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**Study on Homophobia, Transphobia and Discrimination on  
Grounds of Sexual Orientation and Gender Identity**

**Sociological Report: Russian Federation**

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## A. Executive summary

1. As this report will show, the general attitudes towards LGBT persons in Russia are reportedly diverse and rather complicated. Generally, when asked, most of the people are neutral towards LGBT persons or have shifting positions depending on the context. However, the level of homophobia is still reported to be high, but it only manifests itself, when the general public is openly confronted with manifestations of homosexuality, for example during Gay Prides.
2. According to the NGOs and academic representatives, the high level of non-acceptance towards LGBT persons is often grounded in the general lack of personal acquaintances with LGBT persons, correlate to the level of income and education, and is stronger in the geographical isolation from the big cities.
3. There are several LGBT NGOs registered and operating in Russia, but most of the civil society organisations have faced or are still facing obstacles while obtaining the official registration. The NGO, “the Russian LGBT Network”, is still operating de-facto and not de jure. A part explanation is that the official registration would pose the NGO into a vulnerable position of being subjected to the scrutiny of the state authorities, as well as a number of bureaucratic procedures, which the organisation lacks the resources to undergo.
4. In 2010 a Gay Pride demonstration took place in Moscow. As opposed to the five previous years, the event was not followed by any violent confrontation between the LGBT activists and counter-demonstrators since the actual place of the demonstration was kept secret till the last moment. The event (as during the previous five years) was banned by Moscow Municipality.
5. In terms of freedom of expression, the LGBT NGOs report an intensive pressure, being raised by continuous efforts of some politicians to introduce administrative and criminal responsibility for *propaganda of homosexuality*. The law draft has not been put in force yet, although the rhetoric of it is being actively used in order to ban or shadow the cultural events and performances, conducted by the Russian artists, signers etc., who are openly homosexual. Several TV and radio stations have also reported experiencing problems, related to their assumed *propagandist activities promoting homosexuality*.
6. The Russian LGBT and human rights monitoring NGOs report many incidents of hate crimes and hate speech towards LGBT persons, although no legal mechanisms for tracing and tackling those are in place in Russia. The current legislation does not provide LGBT persons with any mechanisms to report hate crimes and offences towards them. At the same time, a growing radicalised right-wing movement, formed of skinheads, neo-fascists and religious fundamentalists are a significant concern, because these groups are increasingly involved in organised and planned attacks against LGBT persons, also known as “gay hunt.”
7. One of the most important family related issues, reported by the civil society stakeholders, is the issue of coming out. Coming out is reported to be very hard and problematic due to the fact that LGBT persons often are met with a lack of understanding, as well as harassment, bullying, name calling and violence on the side of their nearest family members.
8. In the area of education, several obstacles are reported by the NGOs: lack of awareness of the situation of LGBT persons on the side of students and teachers at schools, universities

etc. and harassment and bullying of LGBT persons. Besides, the NGOs report the lack of educational programmes on sexual orientation and gender identity – both in schools and universities, but also for the key groups, as law enforcement, medical staff etc. – as an important issue of concern.

9. The stakeholders, interviewed for this report, tend to identify the areas of housing and employment as being less problematic, though only due to the fact many LGB persons reportedly tend to hide their sexual orientation at work and to potential landlords. This is though not the case for transgender persons, as their transition is often followed by visible physical change.
10. Lack of knowledge about transgender issues and the invisibility of the transgender coin the living situation for transgender persons, especially in rural areas. In contrast to the LGB community, despite some virtual networks, there are very few functioning organisations working specifically on transgender issues or providing support. The transition process is also reported as challenging for transgender persons in Russia. Existing legislation to recognise a person's gender identity is, in practice, dysfunctional as relevant documents of the process are not stipulated. Transgender individuals are exposed to arbitrary treatment by medical staff and civil registry staff. At the end of an often lengthy administrative process, involving blurry legal and medical requirements, many are forced to go to court to have their gender identity properly reflected. Hormone treatment and, in most cases, gender reassignment surgery is a pre-requisite, in most of the cases the process is very expensive and the minority of transgender persons can afford it. While there are medical commissions to issue the required diagnosis in a number of bigger cities, civil registry staff remain ignorant of existing legislation. Meanwhile, few cities, such as St. Petersburg, Moscow or Nizhni Novgorod, have the facilities to provide gender reassignment surgery, still transition is inevitably connected to the travel and accommodation costs, beyond the high costs of treatment itself. Medical specialists (endocrinologists, gynaecologists, urologists), specifically trained in dealing with transgender persons, are lacking throughout the country and self-medication is wide spread.
11. The Russian media are reported to lack the awareness and sensitivity towards LGBT issues, which results in the dominating negative and biased coverage of LGBT issues. The Russian LGBT Network and its members are though intensifying their awareness-raising efforts with journalists on LGBT related issues.

## B. Data Collection

12. This report is based on the information made available by the Russian LGBT and human rights monitoring NGOs. One of the main sources of information has been the report conducted by the Moscow Helsinki Group in cooperation with the Russian LGBT Network in 2009. The report contains numerous cases of discrimination on grounds of sexual orientation and gender identity in Russia for the past five years.
13. Besides this, web-based sources have been actively used in the drafting of this report. There exist a number of social, analytical and news portals in Russia, containing information on the situation on homophobia and discrimination on grounds of sexual orientation and (in some cases) gender identity in Russia.
14. This report is also based on information collected during a field trip to Moscow and St Petersburg. During the trip, several LGBT and human rights monitoring NGOs were met and interviewed. However, it has not been possible to meet with state officials and the Ombudsman Offices in Moscow and St Petersburg, even though official letters requesting assistance with the data collection were sent to the authorities and the Ombudsman Offices. The materials of this report are therefore primarily obtained from Russian and International NGOs.
15. The following NGOs have provided information for this report during personal meetings in Moscow and St. Petersburg:
  - Russian LGBT Network, *St Petersburg*
  - FtM Phoenix, *Moscow*
  - Wings, *St Petersburg*
  - Social Centre Trust, *Moscow*
  - Side by Side, *St. Petersburg*
  - Rainbow Association, *Moscow*
  - Moscow Helsinki Group, *Moscow*
16. An interview has also been conducted with Prof. Igor Kohn, Moscow.
17. The following Russian LGBT organisations have further contributed to this report:
  - LGBT Human Rights Project "GayRussia", *Moscow*
  - Marriage Equality Russia, *Moscow*
  - Equality, *St Petersburg*
  - North Western Advocacy Centre, *St Petersburg*
  - Article 282, *Moscow*
18. These organisations have provided the author with a report, titled "*Public opinion and attitudes towards LGBT people in Russia - Inputs provided to the Council of Europe by a coalition of leading advocacy groups (August 2010)*". In the following, the report will be referred to by its title with reference to the original information sources.

## C. Findings

### C.1. Public opinion and attitudes towards LGBT persons

19. Same-sex sexual relations (between men) were a criminal act in Russia (former Russian Soviet Federal Social Republic) from 1934 till 1993. According to the Russian LGBT NGO, Wings, Article 121 of the Criminal Code, prohibiting sexual relationships between men, was used by the police and KGB to improve the statistics of successful criminal investigations and in order to track and imprison dissidents.<sup>1</sup> About 250,000 men were convicted under this sentence; thousands have been forced to undergo psychiatric treatment to be “healed” from “homosexuality”.<sup>2</sup>
20. Although sexual conduct between men was decriminalised more than 10 years ago, several public opinion polls and NGO reports show negative attitudes towards LGBT persons in Russia.<sup>3</sup> According to the Public Opinion Foundation, which conducted a large scale survey of attitudes towards LGBT persons in 2006 throughout Russia, 47 percent of the respondents claimed to disapprove of LGBT persons and their lifestyle.<sup>4</sup> In 2010, the same survey was repeated and the results showed that 43 percent of the respondents still have the same view.<sup>5</sup> Despite the drop of 4 percent, the percentage of negative attitudes towards LGBT persons remains quite high. The famous acknowledged Russian scientist, I.S. Kohn commented the results as follows:
21. *“Very few people in Russia have personal acquaintances with LGB persons. Even less 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. Another factor is of course the location: People from bigger cities have higher tolerance level... Besides that, there are differences between the regions. For instance, Siberia is a very difficult region with high level of homophobia. The results are also related to the age, level of education. Generally younger, better educated people are more tolerant. The level of income is also of important influence, the higher salary, the less homophobia. Gender is also an issue: generally women are less homophobic than men and the hostility towards gay men is 5 times higher than towards lesbian women.”*<sup>6</sup>
22. A survey published by Moscow Helsinki Group (hereinafter MHG report 2009) in 2009 revealed an interdependency between discrimination and sexual orientation and/or gender identity. The survey was carried out among 564 persons from six regions. The description of the survey refers to respondents as LGBT persons and the questions include gender identity as a discriminatory ground. However, when the results are being presented, the respondent group only counts hetero-, bi- and homosexual men and women, which leads to believe that transgender persons were not a part of the survey. Part of the explanation could be the fact that transgender persons are less visible in the discussions of sexual orientation and gender identity in Russia, while the authors of the survey are simply using the internationally recognised terminology - LGBT persons. Russian LGBT Network comments:

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1 Meeting with NGO Wings, St.-Petersburg. 13 May 2010.

2 2009 is proclaimed to be a year of memory of gays and lesbians – victims of political repressions , from the Russian LGBT Network, [www.lgbtnet.ru/news/detail.php?ID=4193&sphrase\\_id=1019](http://www.lgbtnet.ru/news/detail.php?ID=4193&sphrase_id=1019), accessed on 25 June 2010

3 All meetings with Russian LGBT organisations in May 2010 in St.-Petersburg and Moscow.

4 *Sexual minorities*. Gay Pride Ban, public survey. June 2006. website of the Public Opinion Foundation: <http://bd.fom.ru/report/map/dd062227>, accessed on 20 March 2010.

5 Meeting with NGO “Russian LGBT Network”, 14 May 2010. St.-Petersburg

6 Meeting with I.S. Kohn. 10 May 2010. Moscow.

23. *"When this survey was conducted (in 2007-2008) we (the Russian LGBT Network) had virtually no access to T-community indeed. The Russian T-community is very closed and some part of its members believes that LGB and T issues, purposes and problems are very different. But now we have some positive progress in this field – in several cities events of the Russian LGBT Network are attended by transgender persons, we include T-issues in our reports ... and we are trying to improve our conversations with the T-community further."*<sup>7</sup>
24. Nevertheless, the results of the survey are still valuable and relevant when talking about LGB persons. The survey showed that among three discrimination grounds (religion, nationality and sexual orientation/gender identity) only 4.2 percent of heterosexuals associate manifestations of discrimination against them with the latter, while 56.3 percent of LGB persons feel discriminated because of their sexual orientation.<sup>8</sup> At the same time, the percentage of LGB persons associating discrimination against them with religion or nationality are almost the same as for heterosexual persons.<sup>9</sup> According to the report: *"All these refutes the statements, made by a series of political and public figures, claiming that the problem of discrimination based on sexual orientation and gender identity is artificial"*.<sup>10</sup> It is again important to underline that the results of the survey are apparently mostly referring to sexual orientation and by all means indeed show that discrimination against LGB persons is real and relevant in Russia.
25. Despite these results, there were various NGOs, interviewed for this report, who claimed that general views and attitudes towards LGBT persons in Russia are mainly neutral. According to the Social Centre "Trust" for instance, Russian citizens' life is generally too stressful to think about LGBT related issues.<sup>11</sup> This is also confirmed by Igor Kon, who argued during the interview for this report, that most of the Russian citizens do not think about homosexuality or gender identity too much and therefore have quite laissez-faire attitudes towards LGBT persons.<sup>12</sup> However, homophobic attitudes often come to surface when the society is confronted with open LGBT-related manifestations, as for example Gay Pride.<sup>13</sup> The NGO "LGBT Cooperation" ("LGBT Sodejstvije") maps on their website several surveys on the general attitudes towards LGBT persons in Russia. According to the survey, 21.9 percent of the population share homophobic attitudes towards LGBT persons, while 25.3 percent have shifting positions, depending on the situation and the context. 11.5 percent maintain a stable neutral position and do not interest themselves in LGBT-related issues, while 18.3 percent support the current situation (decriminalisation of homosexual relationships, combined with lack of sanctions protecting LGBT persons against discrimination).<sup>14</sup> An important contribution of this poll is that it is conducted among the broad spectrum of population in terms of age, affiliation and sexual orientation. What is also important about the survey is that it actually shows that only 22 percent of the respondents maintain the generally negative attitudes towards LGBT persons, while almost 40 percent of the respondents either are neutral or have shifting positions. When looking at these statistics alone, one may say that the level of homophobia in Russia is not that high. However, when taking the survey for the MHG report 2009 into consideration as well, it

7 Email correspondence with Russian LGBT Network, July 2010.

8 The survey also asked questions on gender identity, but only LGB persons responded to the survey.

9 Moscow Helsinki Group, *Situation of Lesbians, Gays, Bisexuals and Transgenders in the Russian Federation*, 2009.

10 Ibid. p. 18.

11 Meeting with the Social Centre "Trust", Moscow. 11 May 2010.

12 Meeting with I.S. Kohn. 10 May 2010. Moscow.

13 Meetings, with I.S. Kohn, Russian LGBT Network, Social Fund "Trust", "Wings" et.al. 10-14 May 2010, Moscow and St.-Petersburg.

14 *Homophobia in Russia*, August 2008. [http://lgbtsodejstvie.ru/index.php?option=com\\_content&view=article&id=65:2009-08-05-09-28-58&catid=48:2009-06-24-22-06-39&Itemid=76](http://lgbtsodejstvie.ru/index.php?option=com_content&view=article&id=65:2009-08-05-09-28-58&catid=48:2009-06-24-22-06-39&Itemid=76), accessed on 20 March 2010. Please notice, that when the author of this report tried to check the website in September 2010, the website appeared to be closed. The author holds though a printed version of the survey and it is therefore still considered valid.

becomes clear that manifestations of discrimination on grounds of sexual orientation are still taking place and are experienced to be quite widespread by LGB persons themselves. The picture of general public attitude towards the LGBT community in Russia is therefore rather nuanced. The level of homophobia is reported to be high, while the negative attitude towards LGBT persons mainly manifests itself publicly as counter-reactions to attempts to hold LGBT related manifestations, Gay Prides etc.<sup>15</sup>

26. The "Russian LGBT Network" underlines that the manifestations of negative attitudes towards LGBT persons have sufficient consequences for the relationships and attitudes inside the LGBT community as well:
27. *"People are afraid to come out... This leads to internalised homophobia. LGBT persons start to think that there is indeed something wrong with them, they acknowledge the fact that they are not normal... that they do not have any rights and that they are not being discriminated. This leads to psychological trauma, depressions... and the group begins to be more and more closed... the myths are spreading inside the group and it become more and more hard for LGBT persons to become accepted within "their own".*<sup>16</sup>
28. The fact that the LGBT community is to some extent closed and that it is hard to be accepted within the community is also supported by another NGO, the Social Centre Trust:
29. *"When I came out as a bisexual it was very hard for me to get accepted... Gay men saw me as straight and lesbians saw me as a "cheater". So I could not find support inside the LGB group.*"<sup>17</sup>

## **C.2. Freedom of assembly and association**

30. There are several LGBT NGOs, initiative groups and projects (as they call themselves) in Russia working with and for LGBT persons. Only two of them are officially registered as LGBT NGOs – The St Petersburg LGBT Human Rights Centre "Krylja" (after "Wings"), which was registered in 1991 after a year of confrontations with Russian authorities,<sup>18</sup> and St Petersburg based LGBT NGO "Coming out".<sup>19</sup> The latest was established in 2008, but was officially registered in 2009.
31. In 2006 the Russian government issued a so-called "NGO law", which had implied a number of burdensome obstacles for the civil society work in the country. Although the law was modified in 2009, the most burdensome part of it is still reported to be the same.<sup>20</sup> The law has received a lot of criticism both from inside and outside the country<sup>21</sup>. According to the law, the authorities may for instance, without warning, demand any documentation from the registered NGOs. Besides, the reporting procedures, which all registered NGOs must

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15 Also supported during the Meetings with Igor Kohn (10 May 2010), Social Centre "Trust" (11 May 2010), Moscow. Meetings with "Wings" (13 May 2010), "Russian LGBT Network" (14 May 2010), St.-Petersburg.

