



Persecution of sexual minorities in Russia

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Recent Russian legislation prohibiting 'propaganda' to minors in favour of non-traditional sexual relationships has alarmed human rights advocates and seems to have provoked an increase in violence against sexual minorities. The UK government has stated its clear opposition to the law and the climate of hostility towards LGBT people that prevails in Russia.

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1 Increasing official hostility

The situation for lesbian, gay, bisexual and transgender (LGBT) people in Russia has become increasingly difficult over the last few years, although much of the basic legal framework for LGBT people is not obviously discriminatory.

Sexual relations between men were decriminalised in 1993 and the law is silent on the issue of sex between women. The age of consent for homosexuals is the same as that for heterosexuals, and although there is no provision for same-sex marriages or civil partnerships. Homosexuals are not prevented by law from serving in the armed forces, although the position is ambiguous.

The political atmosphere is deeply hostile, however. In May 2013, the International Lesbian and Gay Association-Europe rated Russia the worst place to be gay out of 49 European countries. Russia scored 0% for its legal and policy framework in each of the fields: freedom of assembly; asylum; protection from discrimination; and protection from hate crime. Russia did gain slight credit from ILGA for its laws on family recognition and gender recognition.¹ (In the same index, the UK was reckoned to be the best country in Europe for the protection of LGBT rights.)²

According to human rights organisations, the mounting problems for LGBT people in Russia come against a background of increasing nationalism in Russia, attacks on many minorities including Roma and migrant workers, and a general crackdown on civil society, especially on any organisations which might be critical of the present government.³

1.1 Parade bans

The Moscow authorities have refused requests to authorise a Gay Pride march in Moscow for the last eight years in a row. In 2012, the local authority announced that this ban was to last for 100 years. When activists appealed to the courts against this decision, the court upheld it.

In May, a Pride parade in Moscow, organised in spite of the lack of authorisation to commemorate the 20th anniversary of the decriminalisation of homosexuality, saw the arrest of gay activists as soon as they unfurled gay banners outside the State Duma.⁴ Vigilantes opposing the march, connected to the Russian Orthodox Church, were also arrested. Gay activists often complain that they are attacked by counter-demonstrators while the police look on.

1.2 Propaganda law

Since 2006, nine regional jurisdictions in the Russian Federation have passed amendments to administrative law to introduce prohibitions on 'propaganda' in favour of homosexuality among minors: the Republic of Bashkortostan; the regions of Arkhangelsk, Kostroma, Krasnodar, Magadan, Novosibirsk, Ryazan and Samara and the City of St. Petersburg.⁵ The regional legislation has resulted in an increase in arrests, detentions and the imposition of fines.

¹ ILGA-Europe, [Russia score sheet based on Rainbow Europe Map 2013 \(English\)](#)

² ILGA-Europe, [Rainbow Europe Index 2013](#)

³ *Amnesty International Annual report 2013, Russian Federation*

⁴ 'Police arrest 30 at gay pride rally in Moscow', *Guardian*, 25 May 2013

⁵ Paul Johnson, '[Homosexual propaganda laws in the Russian Federation: are they in violation of the European Convention on Human Rights?](#)', University of York, 8 July 2013

On 12 June 2013, the Russian Duma voted unanimously to pass a federal law banning homosexual propaganda aimed at under-18s. This law has been compared to the UK's (repealed) *Local Government Act 1988*, clause 28 of which prevented local authorities from 'promoting homosexuality'. The International Commission of Jurists points out that the UN Committee on the Rights of the Child urged the British government to repeal this law, since children's right to receive information about sexuality among other things is enshrined in the Convention on the Rights of the Child.⁶

The Russian law is in fact very much broader, going beyond the regulation of public authorities. Observers worry that the law could be used to prosecute members of the public who simply express publicly the fact that they are gay.

LGBT activists in Russia say that the law itself is less important than the message of official approval for anti-gay hatred that it sends to ordinary Russians, particularly in remote regions.⁷

1.3 NGO law

One of the causes for concern is the law passed in 2012 requiring NGOs that receive funding from abroad to register as 'foreign agents'. This law, which the Council of Europe fears will have a chilling effect on NGOs,⁸ has been used against gay organisations. In June 2013, two LGBT organisations – the Side by Side Film Festival and Coming Out – were fined in St Petersburg for not registering as 'foreign agents'.⁹

1.4 Adoption

In June 2013, the State Duma approved a bill banning the adoption of Russian orphans by foreign same-sex couples, and single foreign nationals from countries where same-sex marriages are legalised.¹⁰ A liberal member of the Duma said that upcoming regional and local elections were behind the move:

People in the regions demand stricter family rules. In this case the lawmakers follow these demands. We have regional and municipal elections coming up. I think this law also has a lot to do with the local elections.¹¹

The fact that the legislation was aimed only at foreigners is also significant. Along with the NGO law, the government's posture on adoption seems to suggest that homosexuality is an imported problem.

