. Its aims is to inform Russian and English Speakers about gay life and gay news in Russia and elsewhere but also about GayRussia's specific campaigns”.

<http://www.gayrussia.eu/en/>

**Gay Star News:** “GayStarNews.com is the first global 24-7 gay news site”

<http://www.gaystarnews.com/search/node/russia>

**Global Gayz, Russia pages:** “Global Gayz is a gay-owned charitable travel and culture website focused on les-bi-gay-trans life in countries around the world. It is based on actual visits to far and near countries. Presented here are Stories, Links, News Reports and Photo Galleries for more than 190 countries”.

<http://www.globalgayz.com/europe/russia/>

### **Human Rights Watch, Russia pages**

<http://www.hrw.org/europecentral-asia/russia>

**International Day Against Homophobia and Transphobia (IDAHO):** “Following other initiatives such as the National Day Against Homophobia created in 2003 in the Quebec province of Canada by the Fondation Emergence and celebrated in June, Louis-Georges Tin, a French university lecturer, campaigner for Black and LGBT Rights and chief editor of the «Dictionary of Homophobia», launched in August 2004 an initiative to create an International Day Against Homophobia that is global in scope. He launched an appeal « For a universal recognition of the International Day Against Homophobia » (IDAHO) and proposed that this day be fixed on May 17th, to commemorate the World Health Organisation’s decision to remove homosexuality from the list of mental disorders. [...] The IDAHO Committee’s objective is to make the International Day Against Homophobia and Transphobia a global awareness and mobilization moment that represents a useful opportunity for everyone to take action at all levels.”

<http://www.dayagainsthomophobia.org/-IDAHO-english.41->

### **International Federation for Human Rights (FIDH), Russia pages**

<http://www.fidh.org/-Russia->

### **International Gay and Lesbian Human Rights Commission (IGLHRC), Russia pages**

<http://www.iglhrc.org/cgi-bin/iowa/region/197.html>

**International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA)**, Russia news pages  
[http://www.ilga-europe.org/home/guide/country\\_by\\_country/russia](http://www.ilga-europe.org/home/guide/country_by_country/russia)

➤ *Member organisations of ILGA-Europe:*  
Coming Out Russia Saint Petersburg LGBT Organisation  
[www.comingoutspb.ru](http://www.comingoutspb.ru)

Gay Youth Right Defence Organisation  
[www.gayser.org](http://www.gayser.org)

Raduzhny Dom  
<http://raduzhny-dom.ru/>

Russian LGBT Network  
[www.lgbtnet.ru](http://www.lgbtnet.ru)

Russian National LGBT Centre TOGETHER  
[www.gay.ru/together](http://www.gay.ru/together)

The St. Petersburg LGBT Human Rights Centre - “Krilija (Wings)”  
[www.kriliya.sp.ru](http://www.kriliya.sp.ru)

**Moscow Helsinki Group:** “MHG Mission is to assist human rights observation and democracy development in Russia. To achieve this MHG from the very beginning of its existence deals with revelation of human rights violations and exercising a pressure on authorities to make them fulfill undertaken international obligations in human rights sphere. A democratic state based on the rule of law cannot exist without strong civil society. That’s why after its reestablishment in 1989 MHG makes all the possible efforts for reinforcement and promotion of civil society in Russia, providing well-rounded support for the development of human rights and civil movement in the RF regions.”  
<http://www.mhg.ru/english/>

**Pink News:** “Pink News covers religion, politics, entertainment, finance, and community news for the gay, lesbian, bisexual and transgendered community in the UK and worldwide. Founded to produce broadsheet quality journalism for the LGBT community, we cover politics to theology in an intelligent manner”.  
<http://www.pinknews.co.uk>

**Radio Free Europe/Radio Liberty (RFE/RL)**, Russia pages: “RFE/RL is a private, nonprofit Sec. 501(c) 3 corporation. [...] RFE/RL journalists report the news in 21 countries where a free press is banned by the government or not fully established. We provide what many people cannot get locally: uncensored news, responsible discussion, and open debate. [...] We broadcast to 21 countries in 28 languages, including Iran, Iraq, Afghanistan, Pakistan, and Russia. With over 400 full-time journalists, 750 freelancers, and 19 local bureaus, RFE/RL is one of the most comprehensive news operations in the world. [...]”  
<http://www.rferl.org/section/Russia/161.html>

**RIA Novosti:** The Russian Information Agency (RIA) Novosti is “a state news-analytical agency”  
<http://en.rian.ru/>

**UN Committee on Economic, Social and Cultural Rights**  
<http://www2.ohchr.org/english/bodies/cescr/cescrs46.htm>