16 Meeting with the "Russian LGBT Network", St.-Petersburg. 14 May 2010.

17 Meeting with the Social Centre "Trust", Moscow. 11 May 2010.

18 Meeting with NGO "Wings", St.-Petersburg. 13 May 2010.

19 St Petersburg LGBT Organization *Coming Out*, [http://piter.lgbtnet.ru/about/?langswitch\\_lang=ru](http://piter.lgbtnet.ru/about/?langswitch_lang=ru), accessed on 21 July 2010

20 Russia, Events of 2006. Human Rights Watch. <http://www.hrw.org/englishwr2k7/docs/2007/01/11/russia14838.htm> (Human Rights Watch Annual World Report 2007, accessed on 21 July 2010.

21 See: The Fellona Foundation, *Frustrations over NGO law to be voiced by the EU*, [www.bellona.org/articles/articles\\_2008/NGO\\_EU](http://www.bellona.org/articles/articles_2008/NGO_EU), accessed on 21 July 2010.

go through annually, are reportedly very bureaucratic and demanding, and not all NGOs have the capacity to comply with them.<sup>22</sup>

32. According to Moscow Helsinki Group, the legislation makes it hard for Russian NGOs to operate sufficiently as it is, and for LGBT NGOs it is even harder, especially if LGBT is openly mentioned in the founding documents.<sup>23</sup> One of the cases, which got substantive national and international coverage, is for instance, the case of Tyumen NGO "Rainbow House". The organisation, based in Tyumen, has repeatedly applied for registration at the local Registration Office since 2005. The organisation was denied registration because: *"The activity of the organisation promoting non-traditional sexual orientation can result in security subversion in the Russian society and the State..."*<sup>24</sup>
33. A similar situation happened in Omsk where the organisation "Favorit" was also denied registration. The organisation filed a complaint with a local appeals court unsuccessfully.<sup>25</sup>
34. In January 2010, in Moscow, the Russian Ministry of Justice denied to register "Marriage Equality Russia" - an organisation founded to advocate for family rights of LGBT persons in Russia. In its decision, the Ministry of Justice argued that the organisation *"cannot be registered on the basis that its aims contradict the law on NGOs and provision of the Family code which defines marriage as a union between a man and a woman"*.<sup>26</sup> In July 2010, a local court rejected a complaint introduced by Nikolai Alekseev, the Executive Director of the organisation. The organisation appealed the decision in Moscow City Court and plans to send the case to the European Court of Human Rights. Mr. Alekseev commented:
35. *"The Court has created a dangerous precedent which goes much further than the campaign for gay rights, making it possible to deny registration to any organisation whose purpose is to fight for changes in the Russian laws."*<sup>27</sup>
36. In August 2010, a group of activists from the LGBT Human Rights Project "GayRussia" led by Nikolai Baev started the registration process of the NGO "Article 282" in Moscow. One of the objectives of the organisation is to advocate for the inclusion of sexual orientation and gender identity as discriminatory grounds in the Article 282 of the Criminal Code. The Article 282 of the Russian Federation's Criminal Code outlaws the incitement of hatred or enmity, as well as abasement of dignity of a person or a group of persons on the basis of sex, race, nationality, language, religion, as well as affiliation to any social group, if these acts have been committed in public or with the use of mass media. According to the report, provided by the coalition of advocacy organisations (among all "Article 282"), the courts and prosecution officers had in several cases denied to recognise LGBT persons as part of a social group, hence covered by this article.<sup>28</sup> The outcome of the registration process is still to be followed.

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22 Meeting with "Moscow Helsinki Group", 11 May 2010.

23 Meeting with Moscow Helsinki Group, Moscow. 11 May 2010.

24 Moscow Helsinki Group, *Situation of Lesbians, Gays, Bisexuals and Transgenders in the Russian Federation*, 2009, p. 44. The details of the case can also be read in the Legal Study of Homophobia and Discrimination on Grounds of Sexual Orientation in Russia, Ksenija Kirichenko, 2010

25 *Public opinion and attitudes towards LGBT people in Russia* - Inputs provided to the Council of Europe by a coalition of leading advocacy group, August 2010. Original information source: <http://www.marriageequality.ru/en/project-news/detail.php?ID=397>

26 Ibid.

27 *Public opinion and attitudes towards LGBT people in Russia*. Inputs provided to the Council of Europe by a coalition of leading advocacy group, August 2010. Primary source: <http://www.pridesource.com/article.html?article=42472>

28 Ibid.

37. In 2006 the “Russian LGBT Network” was established. Through the past four years, the organisation has grown from being a group of LGBT activists to now being one of the largest LGBT NGOs in the country with local representatives in 13 regions of Russian Federation<sup>29</sup>. The organisation is though still not registered. According to Moscow Helsinki Group, who supported the network in its establishment and growing, they have actually advised “LGBT Network” to operate de-facto and not de-jure:
38. *“Working de-facto and not de-jure is also a good thing since there is a strict law on NGO activities...The right/possibility to be registered as NGO is important, but it also has drawbacks as it is now. The Registration Office under the Ministry of Interior has a broad mandate which makes it possible for them to control your activities quite unrestricted... A young organisation may lack the resources to cope with this... We have therefore advised them (“Russian LGBT Network” – ed.) to work de-facto and wait with official registration.”*<sup>30</sup>
39. Although the “NGO law” 2006 has been modified in 2009, the restrictions of the NGO legislation are still perceived as being burdensome for their work. This, and the generally high level of homophobia and non-acceptance of the LGBT related initiatives by the authorities, makes LGBT civil society work rather challenging.
40. Another challenge, which LGBT civil society in Russia, reportedly is subjected to, is the internal homophobia, already described above. The fact that the LGBT community is described as being rather isolated and sometimes even hostile towards its own members has consequences for the functionality of LGBT NGOs, mainly in the regions:
41. *“The organisations are very isolated from one another. There are big organisations in Moscow and St Petersburg, but in the small cities it is tough, there is no community. The LGBT community isolates itself from within, there are a lot of prejudices among LGBT persons... they cannot work together.”*<sup>31</sup>
42. Another factor for malfunctioning collaboration and lack of support of LGBT organisations is the prevailing homophobic attitudes among mainstream human rights NGOs and human rights defenders. The Moscow Helsinki Group reports for instance, that they have, in cooperation with “Russian LGBT Network”, organised a workshop on homophobia for MHG’s branch office staff from the regions:
43. *“I was amazed... they were so homophobic, they have never though of LGBT persons in a way, which we have shown them, for example as victims of discrimination... they truly learned a lot.”*<sup>32</sup>
44. Also according to ILGA-Europe, the high level of homophobia among other NGOs (not only human rights defenders) hinders an effective collaboration with LGBT organisations. Though the Civil Society network “Xenophobia.NET” in St. Petersburg explicitly supports their very visible LGBT member organisations.<sup>33</sup>
45. Another example of successful collaboration between LGBT NGO and other organisations is the afore-mentioned cooperation between Moscow Helsinki Group and “LGBT Network”.

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29 *About the activities of Russian LGBT Network*, September 2009. <http://lgbtnet.ru/news/detail.php?ID=4328>, accessed on 21 July 2010.

30 Meeting with Moscow Helsinki Group, 11 May 2010.

31 Meeting with “Rainbow Association”, Moscow. 10 May 2010.

32 Meeting with Moscow Helsinki Group, 11 May 2010.

33 *Russian LGBT Activist, Gulya Sultanova speaks at the March Against Hate 2009* [http://www.youtube.com/watch?v=YXnI536fcRo&feature=player\\_embedded](http://www.youtube.com/watch?v=YXnI536fcRo&feature=player_embedded), accessed 25 June 2010.

46. Practical initiative: The collaboration between Moscow Helsinki Group and “Russian LGBT Network” started in 2007. Moscow Helsinki Group has extensive experience in working with monitoring the human rights situation in Russia and has a network of human rights defenders in every Russian region. For almost 20 years, the organisation has been publishing their monitoring reports, and LGBT issues were almost not covered in the monitoring up until 2007. The cooperation is significant and helpful for both parties. “Russian LGBT Network” has obtained a strong partner with sustainable network, experience and knowledge of the Russian human rights context. Moscow Helsinki Group is now working with LGBT issues, which it has never done before. In 2009, as a result of collaboration, Moscow Helsinki Group published a monitoring report of the situation of LGBT persons and discrimination on grounds of sexual orientation and gender identity in Russia. The results of this joint monitoring were also included in the Moscow Helsinki Group’s annual report, and then were used in the materials prepared by the Russian NGOs for transferring to the office of the UN High Commissioner for Human Rights for the preparation of a universal periodic review of the performance of international obligations by Russia.<sup>34</sup>
47. In 2008, ILGA-Europe received a 3 year-grant from the European Commission for the support and capacity-building of “Russian LGBT Network”. This is the first time that LGBT-NGOs in Russia receive training and capacity-building as well as a mid-term core funding for their work.<sup>35</sup> This fact had a major influence on the attitudes towards LGBT related work from Russian authorities. After the MHG report was published in 2009, under the core of this 3-year programme, the Ombudsman of Russian Federation, Mr. Lukin, had a 2.5 hour long meeting with the representatives of LGBT community.<sup>36</sup> This was the first time, that a representative of the Russian State met with LGBT Human rights activists.<sup>37</sup> Mr Lukin’s change in attitude was also reportedly influenced by Commissioner Hammarberg’s constant raising of LGBT-issues from a human rights perspective with him and his regional colleagues.<sup>38</sup>
48. The collaboration between Russian LGBT NGOs and European or other international organisations is therefore very important for the successful development and capacity building of the Russian civil society working with LGBT related issues.
49. As for the freedom of assembly, the LGBT community in Russia has a number of places for gatherings and assembly. Mainly they consist of several commercial clubs and places for gatherings in Russian cities, targeted at lesbians and gay men and usually very secretive - they often lack any indicators of being a club on the front of a building and the location and open hours of these places are often being distributed “mouth-to-mouth”. As this report’s chapter on hate crimes will show, there are good reasons for this, as these places are often subjected to violent attacks from extremist groups and skinheads or police raids.<sup>39</sup> The lack of safety in visiting these places of assembly therefore limits LGBT persons’ options of networking and getting together.<sup>40</sup>
50. On the issue of freedom of assembly, the Russian LGBT Human Rights Project GayRussia has, since 2005, been trying to organize a series of public actions in support of equal rights for the LGBT community both in Russia and Belarus. The most mediated event is the

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34 Meeting with Moscow Helsinki Group, 11 May 2010.

35 Comments by Maxim Anmeghichean, Programmes Director. ILGA-Europe, 5 July 2010.

36 Meeting with Moscow Helsinki Group, 11 May 2010.

37 Comments by Maxim Anmeghichean, Programmes Director. ILGA-Europe, 5 July 2010.

38 Human Rights Commissioner Thomas Hammarberg on 29 July 2010 in Copenhagen

39 See the chapter on “Hate crimes – hate speech” in this report.

40 Meeting with NGO “Wings”, 13 May 2010. St.-Petersburg. See also Moscow Helsinki Group *Situation of Lesbians, Gays, Bisexuals and Transgenders in the Russian Federation*, 2009.

“Moscow Pride” - a gay pride event in several Russian cities and in the capital of Belarus, Minsk. Activists from GayRussia report that no public action, officially applied in support of a LGBT aims, has ever been allowed by the local authorities, in any city. However, most of them took place despite the bans.<sup>41</sup>

51. During a press conference held in July 2005 it was announced by GayRussia representatives that the first ever Russian Gay Pride would take place in Moscow, on 27 May 2006 - the anniversary of the decriminalization of sexual relations between men. The event was banned by the City Hall, due to *“the inability to protect the participants during the public action”*.<sup>42</sup> The LGBT Human Rights Project “GayRussia” appealed the decision of the City Hall in court, though the Tverskoy district court confirmed a day before the planned event that the decision of the City Hall was in compliance with the law.<sup>43</sup> However, GayRussia argued that the Court decision would only come into force within ten days thus, not allowing any legal remedy against the ban of the event. The organization has appealed this decision in the City and Supreme Courts. Both courts upheld the initial decision. In January 2007, Mr. Alekseev from GayRussia issued a complaint against Russia to the European Court of Human Rights (ECtHR). This case has later been combined by the Court with the bans of the Moscow Pride in 2007 and 2008. As of July 2010, the case has been communicated to both parties and all arguments have been received by the ECtHR which has now to make a decision in this case.<sup>44</sup>
52. Despite the ban, the organizers have held a festival including a number of large scale events, such as a press conference for national and international media in a five star hotel, the Moscow Swissôtel.<sup>45</sup>
53. On the day of the planned Pride, the organizers decided to host two actions : to lay flowers on the tomb of the unknown soldier and to host an unsanctioned picket in front of the City Hall. Mr. Alekseev was arrested during the first action. A German Member of Bundestag, Volker Beck, was violently attacked while attending the second action. According to the LGBT Human Rights Project “GayRussia”, the 2006 events can still be considered a success, because they sat LGBT rights on the Russian agenda.<sup>46</sup>
54. In 2007 and onwards the event was mostly attended by Russian participants, as opposed to 2006, where mostly international participants took part. During the 2007 pride, the conference “LGBT Rights are Human Rights” took place in the same Swissôtel, followed by the press conference, similar to one in 2005. The Pride march was banned by the Moscow Mayor, with the ban upheld by the local and appeal courts. The next day, a group of participants and invited foreign politicians attempted to deliver a letter, signed by Members of the European Parliament and addressed to the Mayor of Moscow, Mr. Yuri Luzhkov. The group was stopped as they were coming out of their cars in front of the City Hall by the police and by an angry crowd, who were throwing eggs at the participants and carrying knives.<sup>47</sup> The LGBT Human Rights Project “GayRussia” report that the private security hired to protect the participants cancelled the contract, signed with the organizers, one

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41 Public opinion and attitudes towards LGBT people in Russia - Inputs provided to the Council of Europe by a coalition of leading advocacy group (August 2010).

