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HUMAN RIGHTS WATCH

Russia: Anti-LGBT Law a Tool for Discrimination ^[1] An Anniversary Assessment

June 29, 2014

(New York) – Russia ^[2]’s anti-gay “propaganda” law has served as a tool for anti-gay discrimination in the year since it entered into force, even though Russian authorities have fined only four people for violating it. The law’s adoption also coincided with the spread of violence and harassment of lesbian, gay, bisexual, and transgender (LGBT) people and LGBT rights ^[3] activists and a rise in homophobic hate speech by some Russian officials and public figures, Human Rights Watch research found ^[4].

The law, passed unanimously by the Russian parliament, entered into force on June 30, 2013. It bans the dissemination among children of “propaganda for nontraditional sexual relationships,” broadly understood to be lesbian, gay, and bisexual relationships. The law denies LGBT people equal social standing and implies that their identities and relationships are unnatural and perverse, Human Rights Watch said.

“This law openly discriminates against LGBT people, legitimizes anti-LGBT violence, and seeks to erase LGBT people from the country’s public life,” said Hugh Williamson ^[5], Europe and Central Asia director at Human Rights Watch. “The authorities have fined only four people, but that is four too many.”

Courts in two Russian cities fined a total of three LGBT ^[6] activists ^[7] for holding one-person pickets in public spaces while holding placards with messages of support for LGBT rights. The placards bore such messages as, “There is no such thing as gay propaganda,” and “Being gay and loving gays is normal.”

A court in Russia’s Far East fined a regional newspaper for publishing an interview with a

gay teacher who had been fired for his LGBT activism and sexual orientation. In late 2013, a court in Khabarovsk dropped a similar case against another news outlet which was accused of violating the law because it published an online petition in support of the same teacher.

Authorities in Nizhni Tagil filed a “propaganda” case against an activist for administrating a social network group, Deti-404 (Children-404), which offers a safe online pace for LGBT children to discuss their problems and receive support. The court, however, did not find any evidence of propaganda for “nontraditional sexual relationships” in Deti-404, and the case was dismissed.

“The law’s authors claimed that LGBT ‘propaganda’ was widespread and that Russian children had to be protected, so it is all the more striking that only a handful of cases were filed,” Williamson said. “But it has been clear from the start that this law was not conceived out of concern for children.”

The propaganda law has become a tool for discrimination and harassment against LGBT people, Human Rights Watch said.

Human Rights Watch documented seven cases in six Russian regions in which LGBT people who worked as educators were either dismissed or forced to resign following complaints – in some cases public, in others anonymous – that they could spread “propaganda” of non-heterosexual orientation to children. Several LGBT people who lost their jobs told Human Rights Watch that their dismissal or forced resignation was preceded by a public campaign by groups of parents and citizens allegedly concerned for the morals and well-being of their children. In most cases, campaigns referred to the “propaganda” law as grounds for demanding the person’s resignation or dismissal.

Human Rights Watch was unable to interview two LGBT activists who according to the Russian LGBT Network faced pressure from the university where they work.

Law enforcement authorities and homophobic groups also use the “propaganda law” to justify harassing LGBT activists and disrupting their public events. Activists overwhelmingly told Human Rights Watch about routine disruptions [4] to public events in support of LGBT rights in the past year. Activists from several Russian regions said that local authorities refused to grant them permission to hold public events, citing the “propaganda” law and the risk that children might be exposed to the proposed events.

The “propaganda” law consists of amendments to the Law on Protection of Children from Information Harmful to Their Health and Development and the Code of Administrative Violations.

Under the law, people found responsible for “propaganda of nontraditional sexual relationships among minors” face fines of between 4,000 and 5,000 rubles (US\$120 to \$150); government officials face fines of 40,000 to 50,000 rubles (\$1,200 to \$1,450); and organizations, up to 1 million rubles (\$30,000) or a suspension of activity for up to 90 days. Heavier fines may be imposed for the same actions if the “propaganda” is carried out using mass media and telecommunications, including the Internet. Foreigners found to be in violation can be deported.

In the years before the adoption of the federal law, similar laws had been passed in 11 Russian regions. In Kaliningrad, providing propaganda for homosexuality was banned for everyone, not just for children.