2 Winter Olympics

The 2014 Winter Olympic Games are due to be held in Sochi, Russia. A number of activists have called for a boycott of the games after the passage of the federal anti-propaganda law. Chess champion and political activist Garry Kasparov said the athletes should participate but political leaders should avoid the opening ceremony.

⁶ UN Committee on Rights of the Child, [Concluding observations: United Kingdom of Great Britain and Northern Ireland](#), 9 October 2002

⁷ ['Russia gay propaganda law fuels homophobic attacks'](#), *Financial Times*, 16 August 2013

⁸ ['Council of Europe tells Putin of concern over Russian NGO law'](#), *Reuters*, 20 May 2013

⁹ *Human Rights and Democracy Report 2012, Country updates: Russia*, FCO, 2013

¹⁰ ['Russian Duma Bans Adoptions By Foreign Same-Sex Couples'](#), *Radio Free Europe/Radio Liberty*, 21 June 2013

¹¹ *ibid*

British broadcaster Stephen Fry sent an open letter to Prime Minister David Cameron, the IOC and Lord Coe, Chairman of the British Olympic association. Fry described the passage of anti-Jew laws by Adolf Hitler in 1934, his 'gleeful' staging of the Berlin Olympics in 1936 and the failure of the Olympic authorities to do anything about it. Comparing Hitler with Putin, he called on the IOC to take a firm stand:

Putin is eerily repeating this insane crime, only this time against LGBT Russians. Beatings, murders and humiliations are ignored by the police. Any defence or sane discussion of homosexuality is against the law. Any statement, for example, that Tchaikovsky was gay and that his art and life reflects this sexuality and are an inspiration to other gay artists would be punishable by imprisonment. It is simply not enough to say that gay Olympians may or may not be safe in their village. The IOC absolutely must take a firm stance on behalf of the shared humanity it is supposed to represent against the barbaric, fascist law that Putin has pushed through the Duma.¹²

David Cameron, who reportedly met Stephen Fry to discuss Sochi, said that it was best to attend the games to be able to protest in person.¹³

The International Olympics Committee issued a statement to the press in July 2013, saying that the Olympics should be free of discrimination but that the IOC was not the right organisation to deal with political questions in Russia:

The International Olympic Committee is clear that sport is a human right and should be available to all regardless of race, sex or sexual orientation. The Games themselves should be open to all, free of discrimination, and that applies to spectators, officials, media and of course athletes. We would oppose in the strongest terms any move that would jeopardise this principle.

As you know, this legislation has just been passed into law and it remains to seen whether and how it will be implemented, particularly as regards the Games in Sochi. As a sporting organization, what we can do is to continue to work to ensure that the Games can take place without discrimination against athletes, officials, spectators and the media. Wider political issues in the country are best dealt with by other international organizations more suited to this endeavour.¹⁴

The IOC later said that it had received assurances from the Russian authorities that visitors to the Sochi games would not be affected. However, in August, the sports minister said that the law would be applied but that sports people or guests who 'harbour a non-traditional sexual orientation' but do not promote homosexuality to minors or conduct any kind of provocation would have nothing to fear.¹⁵

The Moscow athletics World Championships have also seen controversy. Yelena Isinbayeva, a Russian pole vaulter, said

If we will allow to promote and do all this stuff on the street, we are very afraid about our nation, because we consider ourselves like normal, standard people. We just live with boys with woman, woman with boys -- everything must be fine here.¹⁶

¹² Stephen Fry, [An Open Letter to David Cameron and the IOC](#), 7 August 2013

¹³ 'David Cameron met Stephen Fry to discuss Russian gay rights row', *Guardian*, 18 August 2013

¹⁴ 'IOC issues statement on Olympics in Russia', *Windy City Times*, 17 July 2013

¹⁵ 'Russia Confirms Anti-Gay Law Will Be Enforced at Olympics', *RIA Novosti*, 12 August 2013

¹⁶ 'Media Debate Russian Female Sprinters' Kiss', *Radio Free Europe/Radio Liberty*, 20 August 2013

The next day she backtracked from the comments, saying that she had been misinterpreted because of her poor English.

3 International organisations

International human rights organisations have condemned the lack of protection for LGBT people in Russia on a number of occasions. The International Commission of Jurists, for example, submitted an opinion on the Ryazan ‘homosexual propaganda’ law, finding that the limitations that the law placed on freedom of expression are not permissible under international human rights law.¹⁷

3.1 United Nations

In November 2012, the United Nations Committee against Torture published a report on the implementation of the *Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* in which it criticised Russia for failing to prevent hate crimes against LGBT people.¹⁸ The committee said that the police response to allegations of violence or harassment of LGBT people, along with Roma, migrant workers and other minorities, is inadequate and there are few prosecutions. The report contained some recommendations as to how this could be remedied.