42 [www.gayrussia.ru/en/moscowpride/program/pride06/](http://www.gayrussia.ru/en/moscowpride/program/pride06/) , accessed on 22 July 2010. Please notice that when the author of this report checked the website [www.gayrussia.ru](http://www.gayrussia.ru) in September 2010, the website was closed and the materials were being moved to another website - <http://alexeyev.livejournal.com> . For further information, the author recommends to check <http://alexeyev.livejournal.com> .

43 Ibid.

44 Ibid.

45 Ibid.

46 Ibid.

47 Ibid.

hour before the Pride. ILGA-Europe and “Human Rights Watch” report a great number of violent attacks and abuse towards the group of pride participants from the crowd, among were a number of extremist groups, hooligans and skinheads. The report, conducted by ILGA-Europe and “Human Rights Watch” in 2007 *“We have the Upper Hand!”* also describes the passivity of the police in protecting the pride participants from the violent attacks. A few were also taken into custody, among them the German Member of Bundestag Volker Beck and the leader of the LGBT Human Rights Project “GayRussia” Nikolai Alekseev. Mr. Alekseev was held at the police station overnight and then released after being fined by a local court.<sup>48</sup> A well-known British LGBT activist Peter Tatchell (from OutRage!) was violently attacked while answering questions from journalists.<sup>49</sup>

55. In 2008 the organizers of Moscow Pride issued 155 applications to the City Hall, applying for permission to hold five marches and public actions every day during May. All 155 applications were denied by the City Hall<sup>50</sup> with the bans later upheld by the local and appeal courts. Besides this, the organizers were this time turned down by the Swissôtel, which due to the change of management refused to rent the press conference room to the LGBT Human Rights “GayRussia”.<sup>51</sup>
56. On 21 April, 2008 the Council of Europe Human Rights Commissioner received a letter from the Interreligious Council of Russia commenting the events:
57. *“The commitments of the Russian Federation under the European Convention for the Protection of Human Rights and Fundamental Freedoms give our government the opportunity to reserve for itself the right to limit human rights for the protection of morals (Articles 8, 9, 10, 11). This Convention, just as other international agreements signed by the Russian Federation, does not and cannot determine the moral conceptions of our society. This is beyond the force of international law. We reject therefore the lawless attempt to export to Russia any amoral behavior standards wrapped in legal form.”*<sup>52</sup>
58. Despite the ban of all planned pride actions, the LGBT Human Rights “GayRussia” went ahead and gathered the participants in front of the monument to a Russian composer Tchaikovsky in Moscow. The participants and journalists were picked up from different places around Moscow and transported to the place of picket by bus. Because the organizers announced that the initial demonstration would take place in front of the City Hall, as during the previous years, the majority of opponents and police were gathered there, some 50 meters from the monument. Around 1 pm a banner stating *“Rights to Gays and Lesbians – Homophobia of Mayor Luzhkov should be prosecuted”* was unveiled from the fourth floor in a building in front of the City Hall. The four activists, unveiling the banner, were arrested by the police and released the next day with a fine.<sup>53</sup> The activists from the LGBT Human Rights Project “GayRussia” report that police were breaking the door into the

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48 We have an upper hand! – Freedom of Assembly in Russia and the Human Rights of Lesbian, Gay, Bisexual and Transgender persons, Human Rights Watch and ILGA-Europe, June 2007.

49 Public opinion and attitudes towards LGBT people in Russia - Inputs provided to the Council of Europe by a coalition of leading advocacy group (August 2010).

50 [www.gayrussia.ru/en/moscowpride/program/pride06/](http://www.gayrussia.ru/en/moscowpride/program/pride06/) , accessed on 22 July 2010. Please notice that when the author of this report checked the website [www.gayrussia.ru](http://www.gayrussia.ru) in September 2010, the website was closed and the materials were being moved to another website - <http://alexeyev.livejournal.com>. For further information, the author recommends to check <http://alexeyev.livejournal.com>.

51 Ibid.

52 Lesbian, Gay, Bisexual and Transgender Rights, Freedom of Assembly – Dairy of Events by Country, August 2008. ILGA-Europe, p. 48.

53 [www.gayrussia.ru/en/moscowpride/program/pride06/](http://www.gayrussia.ru/en/moscowpride/program/pride06/) , accessed on 22 July 2010. Please notice that when the author of this report checked the website [www.gayrussia.ru](http://www.gayrussia.ru) in September 2010, the website was closed and the materials were being moved to another website - <http://alexeyev.livejournal.com>. For further information, the author recommends to check <http://alexeyev.livejournal.com> .

flat, where they were unveiling the banner, with axes and entered the flat without any court decision.<sup>54</sup>

59. In 2008 several other LGBT related events were attempted to be organized in other Russian cities. St Petersburg LGBT activists planned to hold "A Day of Silence" in order to underline the discrimination against LGBT persons.<sup>55</sup> The event was originally permitted by the City Hall, but shortly before the event they changed their decision. The event was banned, but people went along as individual pickets, which does not require permission of authorities.<sup>56</sup> Similar "Day of Silence" events were carried out in Novokuznetsk and Yaroslavl. The group of 20 participants took part in the Novokuznetsk event, and was attacked by violent extremist groups. One man was injured.<sup>57</sup>
60. In 2009 the first attempt to organize the Slavic Pride took place. The plan was to host the first Slavic Pride as a March of Russian and Belarusian LGBT activists on the day of the Finale of the Eurovision Song Contest, which this year was held in Moscow.<sup>58</sup> The application for the Pride was denied by the City Hall<sup>59</sup> with the ban later upheld by the local and appeal courts. The organizers from the LGBT Human Rights "GayRussia" and the LGBT Human Rights Project "GayBelarus" decided to rent a cottage outside the city and hold a conference discussing the way forward for the Slavic Gay Pride, followed by several social events. One of the foreign participants, (Peter Tatchell OutRage!) received the Awards of the Slavic Pride movement for "40 years of contribution to the LGBT movement".<sup>60</sup> The Pride action was announced to take place on the Puchkinskaya Square at noon. Although, one hour before the event, the organizers called the media and informed them that the action would take place in Vorobyevy hills, a viewpoint next to the Moscow State University. The distance between Puchkinskaya Square and the new event venue made it impossible for the gay pride opponents to relocate their forces. The police arrived at the spot before the pride participants and 32 Russian and Belarusian citizens were arrested shortly after gathering. Four organisers including Nikolai Alekseev were kept in custody until the next day. The judge denied considering the case of Mr. Alekseev, which finally was closed due to the prescription rules.<sup>61</sup>
61. In 2010 yet another request for holding the Moscow Pride was turned down by the City Hall. The local Court heard the case the day before the planned action and upheld the ban. However, the organisers went along with a public action, which took place on 29 May 2010 in Moscow. The LGBT Human Rights Project "GayRussia" gathered 30 LGBT activists, who bore a 20 meter-long rainbow flag from the Belaruskaya Train station all the way through the Leningradsky Prospect. The action was symbolic, illustrating the unity of Minsk (Belarus), St Petersburg (former Leningrad) and Moscow as participants and supporters of

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54 *Public opinion and attitudes towards LGBT people in Russia*. Inputs provided to the Council of Europe by a coalition of leading advocacy group (August 2010).

55 ILGA-Europe *Lesbian, Gay, Bisexual and Transgender Rights, Freedom of Assembly – Dairy of Events by Country*, August 2008. Also Meeting with the "Russian LGBT Network" (14 May 2010) and "Side by Side" (13 May 2010), St.-Petersburg.

56 *Ibid.*

57 ILGA-Europe *Lesbian, Gay, Bisexual and Transgender Rights, Freedom of Assembly – Dairy of Events by Country*, August 2008.

58 [www.gayrussia.ru/en/moscowpride/program/pride06/](http://www.gayrussia.ru/en/moscowpride/program/pride06/) , accessed on 22 July 2010. Please notice that when the author of this report checked the website [www.gayrussia.ru](http://www.gayrussia.ru) in September 2010, the website was closed and the materials were being moved to another website - <http://alexeyev.livejournal.com>. For further information, the author recommends to check <http://alexeyev.livejournal.com> .

59 *Ibid.*

60 *Ibid.*

61 *Public opinion and attitudes towards LGBT people in Russia*. Inputs provided to the Council of Europe by a coalition of leading advocacy group, August 2010.

the Slavic Pride movement.<sup>62</sup> The organisers managed to avoid police and protesters and the event was conducted peacefully without major confrontations.<sup>63</sup>

62. In 2010 St Petersburg activists from the organisation "Equality" have attempted to hold a St Petersburg Gay Pride. The event was planned to take place on 26 June. The ombudsman of St Petersburg, Mr. Kozyrev, has expressed his positive views and approval of the Gay Pride. On 15 June 2010 he said:
63. *"The law allows for peaceful assemblies, it is another question how it is implemented.[...] They have the right to organise a peaceful march, assert their rights in a civilised manner. But if the representatives of the non-traditional orientation will demand the right to adopt children, to mixed marriages– this needs to be stopped."*<sup>64</sup>
64. The authorities have though turned the application of organisers down and asked them to come with three alternative routes for the pride. Although the organisers came up with various alternatives, not one of them was found satisfactory by the authorities. On 26 June 30 activists went along with the public action in front of the Winter Palace. Five of them were arrested by the police, but were released the same day.<sup>65</sup> On 13 July Smolenskyj District Court proclaimed the actions of St Petersburg authorities as legal. The organisers have appealed this decision in the City Court and stated that they will ultimately issue the compliant to the European Court of Human Rights,<sup>66</sup> where the project "GayRussia" already has four pending cases on Gay Pride bans: a combined case of the Moscow Pride ban of 2006, 2007 and 2008; a case of the Moscow Pride ban of 2009; a case of the Tambov Pride ban and a case for the Ryazan Pride ban.<sup>67</sup>
65. The Pride events, described above create massive discussions and resonance not only among the broad Russian population, but also among LGBT NGOs, as not all of LGBT activists approve of the ways in which the events are conducted. During the field trip for this report, various NGOs have expressed their negative views on the methods and consequences of the pride events:
66. *"The Gay Pride creates a lot of violence. I do understand their reasons, but since their fight looks so violent to the outside world, the whole LGBT community becomes being seen as the one creating troubles."*<sup>68</sup>
67. *"Gay Prides are done for LGBT people to show themselves off. We [NGO FtM Phoenix, on behalf of the transgender persons– ed.] do not want to do that. We would like a social cohesion, we do not want to confront and provoke other people with whom we are."*<sup>69</sup>

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62 [www.gayrussia.ru/en/moscowpride/program/pride06/](http://www.gayrussia.ru/en/moscowpride/program/pride06/) , accessed on 22 July 2010. Please notice that when the author of this report checked the website [www.gayrussia.ru](http://www.gayrussia.ru) in September 2010, the website was closed and the materials were being moved to another website - <http://alexeyev.livejournal.com>. For further information, the author recommends to check <http://alexeyev.livejournal.com> .

63 *Public opinion and attitudes towards LGBT people in Russia*. Inputs provided to the Council of Europe by a coalition of leading advocacy group, August 2010.

64 Kozyrev A, on 15 June 2010 **Error! Hyperlink reference not valid.**, accessed 25 June 2010.

65 Commission of Culture *LGBT activists have opposed propaganda of ignorance and xenophobia*, September 2010, <http://spb-pride.ru/?p=news&id=48>, accessed on 22 July 2010.

66 *Public opinion and attitudes towards LGBT people in Russia*. Inputs provided to the Council of Europe by a coalition of leading advocacy group, August 2010.

67 Commission of Culture *LGBT activists have opposed propaganda of ignorance and xenophobia*, September 2010, <http://spb-pride.ru/?p=news&id=48>, accessed on 22 July 2010.

68 Meeting with the "Rainbow Association", Moscow. 10 May 2010.

69 Meeting with the "FtM Phoenix" (the person chose to stay anonymous). Moscow, 10 May 2010.

68. *"Since 2005 the situation [with LGBT rights – ed.] is getting worse and worse... I believe this is because of the Gay Pride... In 2006 there was a celebration of St Petersburg's 303rd anniversary and our Mayor has given us a platform before the catholic cathedral, where we had rainbow flags and symbols, and young men dancing... If you don't provoke, but try to do this peacefully, you can succeed and get what you want."*<sup>70</sup>
69. *"In Europe people think that Gay Pride is our only problem... it is not. Gay Pride is an event where LGBT persons are celebrating that they freed their society from homophobia, they are PROUD. It is too soon for Russia to have Gay Pride, it is not the time yet."*<sup>71</sup>
70. Igor Kohn somewhat mediates the above assessments by arguing that even though the Pride might be problematic, then:
71. *"The first Pride in 2006 was a result of growing homophobia - more and more attacks, and nothing was being done. And it is important to remember that the growth of political homophobia happened before the Pride."*<sup>72</sup>
72. On the other hand, a number Russian LGBT advocacy groups and activists support the idea of gay prides and believe that the efforts of projects "GayRussia" and "GayBelarus" are crucial for achieving equality and eliminating discrimination on grounds of sexual orientation and gender identity in Russia:
73. *"Although attempts to hold gay prides in Moscow have prompted controversial statements by Russian LGBT and human rights community it cannot be denied that the issue has contributed to promotion of human rights of sexual minorities in Russia in the strongest way. Firstly, the attempts have made the LGBT rights visible and resulted in a meaningful dialogue in the society and in the media on the issue of why it is important to promote and protect the rights of homosexual individuals. Secondly, they helped many LGBT activists to go public and demand changes in the Russian society as recognized by the European institutions. Finally, the banned gay prides helped to reveal some very important discrepancies in the legislation and its application in Russia which is equally important for all groups in society who want to exercise their right to a freedom of assembly."*<sup>73</sup>
74. The director of the Russian LGBT Human Rights project "GayRussia"; Mr. Alekseev states:
75. *"The Moscow Pride has been and is still today, the only LGBT event which makes it possible to discuss our issues in the media. The repeal of the MSM blood ban<sup>74</sup>, the campaign for same-sex marriage, the campaign against hate speech, the campaign for freedom of association and freedom of expression that we all launched during these years have all hit the media because of Moscow Pride. Saying that Moscow Pride increased homophobia is not only contradicting a recent opinion poll published after 5 years of Moscow Pride but it is also a re-write of the history."*<sup>75</sup>
76. In 2007 the Institute for State-Confessional Relations and Law published the source-book *Gay-Parade as an Element of the Globalism of Militant Immorality*.<sup>76</sup> The paper includes a

70 Meeting with "Wings", St.-Petersburg. 13 May 2010.

71 Meeting with the "Russian LGBT Network" and "Coming out", St.-Petersburg. 14 May 2010.

72 Meeting with prof. Igor Kohn, 10 May 2010.

73 Statement of St.-Petersburg based North Western Advocacy Centre, quoted in the *Public opinion and attitudes towards LGBT people in Russia*. Inputs provided to the Council of Europe by a coalition of leading advocacy group, August 2010.

74 The ban for MSM to donate blood – ed.

75 Statement of Mr. Alekseev, quoted in the *Public opinion and attitudes towards LGBT people in Russia*. Inputs provided to the Council of Europe by a coalition of leading advocacy group, August 2010.