“The ‘propaganda’ law doesn’t protect anyone,” Williamson said. “This law only jeopardizes the safety and rights of Russia’s LGBT community, and it should be immediately repealed.”

Cases of Anti-LGBT “Propaganda” Law Enforcement

On December 3, 2013, a court in the northern Russian city of Arkhangelsk found that two Russian LGBT rights activists, Nikolai Alexeyev and Yaroslav Yevtushenko, had violated the federal anti-LGBT “propaganda” law because they stood next to a children’s library in Arkhangelsk with a sign that said, “There’s no such thing as gay propaganda, you don’t become gay, you’re born gay.” The activists were each fined 4,000 rubles (\$120). These were the first court cases brought under the anti-LGBT law.

In January 2014, GayRussia.eu, Alexeyev’s online news outlet, reported that an appeals court in Arkhangelsk had upheld the first instance court decision. The activists have filed a case with the European Court of Human Rights (ECtHR) challenging their conviction, GayRussia.eu reported.

The third person found to have violated the law is Dmitry Isakov, an LGBT activist from Kazan, a city 800 kilometers east of Moscow. A Kazan court fined Isakov 4,000 rubles (\$120) because on June 30, 2013, he held a one-minute picket on the city’s central square,

holding a placard that said, “Being gay and loving gays is normal; beating gays and killing gays is criminal.”

Isakov told Human Rights Watch, “This decision hits everyone who wants to be free to choose whom to love.” He said his brief protest had nothing to do with propaganda: “I wanted to bring attention to the violence against LGBT people by nationalist groups who equal gays with pedophiles, and to killings of [gay] people.”

In February 2014, a Kazan appeals court upheld the decision and ruled that Isakov must pay the fine. Isakov told Human Rights Watch that he has filed a case with the ECtHR.

Authorities in Khabarovsk filed a lawsuit in November 2013 under the “propaganda” law against an editor of *Molodoi Dalnevostochnik*, the oldest newspaper in the Khabarovsk region. In September 2013, the newspaper had published an interview with a gay teacher from Khabarovsk, Aleksander Ermoshkin, in which he was quoted as saying, “My own existence proves that homosexuality is normal.” The Russian state body for media oversight accused the newspaper editor of violating the law because the newspaper was marked 16+, indicating that it is appropriate for readers 16 and over.

Media reports said that in January 2014, a Khabarovsk court fined the newspaper’s editor 50,000 rubles (\$1,450). A source close to the editor told Human Rights Watch that the editor is appealing the ruling.

In January 2014, the authorities filed a suit against Deti-404 [8], an online group that offers psychological support and a community for LGBT children who are victims of violence and aggression because of their sexuality. The “404” in the group’s title is a reference to the standard Internet “error 404” message, which indicates a nonexistent webpage.

Maria Kozlovskaya [9] of the Russian LGBT Network and the defense lawyer for Elena Klimova, the Deti-404 administrator, told Human Rights Watch that Vitali Milonov, a member of the St. Petersburg city legislative assembly and one of the authors of the St. Petersburg regional law banning propaganda for homosexuality, had filed a complaint claiming that Deti-404’s activities might constitute propaganda for “nontraditional sexual relationships” in violation of the federal law.

In February 2014, a court in Nizhni Tagil, the Siberian city where Klimova lives, found no elements of “propaganda for nontraditional sexual relationships” and dropped the suit

against Klimova.

Harassment and Dismissals of LGBT Educators

In seven cases of which Human Rights Watch is aware, smear campaigns have targeted educators who are either LGBT or engaged in LGBT rights activism outside the workplace. The campaigns claimed the educators could spread “propaganda” and demanded their dismissal. In five of these cases, their employers presented the educators with an ultimatum to stop their activism or resign, did not renew their contracts, or simply pressured them to resign.

