



Annual Review

of the Human Rights Situation of Lesbian, Gay, Bisexual, Trans, and Intersex People in Russia covering the period of January to December 2018

Russia

Bias-motivated violence

In St. Petersburg, Moscow and other regions of Russia, homophobic and criminal groups continued to lure gay men to “setup dates”, then robbing and physically assaulting them. In 2018, LGBTI group “Coming Out” brought several people to trial for such crimes; one perpetrator was sentenced to the maximum 5.5 years of imprisonment. However, the motive of hatred was not investigated or taken into account.

In January, a gender non-conforming young person was attacked and beaten in downtown St. Petersburg: the attackers reacted to their lipstick and feminine appearance, and made hateful statements about LGBT people. The police refused to initiate a criminal case.

In April, LGBT activists in Ufa reported a homophobic social media campaign to ‘hunt gays’. NGO Alliance of Heterosexuals and LGBT for Equality spoke to Radio Free Europe about “Saw: a homophobic game” that encouraged people to target LGBT people, between March and June (called “hunting season”).

In May, Boris Konakov, LGBT and HIV activists, was attacked in St. Petersburg, suffering severe injuries. The police refused to initiate a criminal investigation.

In June, during the World Cup in St. Petersburg, two French citizens were attacked and injured when returning from a gay club. The alleged criminals were detained.

On 9 November, several volunteers of the Fifth LGBT Family Conference in Moscow were physically attacked with pepper spray outside the venue. Two suffered eye injuries and were taken to hospital.

Data collection

Despite recommendations of international human rights institutions, the government does not collect statistics on hate crimes and discrimination against LGBTI people.

Education

In November, police seized children drawings from a school in Yekaterinburg. The drawings were devoted to the Day of Tolerance, several of them showed same-sex couples. The

police are conducting a check against the school for “promoting non-traditional sex among minors”.

Family

Pavel Stotsko and Yevgeny Voitsekhovsky were married in Denmark on 4 January. Back in Russia, they referred to the government services of recognition of marriages registered abroad and had their passports stamped by an official. They were later charged with “intentional damage to passports” under Article 19.16 of the Administrative Code and their passports were declared invalid. The couple left Russia and relocated to the Netherlands.

Freedom of assembly

The 10th IDAHOBIT Rainbow Flashmob rally took place in St. Petersburg. Notifications on the event were denied by administrations of seven different districts, reasoning either that the venue was already occupied or that the event violated the law on “propaganda”. In previous years, the event had been held in a ‘hyde park’ in downtown St Petersburg. Under Saint Petersburg law, “hyde parks” are designated places for expression of public opinions, and events there require no authorisation from city authorities; the location however was stripped of its status as a ‘hyde park’, requiring to find a new location.

Organisers challenged the denials in court, but were rejected. They decided to hold the rally anyway, changing the rally site several times, the last time one hour before the event, as they learnt that 200 teenagers were brought to the site for an event aimed at “propaganda of healthy lifestyle,” and the police informed the organisers that rally participants would be detained. The rally was eventually held in a “hyde park” in a remote neighbourhood. A group of riot police arrived, warning participants that they would be detained if the rally continued, but they were persuaded to provide protection instead. Counter protesters made hateful comments and threats, but police blocked attacks and the rally was peaceful.

During the 2018 World Cup in June, Diversity House in St. Petersburg was surrounded by barriers by the police. As a result, the owners terminated the lease agreement and the organisers had to find a different site.

LGBT NGO Revers and the Service Project for Trans People T*Revers held Trans*Camp in the Krasnodar region between 10-

12 June, bringing together 30 people for workshops, discussions, and social events. 30 people attending Pride in St Petersburg on 4 August were detained by the police. 19 were fined (Administrative Code's Art. 20.2), two activists - Vyacheslav Vereshchagin and Alexander Khmelev - were charged the highest amount for 150 and 170 thousand rubles each, for repeated administrative offences.

In September, several events of Queerfest in Saint Petersburg were disrupted by fake bomb threats. The organisers appealed to the police, who are conducting an investigation. No criminal case has been initiated; the perpetrators have not been brought to justice. Queerfest events continued despite the pressure, were held, but at other venues.

In October, State Duma deputy Vitaly Milonov, co-author of the law "on the prohibition of propaganda of homosexuality", disrupted events of LGBT film festival "Side by Side" by blocking the entrance at the opening ceremony. As a result, the venue terminated the lease agreement with the festival; the organisers had to look for another venue.

In September, the authorities banned a rally in support of LGBT rights in Pyatigorsk, planned by activists of the LGBT movement "Solidarnost" (Solidarity), citing the "propaganda" law.

On 29 October, the "Human Library" project to combat stigma, was disrupted by homophobic activists. The police stopped the event, stating that they had received a complaint about a "gathering of homosexuals who are engaged in propaganda".