76 The source book was accessed electronically by [www.r-komitet.ru/public/gey.pdf](http://www.r-komitet.ru/public/gey.pdf) , 17 January 2010.

legal opinion on the possibility of holding public gay parades in Russia, signed by five Doctors of Law; Statement of the Congress of Jewish Religious Organizations and Associations in Russia and Open Statement of the Russian Union of Christians of Evangelical Faith (Pentecostals) against the gay parade. The paper was published in three languages, Russian, French and English. In the document, the authors accuse LGBT persons of propaganda of their perverse lifestyle, the corruption of children, claims of special rights to homosexual persons, pathological nature of homosexuality itself, *hatred and intolerance of homosexual persons (at least, male homosexual persons) to women of normal sexual orientation, actually, racist attitude to them as to inferior creatures and inferior race*, demographic threat and the extremist nature of homosexual persons' activity.<sup>77</sup> The authors conclude that:

77. *“One of the means to promote ideology of homosexuality, also used to prove the necessity of holding gay parades in Russian towns, is the myth about mass discrimination of homosexual persons in Russia. The society is made believe in an axiomatic way, that homosexual persons are a discriminated and victimized minority, therefore they need special rights and privileges. But this notion is false, and the discrimination is fictitious... ideologists of homosexuality exploit the topic of human rights to support their illegitimate infringement on rights of heterosexuals, the purpose being total domination and dictate of private interests and ideology of sexual minorities over way of life and ethics of the majority of the population.”*<sup>78</sup>
78. These very different points of view, statements and attitudes towards the idea of gay prides in Russia illustrate the lack of common grounds for the Russian LGBT NGOs, experts and human rights activists, when dealing with freedom of assembly in terms of LGBT rights. The mutual misunderstanding of each other's motives and objectives, lead to a lack of coordination and cooperation inside the LGBT movement, dividing LGBT community into those pro- and those against the concept of gay prides in Russia.

### **C.3. Freedom of expression**

79. As described in the *Legal Study on Homophobia and Discrimination on Grounds of Sexual Orientation in Russia*, 2010, the freedom of expression for the LGBT community was under pressure due to a number of attempts to introduce criminal and administrative responsibility for the so-called *“propaganda of homosexuality”*.<sup>79</sup> In 2003 and 2006 two similar drafts of Amending the Criminal Code of the Russian Federation to criminalise the *“propaganda of homosexuality”* were introduced by the MP A.V.Chuev.<sup>80</sup> Both drafts were turned down by the State Duma. The drafts were neither supported by the Supreme Court of the Russian Federation, arguing that the only circumstances under which so-called *“sodomy and lesbianism”* can become criminalised are those, associated with violence or taking advantage of another person. Those circumstances are already stated in the Criminal Code of the Russian Federation, and the amendment is therefore not necessary.<sup>81</sup>
80. However, the Ryazan Regional Duma adopted the amendment to the Ryazan Regional Administrative Offences Act in May 2006. Under the amendment any public actions by

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77 Ibid. p.92.

78 Ibid. p.88-89

79 Legal Study of Homophobia and Discrimination on Grounds of Sexual Orientation in Russia, Kseniya Kirichenko, 2010.

80 Ibid.

81 Ibid.

individuals or organisations mentioning homosexuality would be fined.<sup>82</sup> Similarly, the Law of the Ryazan Region on Protection of Morality and Health of Children in Ryazan Region states that *the public actions aimed at the propaganda of homosexuality (sodomy and lesbianism) are not allowed.*<sup>83</sup> Both acts were used against representatives of the project “GayRussia”, Nikolai Baev and Irina Fedotova, who in March 2009 organised a public action in front of the school and children’s Library in Ryazan. The organisers were detained by the police and charged on the basis of the Administrative Offences Act with fees of 1500 rubbles each. Besides, the organisers notified the City Administration of their intention to hold a picket and march through the streets of the city. The application was denied on the basis of the Act on Protection of Morality and Health of Children in Ryazan Region.<sup>84</sup> The appeals court confirmed the decision. The Constitutional court rejected a complaint from the two activists, who argued that the article of the Ryazan regional law is unconstitutional, because it limits a constitutional right to freedom of expression, which can only be included in the federal legislation. Nikolai Baev further complained to the European Court of Human Rights and Irina Fedotova submitted a complaint to the United Nations Human Rights Committee arguing a violation of the International Covenant on Civil and Political Rights (ICCPR).<sup>85</sup>

81. Although the terms “*propaganda of homosexuality*” is not used in Russian legislation, apart from that mentioned above, incidents of TV and Radio stations being harassed by it are reported<sup>86</sup>. The MHG report 2009 describes the warning of two TV stations in Rostov (TRC “Pulse” and “ExpoVIM Company”), issues by the Prosecutor’s Office in March 2006. The warning stated that “*propaganda of homosexuality in Russia is forbidden*”.<sup>87</sup> The Prosecutor’s Office further explained the warnings:
  
82. *“It has been determined that the reason for issuing warnings to the administration of TRC “Pulse” and “ExpoVIM” Company” broadcasting on the territory of Rostov oblast has become the violations of the legislation in force, which aims to protect the interests of minors (the broadcasting of TV chats on the basis of SMS with intimate offers, including those that propagandise non-traditional forms of sexual orientation and pervert sexual behaviour)”. In this explanation, the General Prosecutor’s Office refers to international commitments of the Russian Federation within the Declaration of the Rights of the Child of November 20, 1959, the UN Convention on the Rights of the Child of November 20, 1989, as well as the Federal laws “on the main guarantees of the rights of the child in the Russian Federation” and “on the medias”. However, the term “propaganda of homosexuality” is not contained in any of these documents.*<sup>88</sup>
  
83. What is especially interesting is that *homosexuality* in the above mentioned statement is directly connected to propaganda of “*pervert sexual behavior*”. The same tendency is seen in another incident, described by MHG report 2009: In March 2008 the heads of main Russian protestant churches wrote a letter to the Prosecutor General, requesting to close the TV station “2\*2”. Their reasoning for this contained following formulations: “*hidden and*

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82 ICCPR Shadow Report: “Violations of the Rights of Lesbian, Gay, Bisexual and Transgender Persons in Russia” Global Rights, ILGA-Europe, Russian LGBT Network, FtM Phoenix Group, Russian Transgender Fund <http://www.ilga-europe.org/content/download/15562/96207/file/LGBT%20ICCPR%20Shadow%20Report%20Russia.pdf> (accessed 25 June 2010)

83 Legal Study of Homophobia and Discrimination on Grounds of Sexual Orientation in Russia, Kseniya Kirichenko, 2010

84 Legal Study of Homophobia and Discrimination on Grounds of Sexual Orientation in Russia, Kseniya Kirichenko, 2010

85 Public opinion and attitudes towards LGBT people in Russia - Inputs provided to the Council of Europe by a coalition of leading advocacy group (August 2010). Primary source: <http://www.ukgaynews.org.uk/Archive/10/Mar/3101.htm>

86 Situation of Lesbians, Gays, Bisexuals and Transgenders in the Russian Federation, Moscow Helsinki Group, 2009, p. 38

87 Situation of Lesbians, Gays, Bisexuals and Transgenders in the Russian Federation, Moscow Helsinki Group, 2009.

88 Situation of Lesbians, Gays, Bisexuals and Transgenders in the Russian Federation, Moscow Helsinki Group, 2009, p. 37.

*open propaganda of homosexuality and pedophilia, asocial lifestyle, as well as multiple vices*".<sup>89</sup>

84. Professor I. S. Kohn comments:
85. *"I do not understand what propaganda of homosexuality means. Is there anybody saying that homosexuality is better than heterosexuality? The issue of the selection of sexual orientation is not an issue of fashion. Something like this can exist and does exist in certain youth subcultures, where they may represent one thing or another. As for serious processes, they have deeper organic reasons. And if we refer to what is happening in our country, I see a homophobia campaign, requests to prohibit or close something, etc. This is obviously contradicting the general culture tendencies and our legislation. Unfortunately, this is related to a broader phenomenon – the consolidation of xenophobia, i.e. hate and hostility to other people. This is a really dangerous phenomenon that has to be combated"*.<sup>90</sup>
86. Other cases, where the freedom of expression of LGBT community is being challenged by the *"propaganda of homosexuality"* term is the cultural events organized by or dedicated to LGBT persons. Thus, in October 2004, Valery Venediktov, Ataman of the Cossack society of Tver Region, on behalf of his organization sent out to a number of local media and various social and cultural institutions a statement condemning the demonstration of the performance 'Salome' of Roman Viktyuk<sup>91</sup> and protesting against the concert of Boris Moiseev<sup>92</sup> in Tver on 26 October. According to the interview with Mr. Venediktov, the reason that neither Viktyuk nor Moiseev could perform in Tver was that *propaganda of sodomy has no place on the Tver Holly land*.<sup>93</sup> During the show of Boris Moiseev the members of the Cossack society were performing a God Service, praying for soul salvation of all homosexual persons, and Mr. Moiseev in particular.<sup>94</sup>
87. In October 2005, Valery Starikov, the vice-mayor of Perm, said that higher rates for the rental of the concert hall of the municipal cultural centre will be established for *"artists, who position themselves as representatives of the non-tradition orientation"*.<sup>95</sup> The official also mentioned the names of these artists: singer of the group 'Night Snipers' Diana Arbenina, ex-singer of the same group Svetlana Surganova, and the singer Zemfira.<sup>96</sup>
88. Another cultural event, which met numerous obstacles during its implementation, is the LGBT film festival "Side by Side". "Side by Side" is one of the initiatives, started in St Petersburg in 2007, in order to promote the principles of non-discrimination, equality and tolerance and make the LGBT community more visible to the general public.<sup>97</sup> Since 2008 "Side by Side" has tried to organize the screenings of LGBT related movies in various

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89 Moscow Helsinki Group *Situation of Lesbians, Gays, Bisexuals and Transgenders in the Russian Federation*, 2009, p. 37.

90 [http://www.gayclub.ru/society/article.php?PAGEN\\_7=2&PAGEN\\_3=2&ID=2981](http://www.gayclub.ru/society/article.php?PAGEN_7=2&PAGEN_3=2&ID=2981), accessed on 20 March 2010. The translation into English is taken from Moscow Helsinki Group *Situation of Lesbians, Gays, Bisexuals and Transgenders in the Russian Federation*, 2009, p. 38.

91 Roman Viktyuk is a famous Russian artist, open homosexual.

92 Boris Moiseev is a popular Russian performer, who is positioning himself as a homosexual.

93 Boris Moiseev will sing with Kazak choir. Komsomol'skaya Pravda, October 2004. <http://tver.kp.ru/daily/23392/234016> accessed on 21 May 2010.

94 Ibid.

95 Vice Mayor of Permi has sexually oriented the rent, Newspaper "Kommersant", October 2005 [www.kommersant.ru/doc.aspx?DocsID=615088](http://www.kommersant.ru/doc.aspx?DocsID=615088), accessed on 6 January 2010.

96 Diana Arbenina, Svetlana Surganova and Zemfira are all famous Russian singers and open homosexual persons.

97 Meeting with "Side by Side", St.-Petersburg. 13 May 2010.

locations in St Petersburg and other cities. All the attempts to hold the festival openly in St Petersburg failed, while “Side by Side” in other Russian cities was held openly.<sup>98</sup>

89. In St Petersburg the festival first attempted to be held in 2008. No official ban of the event took place, although the organizers were forced to move the location of the festival three times due to different reasons. After the third venue change *“one of the organizers got the telephone call from the director of the venue and was told that the fire department has promised to close the place down because of the violation of fire regulations, if the festival went ahead”*.<sup>99</sup>
90. The festival went ahead anyway. The organizers ended up holding the event “underground” for a very limited number of people, distributing the information about the screenings through personal network.<sup>100</sup>
91. In 2009 the festival took place for the second time, and this time it was a success. The festival lasted for eight days and gathered around 2,000 attendees.<sup>101</sup>
92. 2010 was also an important year for “Side by Side”, as the festival has broadened the scope of its work to other Russian regions. In April 2010, “Side by Side” was screening in Novosibirsk and Kemerovo. In Novosibirsk, besides the screenings, the festival included a photo exhibition “Coming out of the closet” and a lecture by local film critic and three panel discussions. A representative of local administration was also present among the audience.<sup>102</sup>
93. *“She told us, that if it was up to her, the festival would never go along.”*<sup>103</sup>
94. All in all, the event is considered by its organizers as a big success.<sup>104</sup>
95. In Kemerovo, the festival was planned to be held on 17-19 April 2010 in two different places – the state run Palace of Youth and a privately owned cinema “Planet Cinema”. The event was initially approved by the local authorities. However right before the festival, organizers were informed that the Palace of Youth suddenly refused to hold the event and the “Planet Cinema” was forced to turn the organizers down.<sup>105</sup> Apparently, the owner of the cinema theatre received a telephone call informing that the electricity in the cinema would be turned off, if the festival went ahead.<sup>106</sup> Nevertheless, the festival went ahead on an alternative spot in Kemerovo.<sup>107</sup>
96. The festival has also visited Archangelsk in July 2010. Right before the planned opening press conference in the cinema theater “Peace” (“Mir”) a crowd of local people with rather

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98 Meeting with “Side by Side”, St.-Petersburg. 13 May 2010.

99 Ibid.

100 Ibid.

101 The results of 2nd LGBT International Festival, November 2009. <http://www.bok-o-bok.ru/news.asp?pid=25&lan=2&tid=364>, accessed on 22 July 2010.

102 Lesbian-Gay Festival “Bok ob ok” in Siberia: open screenings in Novosibirsk, underground in Kemerovo, [http://community.livejournal.com/bok\\_o\\_bok/3562.html](http://community.livejournal.com/bok_o_bok/3562.html), accessed on 22 July 2010.

103 Meeting with “Side by Side”, St.-Petersburg. 13 May 2010.

104 Ibid.

105 Lesbian-Gay Festival “Bok ob ok” in Siberia: open screenings in Novosibirsk, underground in Kemerovo, [http://community.livejournal.com/bok\\_o\\_bok/3562.html](http://community.livejournal.com/bok_o_bok/3562.html), accessed on 22 July 2010.