In 2012, the UN Human Rights Committee considered the case of a lesbian, Irina Fedotova, who had put up a poster near a school in Ryazan region that said “homosexuality is normal”. She was arrested by the Ryazan authorities and prosecuted and convicted under the ‘homosexual propaganda’ law.

The Human Rights Council found that this was a violation of her rights under the Article 19(2) (freedom of expression) read in conjunction with Article 26 (equality before law) of the International Convention on Civil and Political Rights,¹⁹ which Russia ratified in 1973 (as the then Soviet Union). The International Commission of Jurists and the International Lesbian and Gay Association greeted the finding as ‘historic’.²⁰

3.2 Council of Europe

Russia became a member of the Council of Europe in 1996, committing itself to uphold the rights set out in the European Convention on Human Rights.

In June 2012, some members of the Parliamentary Assembly of the CoE issued a declaration on the violations of LGBT rights in Russia. It called on the Russian authorities to: ‘respect, rather than violate, the rights of LGBT people, and on the Committee of Ministers to insist that Russia respect its obligations as a member State of the Council of Europe.’

The Council of Europe’s Venice Commission, set up to examine the compatibility of laws with the CoE’s democracy promotion objectives, was asked for an opinion on the recent homosexual propaganda laws in Russia, Ukraine and Moldova.²¹ The Commission found that

¹⁷ International Commission of Jurists, ICJ opinion on Section 3.10 of the Ryazan Oblast law,

¹⁸ United Nations Committee against Torture, *Concluding observations on the fifth periodic report of the Russian Federation, adopted by the Committee at its forty-ninth session (29 October-23 November 2012)*, December 2012

¹⁹ UN Human Rights Committee Jurisprudence, [CCPR/C/106/D/1932/2010](#)

²⁰ ‘Russia: human rights groups hail historic decision on homosexual propaganda ban’, International Commission of Jurists press release, 27 November 2013

²¹ European Commission for Democracy through law, *Opinion on the issue of the Prohibition of so-called ‘Propaganda of Homosexuality’ in the Light of Recent Legislation in Some Member States of the Council of Europe*, Adopted by the Venice Commission at its 95th Plenary Session (Venice, 14-15 June 2013)

homosexual propaganda laws are incompatible with the European Convention on Human Rights because:

- they are not formulated with sufficient precision to allow members of the public to comply with them
- the justifications given for them fail to satisfy the necessity and proportionality tests required by the European Court of Human Rights
- they discriminate on the basis of sexual orientation.

The Commission re-iterated its position that homosexuality is protected under the European Convention on Human Rights and therefore cannot be deemed contrary to public morals by public authorities.

The opinion continued:

In the light of the above, the Venice Commission considers that the statutory provisions prohibiting “propaganda of homosexuality”, are incompatible with ECHR and international human rights standards. The Venice Commission therefore recommends that these provisions be repealed.²²

In May, the Secretary-General of the Council of Europe, Thorbjørn Jagland, said that the Russian government must defend LGBT people’s right to self expression:

Authorities have an obligation also to (ensure) that LGBT people can express their views and (hold) demonstrations [...] This is a fundamental principle in the European Convention on Human Rights.²³

3.3 European Parliament

MEPs passed a resolution in June 2013 that urged the Russian authorities to “refrain from adopting a federal legislation on "homosexual propaganda", which could increase discrimination and violence against LGBTI individuals.”²⁴

4 Russian viewpoints

Foreign Minister Sergei Lavrov defended the propaganda laws in February 2013:

We don't discriminate (against homosexuals), but we don't want discrimination to happen in the opposite direction, when one group of people gets the right to aggressively promote their values, which are different from those of the majority, and to impose them on children.

Homosexuality, as you know, used to be a criminal act in the Soviet Union. This article in the criminal code has long been repealed and homosexuals can do their thing absolutely freely and without punishment. We don't have any obligation to permit propaganda, which is usually quite aggressive.²⁵

²² European Commission for Democracy through law, *Opinion on the issue of the Prohibition of so-called 'Propaganda of Homosexuality' in the Light of Recent Legislation in Some Member States of the Council of Europe*, Adopted by the Venice Commission at its 95th Plenary Session (Venice, 14-15 June 2013)

²³ 'Council of Europe head says Russia must protect LGBT rights', *Reuters*, 22 May 2013

²⁴ European Parliament, *Motion for a Resolution on the Rule of law in Russia (2013/2667(RSP))*

²⁵ 'Russia's Lavrov defends controversial anti-gay bill', *Agence France Presse*, 26 February 2013

In April 2013, Vladimir Putin said on a trip to Amsterdam that LGBT people have the same rights as anyone else in Russia:

I want everyone to understand that in Russia there are no infringements on sexual minorities' rights. They're people, just like everyone else, and they enjoy full rights and freedoms.