Aleksander Beryozkin resigned from his job as an associate professor of sociology at Far Eastern Federal University in Vladivostok a few weeks after a public campaign against him started in early May 2014. A group of people, unknown to Beryozkin, created an online petition, which Human Rights Watch reviewed, outing him as a gay man. The petition and online news reports accused him of engaging in LGBT propaganda at the university and alleged that it had been financed by the United States State Department. The petition called on the university administration to review Beryozkin’s work and to establish whether he engaged in “propaganda for LGBT values among students,” including with those under 18, and to dismiss him if he had.

At the time of the smear campaign, Beryozkin’s contract was up for renewal. When he discussed the smear campaign with the university administration, he told Human Rights Watch, an administrator told him, “You must understand you can’t stay here.” Beryozkin said that after being outed as gay in such a public and hateful way, he no longer felt safe in Vladivostok. He resigned in mid-May 2014 and left Russia shortly thereafter.

Aleksander Ermoshkin, a secondary school geography teacher in Khabarovsk, told Human Rights Watch that he lost his job as a result of a public petition campaign against him in the summer 2013 by a group of people unknown to him. The group sent a letter that Ermoshkin said had 700 signatures to the Khabarovsk region department of the Education Ministry calling for Ermoshkin’s dismissal from his teaching job because he is openly gay and a known LGBT activist in Khabarovsk.

Ermoshkin told Human Rights Watch that the group had alleged that his presence in the school could violate the federal anti-LGBT “propaganda” law because he presented homosexuality and equality for LGBT people in a positive light. The school administration forced Ermoshkin, who had taught at the same school for 10 years, to resign after the local

department of the Education Ministry supported the calls for his dismissal. Officials at the local department refused Ermoshkin's request to see the letter.

Ermoshkin told Human Rights Watch that he sued the school for inconsistencies in the manner in which his resignation was managed. In May 2014, a Khabarovsk court ruled in favor of the school administration. The ruling, which Human Rights Watch reviewed, found that Ermoshkin's resignation was in accordance with law. Ermoshkin said he had appealed the verdict.

Ekaterina Bogach, a Spanish language teacher from St. Petersburg, was targeted by a homophobic group for her support of LGBT rights. Media reports said that in November 2013, the group began an online campaign harassing Bogach and claiming that her involvement with the Alliance of Heterosexual People for LGBT Equality was harmful to her students. They also sent a letter to the city committee on education calling Bogach a "supporter of perverts" and harmful to her students' "psyche," the media reports said. Despite the harassment campaign against her, Bogach kept her job.

Olga Bakhaeva was forced to resign from her teaching job in the city of Magnitogorsk after a harassment campaign against her in the summer of 2013.

Bakhaeva told Human Rights Watch that she often posted and re-posted messages in support of LGBT rights people on her account on the VKontakte social networking website. Bakhaeva said that in May 2013 the group Parents of Russia had complained online about these posts to the administration of the school where she worked.

Bakhaeva said she had become a target of an online harassment campaign, receiving insulting and threatening messages from anonymous users. Some of these individuals told her that LGBT people should not be allowed to work in schools, as they are in direct violation of the anti-LGBT "propaganda" law. She told Human Rights Watch that she had received a message from one of these people that said, "I know how to destroy one's life."

As a result of the complaint, the school administration chided Bakhaeva and gave her an ultimatum to either stop her online activism or lose her job. She told Human Rights Watch that she had to resign because she felt it was wrong to keep quiet about discrimination against LGBT people. "I ... could no longer stand working in an increasingly hostile atmosphere," she said.

In April 2013, **Konstantin Milkhen** was laid off from his job as an after-school activity counselor at a municipal youth community center in Togliatti, a city 1,700 kilometers southeast of St. Petersburg. Milkhen told Human Rights Watch that in December 2012 the management called Milkhen to a meeting in which they gave him an ultimatum to either stop his environmental and LGBT activism or face immediate dismissal. The administration eliminated his position and laid him off, he said.

With the assistance of the Samara ombudsman's office he submitted a complaint to the State Labor Inspectorate challenging the decision. The inspection body discovered that in laying off Milkhen the management had violated Russia's labor laws and filed a lawsuit against Milkhen's employer, but lost. Milkhen said he did not appeal the decision because he thought it would be futile.

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[8] https://vk.com/deti404_vk

[9] <http://www.lgbtnet.ru/en/content/elena-klimova-was-acquitted>