106 Meeting with “Side by Side”, St.-Petersburg. 13 May 2010.

107 Lesbian-Gay Festival “Bok ob ok” in Siberia: open screenings in Novosibirsk, underground in Kemerovo , [http://community.livejournal.com/bok\\_o\\_bok/3562.html](http://community.livejournal.com/bok_o_bok/3562.html), accessed on 22 July 2010.

violent attitudes gathered in front of the building.<sup>108</sup> The organizers report that the crowd has even forced the local skinheads out, as they wanted to “*deal with homosexual persons themselves*”.<sup>109</sup> A new location for the press conference was identified and the festival went ahead and lasted for the next 4 days. Around 300 people attended the festival.<sup>110</sup>

97. Despite the obstacles, which “Side by Side” met during the festivals in the past 3 years, the event itself proved to be a success and a sustainable way of bringing the LGBT related issues into the Russian mindset. The festival has not only reached the regional, but also international level. On 17 May 2010 the Ukrainian NGO “Insight” organized and facilitated a similar event in Kiev, to which “Side by Side” was a co-organizer.<sup>111</sup> The photo exhibition “Coming out of the Closet” from St Petersburg was shown during the Ukrainian event.<sup>112</sup>

#### C.4. Hate crime - hate speech

98. The MHG report 2009 refers to a survey carried out in December 2007 among 3,800 users of [www.qguys.ru](http://www.qguys.ru) – the biggest internet portal for homo- and bisexual Russian speaking men. The results of the survey showed that 27.1 percent of the respondents were exposed to physical violence due to their sexual orientation. 37.12 percent of respondents were subjected to psychological violence, blackmail and threats. According to MHG only in rare cases these incidents are reported to the police because of fear of homophobic attitudes from the authorities.<sup>113</sup> According to an OSCE report on hate crimes for 2008, the data on reported grounds of hate crimes for the Russian Federation is available on religion and nationality, while sexual orientation/gender identity are not listed as a specific ground of hate crimes. Nor do the Russian police systematically register homophobic motives of hate crimes, nor are they taken into account as aggravating factors by the courts or the Prosecutor’s Office.<sup>114</sup> On the other hand, during the research for this report, many cases of violent attacks, verbal and physical abuses and hate speech incidents targeted against LGBT persons were revealed by Russian and in some cases international NGOs. Due to the space limit, this report presents only some of them. The MHG report 2009 can be consulted for more detailed overview over hate crimes and hate speech incidents towards LGBT persons in Russia.
99. As for hate speech, the later chapters of this report have already revealed some of the incidents of the Russian authorities, Church representatives and ordinary public expressing hatred towards LGBT persons. In this chapter some additional episodes are described. In February 2006, Talgat Tajuddin, the Supreme Mufti of the Central Moslem Board in Russia, had made a public statement on the Gay Pride 2007: “*If they still come out on the street, they just should be beaten. All normal people would do that... gays have no rights. They have transgressed the line. Non-traditional orientation is a crime against God. Prophet Muhammad called to the killing of homosexualists*”.<sup>115</sup> Gay activists Mr. Alekseev and Mr. Baev have approached the Tverskaya inter-district prosecutor’s office of Moscow with a request of starting a criminal case against Mr. Tajuddin on the basis of violation of Art. 282

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108 The results of 2nd LGBT International Festival, November 2009. <http://www.bok-o-bok.ru/news.asp?pid=25&lan=2&tid=364> , accessed on 22 July 2010.

109 Ibid.

110 Ibid.

111 See The Sociological Report on the Situation of Discrimination on Grounds of Sexual Orientation and Gender Identity in Ukraine, 2010 - drafted as part of this study.

112 Media materials: “What is wrong?” and “Coming out of closet, [www.insight-ukraine.org.ua/node/225](http://www.insight-ukraine.org.ua/node/225) , accessed on 22 July 2010.

113 Moscow Helsinki Group *Situation of Lesbians, Gays, Bisexuals and Transgenders in the Russian Federation*, 2009.

114 *Hate Crimes in the OSCE Region – Incidents and Responses*. Annual report 2008, OSCE 2008.

115 Media materials: *Mufti is against gay pride*, February 2006. [www.interfax-religion.ru/?act=news&div=9530](http://www.interfax-religion.ru/?act=news&div=9530), accessed on 6 January 2010.

of the Criminal Code of Russian Federation, which stipulates punishment for commitment of the corresponding deeds against a person or a group of persons on the basis of sex, race, nationality, language, origin, attitude to religion, as well as affiliation to any social group.<sup>116</sup> However the prosecutor's office refused to start the criminal case on these grounds.<sup>117</sup> The Prosecutor's Office has in their decision referred to the expert opinion of the Ph.D., professor at the Family, Sociology and Demography Department of Moscow State University, Dr. Antonov, who argues that: "*sexual minorities are not a social group, much less a gender-defined social group, they are part of the deviant social group together with criminals, drug addicts, and other individuals with deviant behavior*".<sup>118</sup> Based on this opinion, the Prosecutor's Office found it irrelevant to start a criminal case, as the Art. 282 does not protect homosexual persons.<sup>119</sup>

100. In 2008, Tambov Governor Oleg Betin in a newspaper interview said that *'faggots must be torn apart and their pieces should be thrown in the wind!'* In connection with the official's statement Moscow gay activists complained to the Prosecutor General's Office, considering the Betin's words as an offence under Article 282 of the Criminal Code.<sup>120</sup> However, the investigation department for Tambov city of the Investigation Directorate of the Investigation Committee under the Prosecutor's Office of the Russian Federation refused to open criminal proceedings, noting that in accordance with the expert verification the elements of a crime are not revealed in the Governor's words. The experts did not find Betin's remarks offensive. They also gave the opinion that homosexual persons are not a certain social group, to which hatred or enmity may be incited.<sup>121</sup>
101. The fact that LGBT persons are not considered to be a social group by Russian Justice Sector institutions and can therefore not protect themselves against hate speech or see their offenders take responsibility for their hatred and abusive remarks, sayings and proclamations, is criticized and opposed by Professor Kohn. In his professional opinion, which he specifically drafted for the Lenin District Tambov Court, he argues that: "... *the mentioned "membership in a social group", as well as the entire text of the article (Art. 282 of the Criminal Code of Russian Federation – ed.) expressly implies a wider understanding of this notion rather than a narrower, professional one, such as "police", "religious workers" or "sex workers"... The law stipulates that no one should be humiliated and persecuted based on their social and group membership, it does not protect separate social groups, it protects the right of every individual, regardless of their peculiar features and distinction from other members of society*".<sup>122</sup>
102. Despite this expert opinion, the Prosecutor's Offices in both cases described above, did not find it possible or relevant to treat the complainants' sexual orientation as a membership in a social group.
103. In relation the Gay Pride events, described above, the Mayor of Moscow has made a series of homophobic declarations over the past years. In January 2007, during the opening of the Christmas Christian reading at the Kremlin, he declared that "*Gay Parades are satanic gatherings*". A complaint issued on the basis of this statement by Moscow Pride

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116 Legal Study of Homophobia and Discrimination on Grounds of Sexual Orientation in Russia, Kseniya Kirichenko, 2010.

117 Ibid.

118 Ibid.

119 Ibid.

120 Ibid.

121 *Another "blue" scandal in Tambov: The Prosecutor's General's Office authorized the mayor "to tear gays into pieces"*, July 2008. [www.newsru.com/russia/28jul2008/gubervsgeys.html](http://www.newsru.com/russia/28jul2008/gubervsgeys.html), accessed 4 January 2010.

122 Moscow Helsinki Group *Situation of Lesbians, Gays, Bisexuals and Transgenders in the Russian Federation*, 2009, p. 33.

organisers for protection of dignity was rejected by the local and appeal courts. The decision was explained by the fact that the Mayor did not expressively name the claimants.<sup>123</sup>

104. In December 2008, the Mayor declared: *"We banned and will ban propagation of sexual minorities' views as they become one of the factors of distribution of HIV and AIDS. Some home-brewed democrats may consider that sexual minorities can be the main indicator and a symbol of democracy; but we will forbid further distribution of this idea"*.<sup>124</sup>
105. In February 2010, following the Ministry of Justice's denial to register an organisation "Marriage Equality Russia", a series of homophobic statements were made by Russian Members of both Chambers of Parliament. Mr Ilyukhin, a Member of the Duma, who attempted to initiate a re-criminalisation of homosexuality, declared that *"groups of sexual minorities, and without any registration, will multiply like cockroaches"*.<sup>125</sup>
106. In August 2010, the group "Article 282" sent a request to the General Prosecution following a homophobic statement made during a show on the radio "Echo Moskvi" by former Russian billionaire Roman Sterligov. When asked about his view on homosexual persons, Mr Sterligov answered: *"As it is written by the Apostle Paul: 'Let it be their blood upon their heads.'" When asked to clarify whether this means to kill, he answered: "Yes, for sure!"* Mr Sterligov further stated that he will never employ a homosexual person in any of his companies, even if the state requests to do so by law.<sup>126</sup>
107. As for the hate crimes, the MHG report describes a long list of physical attacks, beating and even killings of LGBT persons in Russia.<sup>127</sup> As mentioned before, the report should be consulted for a full overview and details of these cases.
108. Many of hate crimes on the basis of sexual orientation are reported to be committed against homosexual men, who are targeted and provoked to a meeting with their perpetrator on the Internet:
109. *"On the 9<sup>th</sup> of February (2010-ed.) in Petersburg a man was found guilty of having contacted gay men over the internet in order to kill them during the meeting. As reasons the murder gave strong dislike of male homosexual persons as reasons for his doings. On March 19<sup>th</sup> the famous blogger and journalist Maxim Suev was killed in his apartment in Kaliningrad, allegedly by a 19 year old man he had met for a sex-date."*<sup>128</sup>
110. The MHG report 2009 also confirms the fact, that Internet can be a dangerous place for homosexual men to date: *"Many heterosexuals meet gays on Internet already full of hatred*

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123 *Public opinion and attitudes towards LGBT people in Russia*. Inputs provided to the Council of Europe by a coalition of leading advocacy group, August 2010. Original information source: <http://gay.pinknews.co.uk/news/articles/2005-6268.html>

124 *Public opinion and attitudes towards LGBT people in Russia*. Inputs provided to the Council of Europe by a coalition of leading advocacy group (August 2010). Original information source: [http://rt.com/Top\\_News/2008-12-05/Moscow\\_will\\_never\\_see\\_gay\\_pride\\_parades\\_Mayor\\_Yury\\_Luzhkov.html](http://rt.com/Top_News/2008-12-05/Moscow_will_never_see_gay_pride_parades_Mayor_Yury_Luzhkov.html)

125 *Public opinion and attitudes towards LGBT people in Russia*. Inputs provided to the Council of Europe by a coalition of leading advocacy group (August 2010). Original information source: [www.marriageequality.ru/en/project-news/detail.php?ID=399](http://www.marriageequality.ru/en/project-news/detail.php?ID=399)

126 *Public opinion and attitudes towards LGBT people in Russia*. Inputs provided to the Council of Europe by a coalition of leading advocacy group (August 2010). Original information source: <http://www.ukgaynews.org.uk/Archive/10/Aug/1601.htm>

127 Moscow Helsinki Group *Situation of Lesbians, Gays, Bisexuals and Transgenders in the Russian Federation*, 2009, p. 20-25.

128 "Russian LGBT-Network" in a contribution to the EU-Russia Human Rights Consultations in April 2010

*for this group of people, and if they do not manage to wreak their anger at the “first date”, they threaten on the Internet with beating up, rape or death”.*<sup>129</sup>

111. Another place, where LGBT persons often become victims of hate crimes are gay clubs or areas around them:
112. *“At the beginning of 2007, a young man called Denis was killed in Yekaterinburg near the night club “Moloko”, where parties for gays and lesbians are organised... On the night of January 20<sup>th</sup>, 2007, two young men assaulted the well known journalists from Khabarovsk Konstantin Borovko and his friend Dmitry Cherevko who had left the gay-club “Taboo”... in Vladivostok... On March 3<sup>rd</sup>, 2007, several persons were beaten up with brutality at the night-club “Zhara” (“Heat” – ed.) According to the victim’s testimony, the actions were accompanied by obscene words, indicating that the reason was the non-traditional sexual orientation of the club visitors... Nobody filled the complaint.”*<sup>130</sup>
113. The fact that no one filed a complaint in the case described above is confirmed by many NGOs, interviewed for this report, as being normal outcome of hate crime incidents. According to the “Russian LGBT Network” and the Social centre “Trust”, the level of trust towards police is rather low among LGBT persons.<sup>131</sup> The mistrust towards the police can be explained by the abusive, disrespectful and offensive attitudes, which LGBT persons are met with at the police stations:
114. *“... we went to Zyuzino IAD, Moscow City, to file a complaint about what happened. However, the duty officer, major Tyukaev, read the text of the complaint and refused to accept it saying: “Bugger off, queer sons of a bitch!” And added that if we would ever try to file complaints on harassment based on sexual orientation again, his colleagues and he would mutilate us so that we would not be able to walk away on our feet.”*<sup>132</sup>
115. Another reason for mistrust towards police offices reveals itself when looking at the way Russian police forces act during violent confrontations between the LGBT community and its opponents. The MHG report describes for instance an episode of violent attack against Moscow “Renaissance Event Club”. On 30 April 2006 a column of about 200 young men started moving towards the club, where an “open Party” gay dance project was supposed to take place. According to the report: *“there was no way the police could not notice the movement, but they did not take any measures.”*<sup>133</sup>
116. Later that night, after the extremists took action and start attacking the attendees of the party, the police showed up at the club and forced the organisers to close it down: *“For an unknown reason, the police officers made the organisers responsible for what happened: “You organised this, you face the consequences! We are closing your club!”*<sup>134</sup>
117. The report also describes the police actions (or lack of it) during the Moscow Gay Pride 2007:

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129 Moscow Helsinki Group *Situation of Lesbians, Gays, Bisexuals and Transgenders in the Russian Federation*, 2009, p. 22.

130 Ibid. p. 21.

131 Meeting with “LGBT Network”, St.-Petersburg. 14 May 2010 and with Social Centre “Trust”, Moscow, 11 May 2010. Also Meeting with “FtM Phoenix”, Moscow, 10 May 2010.

132 Moscow Helsinki Group *Situation of Lesbians, Gays, Bisexuals and Transgenders in the Russian Federation*, 2009, p. 25.

133 Ibid. p. 26.

134 Ibid.

118. *"The participants in the attempt to carry out a peaceful demonstration for the protection of sexual minorities' rights in front of the Moscow City Hall on 27 May 2007, as well as observers from human rights organisations who were there saw that the police not only not prevented beating and insulting of the demonstrators by skinheads, nationalists and other activists, but also supported pogrom-makers."*<sup>135</sup>
119. It is important to underline that the report is mostly focusing on the hate crimes towards LGB persons. However, the connection between homophobia and hate crimes towards transgender persons is quite obvious to the Russian NGO "FtM Phoenix", interviewed for this report:
120. *The situation (with hate crimes against transgender persons – ed.) is rather influenced by homophobia. I would not call it transphobia. People think you are gay or lesbian, and this is why you get attacked.*<sup>136</sup>
121. According to the NGO, people in Russia do not know that much about transgender persons, which is why they often are confused for homosexual men or women.<sup>137</sup>
122. An extensive number of hate crimes towards LGBT persons are related to the activities of right-wing groups, such as skinheads, neo-fascist etc. The MHG report 2009 even introduces a term "gay hunt", which covers organized activities of these groups aimed at finding and damaging LGBT persons. The "Russian LGBT Network" office in St Petersburg is for instance currently cooperating with Anti-Fascist movement in the city.
123. *"The Anti-Fa has homophobes too, but they are working together with us. So we are trying to get them to provide protection during our street actions".*<sup>138</sup>
124. The extent to which the skinhead-movement is influential for LGBT related events, was also mentioned by the film festival "Side by Side":
125. *"... we had an event at "Bykvoed" (a chain of book stores in St Petersburg) and Mr. Igor S. Khon was supposed to do the presentation of this book. But NTV (a TV station – ed.) came with 5 skinheads. It was very clear that this was organized by the NTV. They came at the same time with the skinheads; the journalists were talking to them. They just wanted to create a scandal, a confrontation... so we decided to cancel the event."*<sup>139</sup>
126. Although the skinhead movement is mostly associated with hate crimes on the basis of racial and ethnic hatred, one should not underestimate the influence which this group has for LGBT related work in Russia. The growing number of Neo-Nazis and skinheads is therefore leading to growing numbers of hate crimes against LGBT persons and making it more and more insecure for LGBT persons to be visible and active in the public sphere.
127. In September 2009, the "Russian LGBT Network" received an official letter from the All-Russian State Scientific Research Institute of Ministry of Internal Affairs. In the letter the Institute states that – despite the fact that sexual orientation is neither considered an aggravating factor when committing a crime by the Criminal Code of Russian Federation nor as a discriminatory ground by the Constitution of Russian Federation:

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135 Ibid.