In November, the Fifth LGBT Family Conference, held in Moscow with the support of the Center for Social-Psychological and Cultural Projects "LGBTIQA Resource Moscow", was disrupted. The venue owners had received homophobic threats and two cancelled the events.

On 27 November, the ECtHR passed a judgment on the Alekseev and Others v. Russia case, confirming the systematic problem of banning LGBT-related public events in Russia. The Court acknowledged the absence of effective and accessible legal protection from such state intervention, and called for change. On 4-6 December, the Committee of Ministers of the Council of

Europe considered the issue of the implementation by Russia of two significant ECtHR judgments: Alekseev v. Russia (ban on LGBT public events) and (for the first time) Bayev and others v Russia (the existence of laws prohibiting the propaganda of homosexuality).

Freedom of expression

In January, legislation extending the scope of the foreign agents' media law to include individuals passed first reading in the Duma. Blacklisted news organisations and individuals will have to add a 'foreign agent' label to all content they produce, including social media posts. Anyone citing the content will have to specify that it was created by a foreign agent.

In June, the Kuibyshevsky Court of St Petersburg dropped a case against three LGBT activists previously detained for displaying rainbow flags during the 1 May March in St Petersburg. The activists had been charged under Article 20.2 of the Administrative Code for violating the correct procedure for conducting a march, but the judge held that the rainbow flag is not a banned symbol in Russia and that the procession had been coordinated correctly.

Developments related to the 'anti-propaganda' law

The Gay.ru and Lesbi.ru websites were blocked by censorship body Roskomnadzor in April, following a decision by the Altai District Court of the Republic of Khakassia. Lawyers representing Gay.ru said that they planned to appeal the judgment and intended to pursue it all the way to the ECtHR if necessary.

In April, a court ruled to block "Parni Plus", the largest Russian website on LGBT health, citing the "propaganda law". As a result of court proceedings initiated by Coming Out, the court overturned the decision on blocking the portal.

On 7 August, Maxim Neverov became the first minor to be charged under the 2013 'anti-propaganda' legislation. Neverov, who was 16 at the time, was detained on 24 July and charged because of photos that he had saved to albums on the Vkontakte social media platform. Neverov is an LGBTI activist and politically active, involved with civil rights project 'Protest Biysk'. He was fined 50,000 rubles (approx. 656 EUR) - more than the average monthly salary in Russia. The court decision was later cancelled and the case was dismissed.



Annual Review

of the Human Rights Situation of Lesbian, Gay, Bisexual, Trans, and Intersex People in Russia covering the period of January to December 2018

Freedom of association

In the end of December 2018, the Ministry of Justice announced plans to propose amendments to the Law of Public Associations: <https://www.kommersant.ru/doc/3854782>. The amendments aim to regulate and oversee nonregistered civil society groups. If adopted, the amendments would oblige non-profit organisations without a legal entity to sign up to a dedicated registry, akin to the law on 'foreign agents'. Without this notification-registration, they would not be allowed to organise events, engage with public authorities, inform the public about their work, use an organisational name and title, etc.

Arbitrary detention and extra-judicial killings

A group of 15 countries issued questions to Russia under the OSCE's Vienna Mechanism on 30 August. Russia did not respond to the questions within the ten-day timeframe. On 1 November, 16 OSCE countries initiated the Moscow Mechanism against Russia, launching an independent fact-finding mission into reported human rights abuses in Chechnya. This includes – but is not limited to – the illegal detention, abuse and extra-judicial killing of perceived LGBT people.

Legal gender recognition

The Ministry of Health published an order on 22 January that approved a procedure to issue medical certificates for LGR. Coming into force on 2 February, this marks the first set procedure for LGR in Russian law. The procedure involves a preliminary medical examination, the issuing of a diagnosis of "transsexualism", and an examination by a medical commission. In the end, the commission issues a certificate of "sexual reorientation". After submitting the certificate to the registry office, the trans person receives a new birth certificate. Under this new procedure, LGR is faster and no longer requires medical interventions. However, it remains expensive and there are only few medical commissions, mainly at private clinics in Moscow and St. Petersburg, and state clinics in Voronezh, Omsk, Tyumen, Novosibirsk, and most recently Krasnodar. There have been efforts to open others in Ekaterinburg and Samara.

Public opinion

A poll on conspiracy theories against Russia (carried out by the state-owned Russian Public Opinion Research Centre), released on 20 October, found that 63% believed that there is an organisation trying to destroy the nation's spiritual values through the promotion of 'unconventional sexual relations'. Yet 48% of 18-24 year-olds said that people who argue for the rights of 'sexual minorities' are not being destructive.

FOR MORE INFORMATION VISIT RAINBOW-EUROPE.ORG