

Russia

Response to Information Request Number:	RUS98001.zar
Date:	8 May 1998
Subject:	Russia: Information on the treatment of homosexuals in Russia, including imprisonment and involuntary medical treatment, and the situation of HIV-positive citizens of Russia.
From:	INS Resource Information Center, Washington, DC
Keywords:	Russia / Homosexuals / Criminal Law / Legislation / Detained Persons / Punishment / Viral Diseases / HIV / Involuntary Psychiatric Treatment / Imprisonment

Query:

How have homosexuals been treated in Russia, in 1991 and presently? Are there laws governing homosexual acts, and might homosexuals be subject to arrest and mistreatment on the basis of their homosexual identity? Might homosexuals be subjected to forced psychiatric treatment? What is the status of HIV and AIDS treatment in Russia today?

Response:

The Treatment of Homosexuals in Russia

Homophobia is quite pervasive in Russian society; homosexual men in Russia have historically experienced abuse and discrimination. The 1993 US Department of State Country Report noted that homosexuals in Russia are targets for abuse by civilians and police. Local police were known to conduct surveillance on suspected homosexuals and keep files on them (*Country Reports* 1993 1994). A poll conducted in 1989 reported that homosexuals were the most hated group in Russian society and that 30 percent of those polled felt that homosexuals should be liquidated (Reuters 16 Aug. 1993). Accounts of abuse occurring in the early 1990s include attacks by youth gangs, killings, theft, extortion, blackmail by police, and police raids on gay clubs. (Associated Press 7 Jan. 1991; *The Guardian* 3 Aug. 1993). Homosexuals are a prime target for abuse because they are unlikely to receive the protection of the police, much less seek out such protection (*The Guardian* 24 June 1995).

Laws Governing Homosexual Acts

Under Article 121 of the Soviet criminal code, consensual sexual relations between men and sodomy were punishable by up to five years in prison. There were no criminal statutes regarding lesbianism. During the Soviet regime, Western observers believed that 800 to 1,000 men were imprisoned each year under Article 121 (States News Service 28 May 1991; *The San Francisco Chronicle* 18 Oct. 1992).

In April 1993, the first part of Article 121, which criminalized consensual homosexual acts between adult males was repealed. The revised article now resembles the second part of the old article establishing a maximum sentence of five years for sodomy committed by force or with a minor. This change took effect when published May 27, 1993 and carried a retroactive force, allowing men imprisoned under the first section of Article 121 to be released (AI Sept. 1993, 10). Release of these men from prison was quite slow, as there

was no minister appointed to oversee the implementation of this action. The Ministry of Internal Affairs reported that at the time that the law took effect, there were 73 men imprisoned under Article 121.1 alone, and an additional 192 men who were detained in violation of other statutes in addition to 121.1 (AI Sept. 1993, 10-11). Although there were reports by the Interior Ministry that some of these men had been released within the months following the change in the law, there was no documentation to this effect (*The San Francisco Chronicle* 18 Oct. 1993).

Gay rights advocates in Moscow argue that homosexual men are still discriminated against through legislation. The legal age of consent for a homosexual is 18, while it is only 16 for a heterosexual (*The Guardian* 24 June 1995).

Treatment of Homosexuals in Prisons

Homosexual prisoners are treated as outcasts in prisons. Through a highly developed caste system, homosexual prisoners are forced to sleep next to latrines, perform the worst prison tasks, eat separately from the other prisoners, provide sexual favors to other prisoners or guards to avoid beatings or rape. This treatment of homosexuals was documented not only in the early post-soviet period, but also as recently as the 1997 US Department of State Country Report (*Country Reports* 1997 1998, 1250; *Country Reports* 1995 1996; *Country Reports* 1994 1995; *The New York Times* 20 Nov. 1993).

Psychiatric Abuse in the Soviet Union

Under the Soviet regime, authorities often sent dissidents and other socially undesirable people to psychiatric institutions for an indefinite period of detention and treatment. In a criminal proceeding, a psychiatric evaluation was often used when the evidence available would not necessarily lead to a conviction. A finding by a psychiatrist of mental incompetence prevents a defendant from standing trial. Judges almost always adopted the psychiatrist's recommended treatment, which could range from outpatient medical supervision to placement in a special psychiatric hospital. In those situations the defendant loses his or her right to appeal by virtue of mental incapacity. Once released from a psychiatric hospital, "patients" were routinely ordered to register with their local hospital and receive regular supervision (*Soviet Psychiatric Abuse: The Shadow over World Psychiatry* 1985, 22-23).

Bloch and Reddaway studied 200 cases of Soviets ordered to receive psychiatric care between 1962 and 1977 and developed a classification of these people. Three hundred cases from the period of 1977-1985 reflected these same targeted categories. All victims share the characteristic of having deviated from the social conventions prescribed by the state. Victims usually fell into one of five categories: 1) advocates of human rights and democratization; 2) nationalists; 3) would-be emigrants; 4) religious believers; and 5) citizens inconvenient to authorities (*Soviet Psychiatric Abuse: The Shadow over World Psychiatry* 1985, 30). Though there is no specific mention of homosexual men, lesbians, who could not be prosecuted under the criminal code, were sent to mental hospitals and forcibly treated (*The Guardian* 24 June 1995). Bloch and Reddaway support the plausibility of such treatment when they acknowledge that forced psychiatric treatment was used not only for dissidents, but also for "social deviants" (*Psychiatric Terror* 1977, 278).

A common diagnosis of criminally committed soviet citizens was that of "sluggish" or "creeping" schizophrenia, symptoms of which include "dissemination of slander," "exaggerated religious belief," and "excessive valuation of the West" (Helsinki Watch May 1990). Many of the sources consulted by Bloch and Reddaway cite the use of Sulphazine, or Sulfazine, a purified sulfur substance which has not been used in the West since the 1930s because of its lack of therapeutic effect, by psychiatrists treating criminally committed patients. Reactions to this drug include "high fever and pain at the site of injection and throughout the body" (*Soviet Psychiatric Abuse: The Shadow over World Psychiatry* 1985, 27).

HIV and AIDS in Russia Today

According to sources consulted, doctors in Russia have the capability to provide little treatment to HIV-positive patients beyond providing a diagnosis (*The Dallas Morning News* 21 Dec. 1997). The triple-drug therapies prescribed in the West are available to only a small number of people in Moscow (*Newsday* 4 Nov. 1997). Currently, HIV tests are mandatory for prisoners, identified homosexuals and bisexuals, people with sexually transmitted diseases other than HIV, and people with clinical indicators of HIV. Others can require testing if authorities become aware that they are sexually active in a casual manner, citizens returning from abroad, blood donors, pregnant women, recipients of blood products, and serving soldiers. Everyone on record as belonging to one of these groups is summoned annually by the militia for testing (Inter Press Service 22 Oct. 1997). Some groups at risk avoid testing for a fear that they may have to face criminal charges for knowingly spreading a sexually transmitted disease and facilitate the mandatory tracing of all past sexual partners by police (*The New Republic* 2 Jan. 1995). This statute has been reported to be used to prosecute homosexual men who are HIV-positive (*Moscow News* 9 July 1993).

This response was prepared after researching publicly accessible information currently available to the RIC within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim to refugee status or asylum.

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