136 Meeting with NGO "FtM Phoenix", Moscow. 10 May 2010.

137 Ibid.

138 Meeting with the "Russian LGBT Network" and "Coming out", St.-Petersburg. 14 May 2010.

139 Meeting with "Side by Side", 13 May 2010.

128. "... the problems, described in your previous letter, as well as those described in your mutual report with the Moscow Helsinki Group "Situation of Lesbians, Gays, Bisexuals and Transgenders in the Russian Federation" will remain in the sight of law enforcement bodies during the development of a number of preventive mechanisms, targeted at protecting the citizens against criminal attacks, despite their sexual orientation."<sup>140</sup>
129. The letter shows that the Russian authorities are somehow ready to acknowledge the fact that sexual minorities in the country are subjected to violent attacks and need to be protected as any other citizens of Russian Federation.

### C.5. Family issues

130. In May 2005, the Levada Centre published a poll, which revealed that 14.3 percent of the Russian population approve same-sex marriage, while 73.4 percent are against it. In July 2010, the same question asked by the same polling institute showed that 14 percent support the idea of same-sex marriages. The amount of those against it has increased to 84 percent.<sup>141</sup> As the polls show, the fact that same-sex marriages are not yet a legal reality in Russia is broadly supported by the majority of Russia citizens.
131. In May 2009, Irina Fedotova and Irina Shipitko, a female same-sex couple attempted to register their marriage in Moscow. The attempt was part of a campaign for the recognition of same-sex union and family rights of LGBT citizens launched by the "LGBT Human Rights Project GayRussia" during the "Moscow Pride 2009" (also called "Slavic Pride '09"). The Tversky Office for the Registration of Civil Acts (ZAGS) denied to register the marriage arguing that "Section 3 of Article 1 of the Family Code of Russia stipulates that the regulation of family relations must adhere to the principle of a voluntary union between a man and a woman". The campaign received a considerable attention from the Russian and international media. The couple filed a complaint against the denial which was turned down by a local and appeals court. A complaint has been logged with the European Court of Human Rights in July 2010. Meanwhile, the couple registered their union in Toronto (Canada) in October 2009 and announced their intention to make their union recognised in Russia, as the Family Code of Russian Federation does not list gender of the spouses in the exhaustive list of circumstances, which prevent to recognise the validity of a foreign marriage.<sup>142</sup>
132. The family issues reported especially relevant for LGBT persons in Russia are also related to "coming out":
133. *"It is very normal that LGBT persons are harassed by their families after coming out."*<sup>143</sup>
134. The Social Centre "Trust", which is actively working with LGBT persons and their families reports:

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140 A letter to the director of the "Russian LGBT Network", Igor Petrov from the All Russian State Scientific Research Institute of Ministry of Internal Affairs. Shared in July 2010.

141 Public opinion and attitudes towards LGBT people in Russia - Inputs provided to the Council of Europe by a coalition of leading advocacy group, August 2010. Original information source: [www.gayrussia.ru/en/news/detail.php?ID=1459](http://www.gayrussia.ru/en/news/detail.php?ID=1459) and [www.ukgaynews.org.uk/Archive/10/Aug/1001.htm](http://www.ukgaynews.org.uk/Archive/10/Aug/1001.htm), accessed 4 October 2010.

142 Public opinion and attitudes towards LGBT people in Russia - Inputs provided to the Council of Europe by a coalition of leading advocacy group, August 2010. Original information sources:

[www.nytimes.com/2009/05/13/world/europe/13moscow.html?\\_r=3](http://www.nytimes.com/2009/05/13/world/europe/13moscow.html?_r=3)

and [www.upi.com/Top\\_News/International/2009/10/23/Russian-lesbians-travel-to-Toronto-to-wed/UPI-38211256309256/](http://www.upi.com/Top_News/International/2009/10/23/Russian-lesbians-travel-to-Toronto-to-wed/UPI-38211256309256/), accessed 4 October 2010.

143 Meeting with "Rainbow association", Moscow. 10 May 2010.

135. *"For the past five years statistically around 64 percent of all discrimination incidents we have received, were about discrimination from the family members. LGBT persons are being called names, thrown out of the house ... some parents were giving their children separate plates, spoons and knives when dining at the family table... Parents are an overseen group... It is very hard for parents to accept their children's coming out... But our experience is that after they find out that it is still possible for their child to have a family, to have a normal life they usually accept this... so this is basically the issue of awareness-raising."*<sup>144</sup>
136. The difficulty of coming out to the family is also reported to be relevant for transgender persons:
137. *"The issues of transgenders are very new in Russia... transgender persons do not feel understood by their families. Although the mothers are more likely to understand their children after "coming out", it is still a big problem."*<sup>145</sup>
138. Besides "coming out", transgender persons often face the obstacles in being together with their children, which they had as a former gender. The Russian LGBT Network reports in its submission to the 46<sup>th</sup> CEDAW session:
139. *"In 2010, a[...]case of a transsexual parent, the biological mother, was documented. After the divorce, the child remained with the biological father, and the latter refused to accept any financial assistance from the transsexual parent. Nevertheless, the transsexual parent provided material assistance to his child and sent gifts for the child as far as it was possible. After a time, the biological father of the child brought a claim to deprive the transsexual parent of parental rights, because of the gender identity of his former partner."*<sup>146</sup>
140. In July 2010, Russian Federation has signed an agreement with USA preventing American same-sex couples to adopt children from Russia. Prior to the events, Russian news agencies have brought stories of general abuse and insufficient carrying for Russian orphans, adopted to USA. "The last drop", according to "GayRussia" project, was the story of an eight-year old boy, whose adoptive mother sent him on the plane alone back to Moscow with a note, saying that she annuls the adoption. As a follow up on this and similar cases, the Russian authorities decided to sign the agreement.<sup>147</sup>
141. It has not been possible to obtain further information on this from Russian authorities, but in 2010 the Russian Ombudsman for Children stated that *"pedophilia is in many cases directly connected with homosexuality"*.<sup>148</sup>

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144 Meeting with the Social Centre "Trust", Moscow. 11 May 2010.

145 Meeting with the "FtM Phoenix", Moscow, 10 May 2010.

146 *Russian LGBT Network Shadow Report for the 46th CEDAW Session* p.13, [www2.ohchr.org/english/bodies/cedaw/docs/ngos/LGBTNetwork\\_RussianFederation46.pdf](http://www2.ohchr.org/english/bodies/cedaw/docs/ngos/LGBTNetwork_RussianFederation46.pdf), accessed 25 June 2010.

147 *Live Journal*, <http://gayrussia.ru/events/detail.php?ID=16189&PHPSESSID=c399f6142f173269d7f65c74149ce1b1>, accessed 21 July 2010. Please notice that when the author of this report checked the website [www.gayrussia.ru](http://www.gayrussia.ru) in September 2010, the website was closed and the materials were being moved to another website: <http://alexeyev.livejournal.com>. For further information, the author recommends to check <http://alexeyev.livejournal.com>, accessed 4 October 2010.

148 See: "Павел Астахов: Гей-парады навязывает педофильское лобби", [www.fontanka.ru/2010/04/19/079/](http://www.fontanka.ru/2010/04/19/079/), accessed 15 August 2010.

## C.6. Asylum and refugee issues

142. During the study trip for this report the NGOs interviewed were unable to provide any concrete cases, where sexual orientation or gender identity was used as a basis for seeking asylum in Russia - and no other sources account for any cases.
143. The fact that same-sex sexual relations are decriminalised in Russia, makes it very difficult to use persecution on the basis of sexual orientation or gender identity as the ground for applications for asylum in other countries. There are several cases of Russian citizens seeking asylum in other countries on the basis of persecution on the grounds of sexual orientation - however, after the decriminalisation of same-sex sexual relations, most cases have been rejected.<sup>149</sup>
144. The "Rainbow Association" has also mentioned the fact that many LGBT persons are trying to escape small cities far from the capital and leave for Moscow or St Petersburg, where the level of acceptance is seen as being higher.<sup>150</sup>

## C.7. Social security, social care and insurance

145. Social security, social care and insurance are the issues not really focused upon by any NGO. The fact that freedom of assembly, freedom of expression and hate crimes are so highly prioritised at the moment by the Russian civil society organisations, leaves social security, care and insurance less covered. Another part of explanation lies in the fact that neither same-sex civil partnerships nor marriages are allowed in Russia, hence the issues of social security, care and insurance as a part of marital rights and advantages do not exist.
146. The "Rainbow Association" has reported an incident, when one of the members was forced to call the mother of his partner in order to ask her to contact police, medical and social services, when his partner did not come home one night:
147. *"He had a stroke on his way from work...but I couldn't do anything, I couldn't call anyone, I couldn't call the police to report he was missing, because we were not registered as partners, so I called his mother and she called them."*<sup>151</sup>
148. The obstacles, which transgender persons meet in this regard, are mostly related to the fact that their physical appearances are not in compliance with the ID-papers. According to "FtM Phoenix" the insurance papers in Russia are crucial in order to get decent urgent medical care. The fact that an insurance policy not always complies with the physical appearance of the person, creates an addition stress factor for many transgender persons:
149. *"I tried to get a visit by the ambulance once... In Russia when the ambulance comes, you have to show your insurance papers at once. You always have to explain to them why your papers are not in compliance with how you look... it is tiring and stressful."*<sup>152</sup>
150. According to the Introduction of the Unified System of CHI Health Insurance Police Number Formation, the insurance policy number cannot be changed and it follows the person throughout life, except for cases of sex change. Those transgender persons, who do not

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149 Meeting with the "Rainbow Association", Moscow, 10 May 2010.

150 Ibid.

151 Ibid.

152 Meeting with the "FtM Phoenix", Moscow, 10 May 2010.

undergo gender reassignment or cannot afford it, are therefore forced to live with their old insurance policy numbers and be exposed to stressful situations, as the one described above.<sup>153</sup>

151. The few LGBT community centres providing legal, psychological or medical consultations are not funded by public authorities, and are therefore very dependent on external funding. Nevertheless, they exist and are open to consultation for LGBT community members.<sup>154</sup>

### **C.8. Education**

152. According to the MHG report 2009, young LGBT persons are often subject to bullying and harassment from their classmates and teachers at schools. Together with the (sometimes) present disapproval of their coming out on behalf of the parents, this reduces LGBT youngsters' capacity and motivation to attend school, participate in social life together with their peers and leads to high levels of depression and isolation.<sup>155</sup> The MHG report 2009 tells several stories of young LGBT persons, being harassed at schools:
153. *"In 2004 I was a student at a boarding-school. My friends and classmates started calling me names, blackmailing me, laughing at me when they found out about my homosexuality. I was in the eighth grade and had one more year to study. So, I was abused physically, spiritually and mentally during that year."*<sup>156</sup>
154. The following story case illustrates numerous similar cases. A 20 year old lesbian from St Petersburg was studying at the teachers' college. When she was forced to come out, she and her girlfriend (also studying at the same college) began to be called to the dean's office regularly. The dean would ask them to "work on themselves", hide their sexual orientation and get treatment. Both women were directed to a psychologist, who would try to "correct them". Their fellow students started harassing them; pointing fingers and laughing at them and the teachers directly told them that they will not pass their exams, unless they "corrected themselves". The college offered her a choice: either she would be expelled or she should go to a district psychiatric hospital for children (she was 17 at the time). After choosing to go to the hospital, she got a prescription for neurological medicine (Phenozepam) and the hospital opened a "file" on her with a diagnosis of "suicidal syndrome". After getting a certificate from the hospital, she was restored in her college after missing almost a year of her studies due to the hospitalization. When the internship (a vast part of future teacher's education) began, she was once more asked to choose: She could "act normal" and "love men" or drop out of school. The teaching methodology specialists would not let her, or her girlfriend, attend the internship, due to the fact that they did not correspond to the "moral image of a Russian teacher".<sup>157</sup>
155. The following report underlines as well that teachers, who choose to come out or are assumed to be homosexual, are also subjected to bullying and harassment on the side of their colleagues and students:

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153 The information is provided by "TransGender Europe", July 2010.

154 Meeting with the Russian LGBT Network, St. Petersburg, 14 May 2010.

155 *Situation of Lesbians, Gays, Bisexuals and Transgenders in the Russian Federation*, Moscow Helsinki Group, 2009. e.g. p.23 and Meeting with the Social Centre "Trust", Moscow. 11 May 2010.

156 *Situation of Lesbians, Gays, Bisexuals and Transgenders in the Russian Federation*, Moscow Helsinki Group, 2009, p. 24.

157 Ibid, p. 25.

156. *"I had worked at a secondary school in Pskov oblast. Since 2003, constant mockery began on the part of teachers, students and school administration. One of the teachers told me directly that I should go to prison and generally be isolated from the society. The circumstances did not allow me continue working there. At the employment office, they told me I better left the town. The arbitrariness started after I had openly declared about my orientation. I had been working at that school since 1984."*<sup>158</sup>
157. Another important issue to mention is the lack of educational programmes on sexual orientation, gender identity and discrimination on these grounds at schools and in the universities.<sup>159</sup> Thus, discussing the sociological research in her Master's thesis in 2004, I.S. Kupriyanova notes that *"academic discourse often presents homosexuality as a curable disease; there is no analogue of the LG-studies, widespread in western universities. Even if homosexuality present in the educational programmes, it is treated as a deviation from the norm, as pathology"*.<sup>160</sup>
158. Dmitry Andronov, a Senior Teacher of the Department of Psychology of the Omsk Humanitarian University, notes in the same manner:
159. *"In high schools (and even at the departments of psychology) there are no special courses, which addresses the issues related to LGBT persons. Topics, which are raised by some teachers, are their personal initiative and are discussed as part of other courses; as a rule, these teachers are themselves representatives of the LGBT community... The overall situation in higher education leads to the fact that graduates psychologists have no notion about the features of psychological assistance for representatives of the LGBT community... 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."*<sup>161</sup>
160. One of the researchers reported to the following to the "Russian LGBT Network":
161. *"Some years ago I was going to enter the postgraduate course in one of the Russian universities. One of my former lecturers began to speak at the university that I was gay, and in the end I had to knowingly lie to an acquaintance of mine, who was working at this university, that I was ready to change, in order that she might believe me and persuade my potential scientific advisor that I was not gay, because otherwise she [the potential scientific advisor] would never have taken me in postgraduate course."*<sup>162</sup>
162. Eventually the researcher entered the postgraduate course, but with time decided to pick up another topic as the major one – a topic related to homosexuality. He worked without a scientific advisor in the beginning, but later on found one, who agreed to supervise his work. During the publication process, which is necessary in order to graduate, the researcher was informed that his article was denied publication because of the topic of his work:

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158 Ibid, p. 41.

