

## Event Report

### Böll Tea Briefing

#### Under Pressure: LGBT Rights in Russia<sup>1</sup>

*With the Sochi Olympics only a few months away, Russia does not present itself as a friendly host. In the past year, human rights and personal and sexual freedom have come more and more under pressure. Worst affected are the LGBT organisations, which are prosecuted both under the law on “homosexual propaganda” as well as under the “Foreign Agents law”. Two leading Russian LGBT organisations have already felt the repercussions. The LGBT Film Festival Side-by-Side had to pay a severe fine and the St. Petersburg based LGBT organisation Coming Out is currently arguing their case in city court. But that is not all. The government’s anti-homosexual rhetoric has led to an increase of homophobic violence towards LGBT people. Under such circumstances it seems extremely important to keep the dialogue between Russian LGBT activists and the international community going. The Heinrich-Böll-Stiftung offices European Union and Russia invited to meet and discuss with activists of three Russian leading LGBT organisations (LGBT Network, LGBT Film Festival Side-by-Side and Coming Out) which, despite of the complicated political and juridical situation, keep struggling for the rights of the LGBT community in Russia.*

#### General overview on the current situation in Russia

Over the past years there have been major changes in Russian legislation with serious legal and social consequences for Russian society, especially the LGBT community. One of the most challenging laws is the “Foreign Agent law”, according to which any organisation that is receiving funding from abroad and involved in political activity (in the absence of a precise definition) has to register as a foreign agent. This registration process requires a lot of bureaucratic effort and leads to additional administrative duties, such as the necessity of labelling their public material which automatically discredits the organisation’s work. Furthermore, the “overtone of spying” harms the organisations’ public activities. Still, the money from abroad remains essential as it is often the only source that allows (LGBT or human rights) organisations to continue working.

This spring, many organisations have been investigated by the prosecutors and in St Petersburg alone – where the most visible and active LGBT community in Russia is based, and which consequently is the region with the most reported LGBT rights violations – around 40 organisations were officially investigated. The results of these investigations were that e.g. the organisation *Coming Out* and the LGBT Film Festival *Side-by-Side* were accused of violating the “Foreign Agent Law”. In general, over the past 6 months (LGBT) organisations were put under a lot of pressure on various levels, like pressurising organisers to give up or spoiling the organisations’ reputation.

In July 2013 the federal government passed the “Homosexual Propaganda Law”, a law banning the distribution of propaganda of non-traditional sexual relations among under-aged people. Since the implementation of this law, several organisations have been fined. However, the general use of this legislation is less evident since the way it is formulated is deliberately very vague. The only way to actually stay safe for LGBT persons and organisations is to avoid public

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<sup>1</sup> The event took place on 16 October 2013. Guest speakers were among others **Manny de Guerre**, founder and co-organiser of LGBT Film Festival Side-by-Side, **Maria Kozlovskaya**, lawyer, Russian LGBT network and **Björn van Roozendaal**, Programmes Director, ILGA-Europe. The event was held under Chatham House Rule. The opinions expressed do not necessarily represent the opinions of the Heinrich-Böll-Stiftung.

space, be hidden and unseen. Consequently it is used to intimidate LGBT organisations, to exclude the LGBT movement from public interests and to push it back into the underground.

Recently two new draft laws have been introduced to the State Duma, the lower house of the Federal Assembly of Russia, which are obviously discriminating against the LGBT community. The first draft law contains an interdiction of blood donations by LGBT people, whereas the second draft law would allow Russian authorities to take children from families and parents who permit or conduct so-called “non-traditional sexual relations”. Both draft laws are expected to be voted on in February 2014. The Russian government’s intention concerning these draft laws is not yet obvious. The formulation of the draft law – “people who are permitting or conducting non-traditional sexuality” – could consequently target not just homosexual, bisexual or transgender families but straight families who are supporting LGBT rights.

Considering a broader political context, one could argue that President Putin and the Russian government created a public enemy by leading the public’s intention and interests away from the real economic, social and political problems the country is facing, to minority groups such as the LGBT community who are a very convenient public enemy number one. They are promoting the idea of traditional Russian values and a unique Russian identity, which is clearly distinct from the West. The wave of anti-LGBT legislation is not just a clampdown on non-governmental organisations; it can be seen as part of Russia’s political guideline. The situation for political activists is particularly grave since human rights violations are elements of a broader trend. Still, the Russian authorities’ efforts are inconsistent; on the one hand Russia wants to be part of intergovernmental institutions or international events such as the Olympic Games, on the other hand it is not complying at all with international standard and values regarding human rights.

### **Violence and lack of protection**

One of the social consequences of the new Russian legislation is that it is increasing the propensity towards organised homophobic violence. After the adoption of the federal “Foreign Agent Law” and the “Homosexual Propaganda Law” hostility towards LGBT community increased dramatically. One could even suspect that the Russian law enforcement agencies and their official communication even encourage attacks against the LGBT community.