Public opinion in the Russian Federation (along with Ukraine, Romania and Turkey) is the most hostile to gay rights in Europe, with about 70% of respondents disagreeing with the statement 'Gay men and lesbians should be free to live their own life as they wish.'²⁶ Negative statements from the government may be having an effect on public attitudes: a recent Pew survey found that the proportion responding positively to the question 'should society accept homosexuality?' fell from 20% in 2007 to 16% in 2013.²⁷

Conservative Russians have often used nationalistic arguments against the toleration of sexual minorities. In its statement opposing the LGBT Pride march in Moscow, the Moscow Patriarchate of the Russian Orthodox Church said that it aimed ultimately to destroy the Russian nation:

The Russian Orthodox Church considers unacceptable the sexual minorities parade, which 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.²⁸

Some Russian NGOs have countered the prevailing opinion of European and international groups that view the gay propaganda law as contrary to human rights commitments. The Family and Demography Foundation and the Interregional Public Organization for Family Rights have argued that the laws are a proportionate way of pursuing the legitimate aims of protecting the health of children, promoting the family, and guarding public morals.²⁹

The Russian delegation to the Human Rights Council tabled a motion on traditional values and human rights, in a move widely seen as a counter to the criticisms that Russia had received from human rights promoters over its homosexual propaganda laws. The resolution:

Reaffirms that a better understanding and appreciation of traditional values shared by all humanity and embodied in universal human rights instruments contribute to promoting and protecting human rights and fundamental freedoms worldwide.³⁰

It was passed by a majority although a substantial number of member states voted against it, including EU member states. Opponents argued that the idea of 'traditional values shared by all humanity' is problematic and that human rights are universal and should not be dependent on traditional values.

²⁶ *Discrimination on grounds of sexual orientation and gender identity in Europe*, Council of Europe, September 2011, p25

²⁷ 'The Global Divide on Homosexuality: Greater Acceptance in More Secular and Affluent Countries', Pew Research Global Attitudes Project, 4 June 2013

²⁸ 'Stop gay propaganda in Russia – Moscow Patriarchate', *Interfax*, 23 May 2007

²⁹ Paul Johnson, 'Homosexual propaganda' laws in the Russian Federation: are they in violation of the European Convention on Human Rights?, University of York, 8 July 2013

³⁰ United Nations Human Rights Council, *Promoting human rights and fundamental freedoms through a better understanding of traditional values of humankind: best practices*, 21 September 2012

5 UK policy

Discussing the protection of LGBT rights outside the UK, FCO minister Mark Simmonds said that the UK government treats LGBT rights as a priority and that human rights are universal. He went on to say that the UK lobbies bilaterally and international fora:

We lobby consistently to try to ensure—through our bilateral relations, and also through multilateral organisations such as the United Nations, the European Union, the Council of Europe and, indeed, the Commonwealth—that people respect human rights, irrespective of gender and sexual orientation.³¹

Russia is listed as one of the ‘countries of concern’ in the Foreign and Commonwealth Office’s 2012 Human Rights and Democracy Report, partly because of the situation of LGBT people. The UK government says it has attempted to improve the situation for LGBT Russians; UK-funded projects worth £1.2 million run by Russian NGOs contributed in 2012 to “gradual progress”, raising awareness about LGBT rights, among other objectives, according to the FCO.³²

Asked about the Winter Olympics and the anti-gay laws in Russia, Europe minister David Lidington said that he was concerned:

Mike Freer: To ask the Secretary of State for Foreign and Commonwealth Affairs whether he has had discussions with the Olympic Association on the implications for holding the Winter Olympics at Sochi of the tightening of anti-gay laws in Russia.

Mr Lidington: I am deeply concerned by the recent decision of the Russian Federation Council to approve a Bill which bans the distribution of “gay propaganda”. This decision will further marginalise the LGBT community in Russia. I am also concerned by the draft law banning foreign adoptions by same-sex couples and by single people in countries where same-sex marriage is legal. The Prime Minister raised concerns on a wide range of human rights issues, including the rights of all people to freedom of expression, in his meeting with President Putin in London on 16 June.

I have not had any discussions with the Olympic Association on this topic.³³

³¹ [HC Deb 18 June 2013, c752](#)

³² *Human Rights and Democracy Report 2012, Russia*, FCO, 2013

³³ [HC Deb 2 July 2013, c592W](#)