159 Meeting with the "Russian LGBT Network" and "Coming out", St.-Petersburg, 14 May 2010.

160 Construction of Gender Norms in Modern Russian Society: abstracts of a thesis for a degree of a candidate of sociological studies, Kupriyanova I.S. Saratov, Russia, 2004. Available in Russian at: [www.profsouz-saratov.narod.ru/Society/Kupriyanova\\_konstruirovaniye.htm](http://www.profsouz-saratov.narod.ru/Society/Kupriyanova_konstruirovaniye.htm), accessed 16 January 2010.

161 E-mail correspondence between a Russian LGBT Network representative and Dmitry Andronov, 18 January 2010.

162 E-mail correspondence between a Russian LGBT Network representative and the researcher.

163. *"The editor told the person, who was responsible for the collection of articles, that it was propaganda of homosexuality, and she [the editor] would never publish an article with this theme."*<sup>163</sup>
164. Nevertheless, the articles got published eventually in another publication, but yet another obstacle came to surface:
165. *"When the chancellor of the university where I was working addressed to the chairman of the dissertation council about the defense of my dissertation, the chairman explained that it made no sense for me to apply for defense in their council because the latter was not ready for such a topic, and I should never have defended it in their council, that I should look for another dissertation council, because it was known that I should fail, they would never have let me to defend."*<sup>164</sup>
166. In November 2001, Nikolai Alekseev is reported to be forced to leave the Postgraduate Programme of the Moscow State University, Faculty of Public Administration (Legal Fundamentals of State Regulation Department) due to the non-acceptance of his research on the legal status of sexual minorities as scientific thesis. A local and appeals courts rejected the claim of discrimination based on sexual orientation in 2005. The decision of the local court became the first decision on the issue of discrimination on grounds of sexual orientation in the Russian court history and the notion of "sexual orientation" is used in the decision several times. A complaint was filed with the European Court of Human Rights in March 2006. As of August 2010, the case has not been considered by the Court.<sup>165</sup>
167. The difficulties faced by students willing to conduct scientific research of LGBT related issues, are also confirmed by the psychologist working for the Russian LGBT Network and also teaching at the University. Several of her students, who decided to write their dissertations on LGBT related topics, have met obstacles while doing their research and up to the exams. They were asked to change the topics of their dissertations, were posed extra-critical and hard questions during the exams and even threatened to be expelled.<sup>166</sup>

### **C.9. Employment**

168. The survey conducted on the web based forum for Russian speaking bi- and homosexual men [www.qguys.ru](http://www.qguys.ru) in December 2007 might give the idea that cases of discrimination on grounds of sexual orientation in the workplace are rare. However, this is explained by the fact that most gay and bisexual men prefer to hide their sexual orientation at work (78.6 percent of the respondents). Only 17 percent of the respondents reported that they do not hide their sexual orientation from their employers and colleagues and do not have any problems in the workplace.<sup>167</sup> According to the MHG Report 2009:
169. *"Disclosure of sexual orientation of a person most frequently leads to their dismissal in Russian towns, after which it is practically impossible for the affected people to find a new job in the same town."*<sup>168</sup>

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163 Ibid.

164 E-mail correspondence between a Russian LGBT Network representative and the researcher.

165 Public opinion and attitudes towards LGBT people in Russia - Inputs provided to the Council of Europe by a coalition of leading advocacy group, August 2010.

166 Meeting with the "Russian LGBT Network" and "Coming out", St.-Petersburg, 14 May 2010.

167 Situation of Lesbians, Gays, Bisexuals and Transgenders in the Russian Federation, Moscow Helsinki Group, 2009

168 Ibid p.41.

170. The report exemplifies with following cases:
171. *"I had worked as locksmith at an installation department from November 2005 to December 2006. I have category V. Upon the request of an engineer of sector I, they do not sign agreements on carrying-out of work. I have never made special efforts to hide my orientation. A year after I had got a job with the organization, my direct superiors found out I was gay. And despite the fact that I had not received a single reproach within the entire year, I was refused renewal of my contract. In a private discussion, they just told me: "You have wrong orientation."<sup>169</sup>*
172. The MHG report tells another story about a 36 year old Andrei K from Moscow: In December 2005, he got a job at a state institution – Moscow City Council of Public Law Enforcement Units (MCC PLEU) directly subordinated to the government of Moscow City. Prior to these events, Andrei K. was subjected to server harassment from his neighbors and local police authorities, who were trying to "live him out" of the building. Although Andrei was hiding his sexual orientation at work, the leaflets revealing his sexual orientation, which were distributed in his neighborhood, found their way to his manager:
173. *"... (He) called me and my direct superior... to his office and started shouted and demanding in strong language that I should radically change my lifestyle (he referred to my private life), as my behavior throws a shadow on the law enforcement system, government bodies and Presnensky district (...) I said I would rather die than break up with David (Andrei's partner – ed.). "Damn you, son of a bitch!" was the reply of Korotun and he threw banana skin at me. "Do not come back without repentance" he finished." As a result of a nervous breakdown, I started suffering from continuous intractable attacks of asthma, the course of my chronic illness (bronchial allergy) worsened extremely. David had to call the ambulance that brought me to the City Clinical Hospital No.61 in an extremely grave condition. (...) I was fired soon, but appealed the decision in court. Pressure and discrimination grew into persecution and torture."<sup>170</sup>*
174. In 2006, an activist of the LGBT Human Rights Project "GayRussia" (the activists requested to remain anonymous), who took part in the unauthorised Moscow Pride in 2006, lost his job after he was recognised in a TV interview, by his employer.<sup>171</sup>
175. According to the "Rainbow Association", even if a person gets fired after he or she has come out, the employers would often find another reason for dismissal, which makes it very hard to prove whether the discrimination on grounds of sexual orientation or gender identity has actually occurred.<sup>172</sup>
176. The Social Centre "Trust" reports as well that coming out in the workplace can lead to discrimination, which is why most LGBT persons prefer not to reveal their sexual orientation or gender identity at work.<sup>173</sup> However, the informant herself told a positive story of her coming out:

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169 *Situation of Lesbians, Gays, Bisexuals and Transgenders in the Russian Federation*, Moscow Helsinki Group, 2009, p. 4.1

170 *Situation of Lesbians, Gays, Bisexuals and Transgenders in the Russian Federation*, Moscow Helsinki Group, 2009, p. 39

171 Public opinion and attitudes towards LGBT people in Russia - Inputs provided to the Council of Europe by a coalition of leading advocacy group, August 2010.

172 Meeting with the "Rainbow Association", Moscow. 10 May 2010.

173 Meeting with the Social Centre "Trust", Moscow. 11 May 2010.

177. *"Both my previous and my current employers knew... they were OK with this."*<sup>174</sup>
178. NGO "FtM Phoenix" confirms that obstacles at work for transgender persons are as well depending on the personal attitudes of the colleagues and the employer:
179. *"It is of course difficult for transgenders, because the physical change is very visible... when people look at you and your appearance does not correspond to your papers people get suspicious, they do not trust you... But it depends on the employer."*<sup>175</sup>
180. Many transgender persons, who do not have documents matching their gender expression, may be invited to job-interviews on the basis of their professional skills. But as soon as they present their documents, their appointment is cancelled. Here, the lengthy procedure to obtain proper ID-documents as well as the refusal of former employers and education institutions to change certificates retroactively, keeps transgender persons effectively out of the job-market despite present skills.

### C.10. Housing

181. According to Oleg Romanetz, an activist of the Novosibirsk regional branch of the "Russian LGBT Network", cases of refusal to rent apartments for homosexual couples occur. Problems concerning housing leases by same-sex couples is connected not only to homophobia as such, but also with the fact that a same-sex couple is not perceived as a family by society (for this reason, young gay men have had to find a 'fictitious' female partner). As Oleg added:
182. *"... most persons consider two young guys as freaky students, and if prospective tenants are older, they believe that something is out of order, they just do not trust and prefer not to lease. But there are no questions in relation to two young women, and it is even preferable for two girls than for a family couple. It is also difficult to take on a lease for single young man – this brings up many clarification questions. If it is openly said: 'we are gays, and we want to live here together', the probability of refusal is about 99 percent. This has rather mythological roots, and image of a gay in the minds of most persons is a clown in feathers, alcohol, noise, uproar and disturbance. The things are changing for men – the older they are, the easier it is to find an apartment, and the younger they are, the more difficult it is."*<sup>176</sup>
183. The Moscow LGBT activists from Rainbow Association confirm the fact that two men are less likely to find an apartment to rent than two women:
184. *"This has always been like that... girls are seen like more neat and tidy while gays are seen like those who are not cleaning up after themselves, messy etc... It is easier for girls to rent a place."*<sup>177</sup>
185. According to the Social Centre "Trust", whether it is easy or not to get and keep an apartment for a same-sex couple, varies and is dependable on the level of acceptance of the neighbors, the landlord etc.

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174 Ibid.

175 Meeting with the "FtM Phoenix", Moscow, 10 May 2010.

176 The conversation between the "Russian LGBT Network" and Mr. Romanetz at the social web based network [www.vkontakte.ru](http://www.vkontakte.ru), accessed 19 January 2010.

177 Meeting with "Rainbow Association", Moscow, 10 May 2010.

186. *"We have been living as a family for five years... going to work, coming home, going to shops, the child was relating to both of us.... Everyone could see that we were living as a family, not as friends... There has never been a single problem... never."*<sup>178</sup>
187. The MHG report tells two other stories, which had much more dramatic consequences for the same-sex couples living together. One is a story of a 27 year old man living in Republic of Adygeya with his partner. In 2007 a group of people, upon the request from local district administration, started to force them out of their apartment by disseminating information about their sexual orientation and turning their neighbours against them.<sup>179</sup> Another story is of a 36 year old man Andrei K., living in Moscow. Andrei K. revealed his homosexuality to his priest. The priest advised Andrei to *"pull the sin out of his soul"*, hide his homosexuality and never speak of it with anyone but him. However, Andrei shared his concerns with some of his fellow parish members, whom he trusted. The priest found out about it and the information about Andrei's homosexuality was disseminated among his neighbours. From that day both Andrei and his mother (whom he was leaving with at the time) became victims of continuous harassment and psychological abuse from the neighbours, leading also to discrimination at work (see above). Andrei was forced to leave his apartment and move to a village in Yaroslavl Oblast.<sup>180</sup>
188. The afore-mentioned examples show that the conditions for same-sex couples living together vary, and that comfort and well-being of same-sex couples living together are often dependent on the personal views of their landlords and neighbours or on whether or not their sexual orientation remains unrevealed to them.

### C.11. Health care

189. According to the *Legal Study on Homophobia and Discrimination on Grounds of Sexual Orientation in Russia*, 2010, the oath of nurses, which is included in the Medico-Social Code of the Russian Federation, explicitly include sexual orientation as the ground on which discrimination and differential treatment of the patients is prohibited.<sup>181</sup> According to the author of the study, the practice demonstrates the violation of this principle. She quotes the following account made to her by an LGBT activist:
190. *"Last year 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 no place for the meeting of faggots' and 'there is nothing for you here to arrange your hangouts'. And this case is not single."*<sup>182</sup>
191. In April 2006, LGBT Human Rights Project "GayRussia" asked the General Prosecution and the Minister of Health to amend the instruction on blood donors released by the Minister of Health on 14 September 2001 which includes homosexual persons as part of the HIV high risk group.<sup>183</sup> In July 2006, the General Prosecution recognised that the law does not prevent homosexual persons from donating their blood. Instead, the law only

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178 Meeting with the Social Centre "Trust", Moscow, 11 May 2010.

179 *Situation of Lesbians, Gays, Bisexuals and Transgenders in the Russian Federation*, Moscow Helsinki Group, 2009, p. 33

180 *Situation of Lesbians, Gays, Bisexuals and Transgenders in the Russian Federation*, Moscow Helsinki Group, 2009, p. 33-36.

181 Kirichenko, K., *The Legal Study on Homophobia and Discrimination on Grounds of Sexual Orientation in Russia*, 2010.

<sup>182</sup> Ibid.

183 Public opinion and attitudes towards LGBT people in Russia - Inputs provided to the Council of Europe by a coalition of leading advocacy group (August 2010).

defines a list of diseases that can prevent to donate blood. As a result, the Prosecution department asked the Ministry of Health to remove homosexual persons from its instruction.<sup>184</sup> In April 2007, the LGBT Human Rights Project “GayRussia” sent a reminder to the General Prosecution and the Ministry of Health as the instruction had not been amended. On 14 September 2007, “GayRussia” organised a protest in front of the Ministry of Health asking for the instruction to be amended.<sup>185</sup> The protest took place despite its ban by the authorities and several activists were arrested. The same day Nikolai Alekseev was denied to donate blood at a transfusion centre in Moscow. The denial was recorded by several media, who were covering the event.<sup>186</sup> In May 2008, the Ministry of Health wrote to the LGBT Human Rights Project “GayRussia” and confirmed that it had finally removed homosexual persons from its instruction. Mr. Alekseev comments:

192. *“One of our first successes is the end of the MSM (men who have sex with men) blood ban, which we obtained in 2008 after a two year campaign using both the legal way and the street actions. Gay blood can now help sick homophobes to live longer. It is the only discrimination against LGBT persons removed by the Russian government since decriminalisation in 1993”*.<sup>187</sup>
193. A number of important health care related issues are connected to transgender persons. “FtM Phoenix” reports that the procedures and regulations for transgender persons are not fully in place at the moment. In 1991 the Research Institute of Psychiatry created the diagnostic guidelines, which were updated and reviewed in 1999. The updated version was approved by the Ministry of Health, although the Ministry of Justice has still to ratify them.<sup>188</sup> The NGO had a few meetings with the Ministry about these guidelines, but the efforts to ratify updated and more operational guidelines are still to come.<sup>189</sup>
194. According to the “Russian LGBT Network” another big issue is the fact that transgender persons in the regions lack access to health care services and treatment. In 2010 in “CEDAW Shadow Report” the organization points out that *“the unavailability of suitable medical services in rural areas and cities other than St. Petersburg and Moscow, poses huge problems for the self-realization of transgender persons. The financial burden imposed on transgender persons forms an additional heavy obstacle (travel, living expenses, etc)”*.<sup>190</sup>
195. Although there are legal possibilities for gender reassignment, the financial possibilities for transgender persons to undergo hormone treatment or surgery are very limited. The medical aspects of gender reassignment are moreover not included into public insurance catalogue, which makes it in many cases inaccessible for Russian citizens, especially in rural areas:
196. *“Average prices for those medical treatments considered by many transgender persons as minimum necessary are far beyond average Russian income. Thus, monthly costs of life-long adverse hormone treatment of a person might amount to 2,000–3,000 RUR (64–97\$).*

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184 Ibid.

185 Ibid.

186 Ibid.

187 Public opinion and attitudes towards LGBT people in Russia - Inputs provided to the Council of Europe by a coalition of leading advocacy group, August 2010.

188 Meeting with “FtM Phoenix”, Moscow. 10 May 2010.

189 Ibid.

190 Russian LGBT Network Shadow Report for the 46th CEDAW Session p.11, [www2.ohchr.org/english/bodies/cedaw/docs/ngos/LGBTNetwork\\_RussianFederation46.pdf](http://www2.ohchr.org/english/bodies/cedaw/docs/ngos/LGBTNetwork_RussianFederation46.pdf), accessed 25 June 2010.