The hate campaign accompanying these laws justifies homophobia. It reinforces ignorant negative stereotypes people have of the LGBT community, such as that LGBT people are dangerous for kids; that information about homosexuality is dangerous for kids, and the overall idea that paedophilia and homosexuality are linked. Perpetrators of outrages are not being prosecuted and their acts are not recognised as criminal offences against human beings. Even more alarming developments are observable in Russian society. There are groups asking for LGBT people to be hunted down (they call it “safari”) in order to expose them to the public, to the media and among their families and friends through harassment, torture and humiliation. These groups claim to fight “immoral behaviour”, which allegedly justifies espousing criminal actions against the LGBT community in general. Furthermore, there is a lack of protection of the LGBT community on the part of Russian authorities, especially during officially registered street actions or demonstrations. Law enforcement officers, who are supposed to protect activists during demonstrations, fail to provide the required assistance. Peaceful LGBT street demonstrations are always accompanied by hundreds of counter demonstrators, members of nationalist groups or clerical organisations. These counter protesters usually refer to the “Homosexual Propaganda Law” when justifying their actions in the media or towards journalists.

The organisers of the LGBT Film Festival *Side-by-Side* experienced this changing climate within society. Last year a large number of nationalists and orthodox religious people organised a picket against the festivals' attendees. Their behaviour was threatening and insulting and the police present at the scene ignored the picket, even though the organisers expressed their concerns. However, the police showed no interest in providing the necessary security. The organisers needed to arrange shuttle services to get the festival visitors home unharmed.

Also, LGBT protesters were arrested under the pretext of violating the "Homosexual Propaganda Law" but officially charged by something else. This means that people who are affected by this law are not able to defend their rights against it in court. Russian authorities are using this "clever strategy" to stop the LGBT community acting visibly in the public sphere.

Besides these general effects on the LGBT community, there are two groups that are particularly vulnerable under the new Russian legislation: same-sex-families with children and minors. Concerning the "Homosexual Propaganda Law" same-sex-families with children are theoretically breaking the law constantly just by telling their children they were a normal family. In addition they would suffer the most under the draft law mentioned above, revoking parental right of parents who allow "non-traditional relations". Same-sex-families are extremely threatened and most of them are terrified their children could be taken away. An existing poll demonstrates that up to 50% of same-sex-families are already looking for ways to emigrate. Regarding the minors the situation is alarming as well. The "Homosexual Propaganda Law" harms LGBT youth by preventing and refusing access to information. During adolescence, when young people need to understand sexuality, they do not have the possibility to learn that homosexuality is normal. Instead minors are left alone and it is expected that suicide rates will increase even more.

### **The regional level and the impact of international organisations**

From a global perspective the current developments in Russia can be seen as a broader decline of the impact of civil society. In terms of global human responsibility it is just as important to strengthen the international response is as to see these developments in a broader context, because apart from the LGBT community there are other minorities and vulnerable groups that have become victims of refused protection on the part of the government and increasing human rights violations.

This summer there was an enormous global outcry about the situation in Russia. Across the world there was a lot of anger and energy showing solidarity with human rights activists and the LGBT community in Russia. The recent legal changes have led to a range of responses coming from the international and European level, the European Parliament, the Council of Ministers, the EU's High Representative for Foreign Affairs and Security Policy Lady Catherine Ashton, the Council of Europe and Nils Muižnieks, Council of Europe Commissioner for Human Rights. Anti-propaganda-laws are unacceptable under international human rights standards. In support of human rights the international community has to make these issues public through diplomacy actions such as official statements. Furthermore human rights violations have to be part of bilateral negotiations and agreements with Russia in order to improve the situation on the ground – not just by addressing the laws' adoption but also their social consequences such as hate crimes and discrimination. As it seems to be rather pointless to address the Russian national authorities directly, it could be more important to approach local representatives to raise awareness of human rights violations in Russia. There is a need for documentation, and immediate responses by international authorities are required more than ever. Therefore, human rights violation should be part of the political framework while working on visa

liberalisation-plans and international organisations need to make sure that there is equality between parties and negotiations. If the situation continues to deteriorate, an increase in immigrants and asylum seekers can be expected, which could become a complex challenge for the European Union.

Especially in the run up to the 2014 Winter Olympics that will take place in Sochi in February 2014 the attention should not just be on the athletes going to Sochi, but on civil society being repressed. Sochi will be a unique platform to bring visibility to the tense situation of the abuse of human rights in Russia. However, it should be done in a wise and careful way. Right now there is an enormous amount of attention on human rights violations in Russia and LGBT organisations are more than happy to provide guidance to the international support what would be helpful and supportive to do. In general, no one is calling for a wide boycott of the games but some work could be done with participants, athletes and sponsors or international pressure could also be put on the IOC to uphold their own charter which includes non-discrimination. For now, the IOC has been getting reassurances that the games will be safe for LGBT athletes and for participants. Consequently the Russian authorities won't make use of their legislation. But it will be applied again once the Olympic Games are over. So it would actually be more helpful to get clarification from the Russian government on what exactly is (or is not) legal during and after the Olympics, since human rights protectors are more concerned about what is going to happen to organisations working on the grounds once the international attention declines after the Olympics.

### **Positive conclusion**

In response to the increase in human rights violations in Russia and the current pressure on the LGBT community, the LGBT community has been more mobilised than ever before. Part of the civil society is more willing to openly go out in the streets to defend their rights. This is why it is the priority of human rights organisations to continue their actions and support the build-up and consolidation of the movement. To keep this momentum going the international community has to encourage these developments, for example by supporting groups of professionals such as lawyers, teachers or psychologists and organisations like *Coming Out*, the *LGBT Network* or the LGBT Film Festival *Side-by-Side*.

An additional approach of facing the current conditions is to strengthen alliances on the national, regional and international level to increase solidarity within civil society. There is a special need for more cooperation with human rights organisations working on child protection. It is important to enhance partnerships and cooperate with wider civil society since founding coalitions have been one of the key aspects of the developing movement.



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