*In St. Petersburg a mastectomy costs between 60,000–90,000 RUR (1,900\$–2,900\$) a vaginoplastic on average 200,000 RUR (6,400\$).*<sup>191</sup>

197. When the legal expert conducting the legal part of this country study on Russia presented a shadow LGT report for the CEDAW committee in 2010, the representative of the Russian official delegation stated that if the government receives information on foreign experiences in this field, the practice could be changed.<sup>192</sup>
198. As mentioned, the costs of medical treatment are also combined with travel and accommodation costs for the transgender persons from rural regions, as they have to travel to St Petersburg or Moscow in order to see a decent specialist or undergo surgery. Besides, according to the NGO “FtM Phoenix” the medical commission, which the transgender person is obliged to see in order to undergo gender reassignment surgery, is only based in two cities, and the transgender persons from rural areas are therefore again forced to travel and pay for their accommodation in Moscow or St Petersburg, if they choose to see the commission. This provides an additional obstacle, which for many Russian citizens is hard to overcome.<sup>193</sup>
199. The attitudes towards transgender persons on the side of medical personnel are also reported to be a challenge:
200. *“Transgender persons report about the complete absence of a professional understanding of transgender issues by general practitioners and other medical staff, leading to degrading and partly false treatment.”*<sup>194</sup>
201. According to the NGO, it is a crucial issue, because *“even if you change the laws, if people do not have the knowledge of these things, it wouldn’t help... and LGBT persons will still be afraid to go to doctors, because they won’t be comfortable to come out to them.”*<sup>195</sup>
202. The Ukrainian NGO “Insight” has in 2010 published a report on the situation of transgender persons in their country. According to the report, the Ukrainian transgender citizens are dealing with the same difficulties as described above, such as unsatisfactory access to medical care, financial obstacles and transphobia on the side of medical personnel.<sup>196</sup> The authors of the report argue that these challenges have dramatic consequences for the transgender persons’, as they lead to high level of stress, anxiety and depression. Besides, they often force transgender persons to self-medication.<sup>197</sup> Without proper medical supervision self-medication can be dangerous, and lead to serious heart and blood pressure diseases, it also affects the brain activity.<sup>198</sup> Although the transgender issues are rather new on the Russian agenda and very little information is gathered so far on the situation of transgender persons, there is no reason to believe that the problems, described above, are irrelevant for the Russian context.

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191 Ibid.

192 E-mail correspondence with K. Kirichenko, 13 August 2010.

193 Russian LGBT Network Shadow Report for the 46th CEDAW Session p.11, [www2.ohchr.org/english/bodies/cedaw/docs/ngos/LGBTNetwork\\_RussianFederation46.pdf](http://www2.ohchr.org/english/bodies/cedaw/docs/ngos/LGBTNetwork_RussianFederation46.pdf), accessed 25 June 2010 and Meeting with “FtM Phoenix”, Moscow, May 10th, 2010.

194 Russian LGBT Network Shadow Report for the 46th CEDAW Session p.11, [www2.ohchr.org/english/bodies/cedaw/docs/ngos/LGBTNetwork\\_RussianFederation46.pdf](http://www2.ohchr.org/english/bodies/cedaw/docs/ngos/LGBTNetwork_RussianFederation46.pdf), accessed 25 June 2010.

195 Meeting with the “Russian LGBT Network” and “Coming out”, St.-Petersburg, 14 May 2010.

196 NGO “Insight”, *The Situation of Transgender Persons in Ukraine – a research report*, 2010, Kiev, Ukraine, 2010.

197 Ibid.

198 Ibid.

## C.12. Access to goods and services

203. The NGOs, interviewed for this report, have not been able to provide any concrete cases of discrimination against LGBT persons in the sphere of goods and services. However, an activist of the "Russian LGBT Network" provided information on five incidents, where LGBT persons felt discriminated in this area. Here are some of them.<sup>199</sup>
204. Case 1: *My friends told me about this case. In St. Petersburg there is a café "Pierce", opposite the "Central Station" (a gay club in St. Petersburg) and near the venues where lesbians meets. We had heard previously that lesbians were sometimes refused to be served there. Recently a group of girls, in which was also my friend, decided to go to this cafe. These girls have short hair, and there were no men with them. A guard denied them service in very rough form. When my friend asked the guard what was going on and why they were not been served, the only thing he said was: "The owners of private place have the right to refuse service to any visitor without giving reasons". He did not say, of course, that they were not being served because they are lesbians*".<sup>200</sup>
205. Another incident has happened to the activist herself:
206. *"I was prevented from going into the club two years ago. There was a concert of music band "Butch" [a well-known among LGBT community group] in the club "Lazurny" in Tver in February 2008 ... I came up to the club after the end of the concert, and wished to meet my friends without going into the club. There are a large hall, coat check and cash desk in the first floor, and the bar itself and the dance area on the second floor. At the entrance there are the guards. I was staying and waiting for my friends at the door. When they came down, the guards forbid me to make some steps towards my friends. I asked the guards what was wrong. They replied: "The concert is over". I explained that I just came over there to exchange a few words with the people. The guards did not let me into the hall in silence. I offered to pay the full price of the concert ticket, which was already finished, so that I might be allowed to pass a couple of meters into the club. They said something unintelligible, was rude to me, and their appearance revealed that they were not going to let me go inside. Then I asked again, what was the reason of their refusal, my patience was exhausted, they began to insult me and call me names. They called me "four-eyes". Then I made a speech on what homophobia is, I said that I regarded their actions as a violation of my rights, that I was outraged by their demeaning behavior. I do not offend them, but was very annoyed. After that I was going to go out, but one of the guards pushed my back and said something offensive."*<sup>201</sup>
207. Yet another case is reported by the same activist. In this case the security in a gay club was using physical force against her and her girlfriend:
208. *"Another case was happened in the club "Adam and Eve" also in Tver. The club was positioned as a gay club, but the administration and the owners of it were heterosexuals. There was a constant night trans-programme in the club. I sat on the couch and kissed my girlfriend. Guard came up to us and, without any explanation, began to strangle me with my*

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199 This information is provided by the legal expert and is quoted from her personal mail correspondence with this activist.

200 This information is provided by the legal expert and is quoted from her personal mail correspondence with this activist.

201 Ibid.

own scarf. I was very scared, and we soon left the club. One of my friends was beaten by the guards in the same club, but she could not prove it, unfortunately.<sup>202</sup>

### C.13. Media

209. According to “GayRussia” project, the Russian media begun to air LGBT related topics quite widely since 2005 due to the Gay Pride events. Mr. Alekseev comments:
210. *“Before we started our campaigns in 2005, homosexuality was never discussed in the Russian media, with the exception of a few tabloids discussing why gay men like to wear pink dresses and girls’ shoes. I think all the Russian media published or broadcasted at least once about our Moscow Pride campaign. We had prime-time debates about gay pride watched by millions on one of the leading TV channels. (...) Now we are heard. We are visible.”*<sup>203</sup>
211. According to the MHG Report 2009 though, the information on LGBT issues is virtually absent in the Russian media. Most of the messages contain certain clichés, due to the fact that journalists are not familiar with the reality of LGBT persons and lack the wish to get to know them.<sup>204</sup> Most of the articles, written about LGBT persons have elements of hate speech in them and badly influence the general perception of LGBT persons by the society.<sup>205</sup>
212. MHG also concludes that media coverage of LGBT related issues in Russia often contributes to an unhealthy environment around the perception of LGBT community. The criminal news often refers to the LGBT the community telling stories of LGBT persons committing rape, suicides and killings because of their sexual orientation. The media is therefore maintaining a negative image of LGBT persons rather than raising awareness and promoting acceptance and non-discrimination.<sup>206</sup>
213. The NGO “FtM Phoenix” reports an example of the insensitivity towards transgender persons by the Russian media. The Russian MTV channel had recently broadcasted a story of transgender men. The person portrayed specifically asked the editor not to mention some parts of his personal life, but they showed the picture of his wife and also told the viewers that he had cancer. As a result, he was fired from his job (because his employer had recognised his wife on the picture) and his wife left him. He ended up in a terrible situation. The MTV editor tried to help him finding a doctor etc., but, according to “FtM Phoenix”, the higher management of the channel did not approve of this, so the case got stuck.<sup>207</sup>
214. According to the “Russia LGBT Network”, they are not aware of any state supported initiatives, aimed at development and promotion of tolerance and understanding towards LGBT persons among the journalists. Existing initiatives in this field are mostly grassroots-

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202 Ibid.

203 Public opinion and attitudes towards LGBT persons in Russia - Inputs provided to the Council of Europe by a coalition of leading advocacy group (August 2010).

204 Meeting with “Side by Side”, St.-Petersburg. 13 May 2010.

205 *Situation of Lesbians, Gays, Bisexuals and Transgenders in the Russian Federation*, Moscow Helsinki Group, 2009, p. 45–49.

206 *Situation of Lesbians, Gays, Bisexuals and Transgenders in the Russian Federation*, Moscow Helsinki Group, 2009.

207 Meeting with “FtM Phoenix”, Moscow, 10 May 2010.

based and are initiated by LGBT NGOs and the journalistic community themselves.<sup>208</sup> As examples of such initiatives the following activities can be mentioned:

215. In 2005 the Regional Press Institute has published a manual for Journalism Faculties at universities called *Coverage of Ethnic Diversity*. The manual contains a list of exercises on the theme 'Media Coverage of the Diversity of Russian Society'. Two of the seventeen proposed exercises are fully devoted to the proper coverage of issues related to sexual orientation in the media, and some of the other exercises partly touch upon these issues.<sup>209</sup>
216. In October 2005, the Institute of Press Development in cooperation with an NGO "LesbiPARTYya" organized two educational seminars for journalists in St Petersburg. The seminars were conducted by the psychologist and researcher, working for the Russian LGBT Network. The seminars had the form of a talk show with invited guests – representatives of the LGBT community, and were aimed at addressing and dispelling the myths about LGBT persons among journalists. The journalists, who took part in the seminar, could pose any question to the guests of the "talk show". The facilitator notes:
217. *"An hour and a half's communications with real people works better than hours-long lectures. The stereotypes become ambiguous, and sympathy for a specific person overpowers the homophobia."*<sup>210</sup>
218. In September 2009, the Regional Press Institute held a two-day seminar '*Media Coverage of Adoption*'. The issues of adoption in same-sex families were being discussed during an hour and a half. The seminar was attended by editors and reporters from more than 20 media organizations.<sup>211</sup>

#### C.14. Transgender issues

219. The legislation of Russian Federation provided transgender persons with legal possibility to gender reassignment and change of documents in compliance with the new gender.<sup>212</sup> According to the legal study, the legislation is rather progressive, as compared to several European countries, due to the fact that document change in Russia does not require surgical interventions.<sup>213</sup> However the legislation does not lack gaps. According to the Federal Law on Acts of Civil Status, Art. 70, a *standard* document is needed in order for Register Office to change the papers. Such form has however not been conducted yet.<sup>214</sup> The lack of an approved standard form leads to the fact that Register Officers in Russia may simply refuse to change the documents:
220. *"You have to go to the Registration Office in a place, where you were born, so they can change your birth certificate. They can easily reject you, because gender reassignment has to be officially approved in a special form, which does not exist yet... There are some rules*

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208 This information is originally stated in the *Legal Study on Homophobia and Discrimination on Grounds of Sexual Orientation in Russia*, 2010, written by K. Kirichenko, representing the Russian LGBT Network.

209 The manual was consulted electronically on [www.medialaw.ru/publications/books/self2/04.html](http://www.medialaw.ru/publications/books/self2/04.html), accessed 17 January 2010.

210 Lesbian, gay, journalists: in search for mutual understanding, Maria Sabynaeva, November 2005. [www.queerumir.ru/site/politics/activism/press.html](http://www.queerumir.ru/site/politics/activism/press.html), accessed 17 January 2010.

211 Media coverage of male child adoption. November 2009, <http://piter.lgbtnet.ru/2009/11/27/usinovlenie>, accessed 16 January 2010.

212 Information provided by "TransGender Europe", July 2010.

213 Legal study of the situation of transgender persons in Russia, "FtM Phoenix", 2010.

214 Information provided by "TransGender Europe", July 2010, as well as Legal study of the situation of transgender persons in Russia, "FtM Phoenix", 2010.

*for those who just want to change the name: You just have to bring your passport and a certificate for a name change. But this is not the same for transgender persons. We have to bring our passport and a new birth certificate... which we cannot get.*<sup>215</sup>

221. In these cases, the transgender persons are forced to appeal the decision of Registration Office in court and hope that the court will rule in their favor. “TransGender Europe” reports a court decision of Dzerginsky District Court of Novosibirsk of 8 April 1998 (Case No. 2-13778)., in which an FtM person was denied changing ID-documents due to the lack of approved forms. The applicant requested the court to oblige the Registration Office at least change the name and patronymic, in order to make it possible to issue a new passport. The applicant would then change the sex in the passport, after a new form would be approved by the Government. The ruling of the Court was as follows:
222. *“There is no fault of (the complaint) that the form of medical document for submission to registrar for the change of sex has not been developed, but her arguments are sufficiently convincing, since, according to the medical report, for the subsequent surgical genital correction she would be bound to submit the passport with the surname, name and patronymic of a man and, in addition, the applicant requires this document for the continued existence in society.”*<sup>216</sup>
223. According to “TransGender Europe” in some cases the transgender persons are even referred to courts by the Registration Offices right away:
224. *“...some registration Offices, based on the formed practice ... notify when the person filling the documents.” Yes, we will change the documents, but first you should bring a judicial decision”. And applicants have to go to courts, pay the state tax, expend time just for procedure, which has become familiar and predictable(...)*<sup>217</sup>
225. Although possible, the change of documents for transgender persons, which, as shown in this report, has major influence on various aspects of their lives, is demanding and complicated due to the lack of approved forms and standards.
226. Change of documents is a crucial part of the transgender persons’ transition and social integration into the society as his/her new gender. Practically all spheres of persons life is related to the passport and ID-documents (employment, health care, social care and social services, education etc.), which is why proper and sufficient document change procedures are crucial to establish. Although Russian legislation provides transgender persons with legal instruments and regulations for gender reassignment and change of documents, several gaps are still missing and need to be worked on.

### **C.15. Other areas of concern**

### **C.16. Data availability**

227. As this report shows, detailed data on almost every topic are available, although the scope varies from topic to topic. It is also worth mentioning, that it has been rather challenging to obtain official statements by Ministries and the Ombudsman Offices in Moscow and St

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215 Meeting with “FtM Phoenix”, Moscow. 10 May 2010.

216 Information provided by “TransGender Europe”, July 2010.

217 From presentation by K. Kirichenko at INTERIGHTS transgender seminar, 2010. Information provided by “TransGender Europe”, July 2010.

Petersburg and at the time this report has been drafted it is still unknown whether the officials will agree to make these statements. The report is therefore solely based on the information, provided by the Russian and International NGOs and the statements of the authorities are also overtaken from their publications and interviews.

228. Most of the data, currently available on LGBT related issues in Russia, are mainly related to LGB persons. According to several NGOs interviewed for this rapport, transgender issues are very new on the Russian agenda, and the data in this area are less documented.