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Denna rapport är en sammanställning grundad på Utrikesdepartementets bedömningar. Rapporten gör inte anspråk på att ge en fullständig bild av läget för de mänskliga rättigheterna, demokrati och rättsstatens principer i landet. Information bör också sökas från andra källor.

Mänskliga rättigheter, demokrati och rättsstatens principer i Ukraina 2015–2016

I. SAMMANFATTNING

Situationen för mänskliga rättigheter, demokrati och rättsstatens principer i Ukraina präglas av ansträngningar att bryta med det sovjetiska arvet och den utbredda korruptionen. En grundläggande utmaning är den pågående konflikten med Ryssland och den ukrainska statens faktiska möjligheter att garantera mänskliga rättigheter på hela sitt territorium.

Amnesty rapporterar om kränkningar av krimtatarers mänskliga rättigheter på Krim, och rapporter föreligger om dödshot och utbrett våld mot romer i Ukraina, bland annat från högerextrema grupper.

De senaste president- och parlamentsvalen genomfördes 2014 och bedömdes återspegla folkviljan och vara i huvudsak fria, pluralistiska och rättvisa. Det finns en aktiv opposition i parlamentet. Kvinnor är generellt underrepresenterade i både politik och i näringsliv. Det civila samhället är aktivt. Medier tillåts verka fritt, men ägs ofta av oligarker och kan därför vara tendentiösa. De rättsvärdande myndigheterna som ofta är svaga och allmänt betraktas som korrumperade är under reformering. Straffrihet för högre tjänstemän och politiker är utbredd.

Hälsoläget i Ukraina är allvarligt, med en låg medellivslängd för män, världens lägsta vaccineringsgrad, stor utbredning av hiv och TBC, hög alkoholkonsumtion bland män och en relativt hög barnadödlighet. Våld i nära relationer är ett allvarligt problem. Diskriminering av etniska minoriteter förekommer och det finns en utbredd negativ syn på hbtq-



Freedom in the World 2017 - Crimea

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Freedom Status: Not Free
 Aggregate Score: 9/100 (0 = Least Free, 100 = Most Free)
 Freedom Rating: 6.5/7 (1 = Most Free, 7 = Least Free)
 Political Rights: 7/7 (1 = Most Free, 7 = Least Free)
 Civil Liberties: 6/7 (1 = Most Free, 7 = Least Free)

Quick Facts

Population: 2,300,000
 Press Freedom Status: Not Free

OVERVIEW

In early 2014, Russian forces invaded the autonomous Ukrainian region of Crimea, which was then quickly incorporated into the Russian Federation through a referendum that was widely condemned as having been conducted in violation of international law. The occupation government severely limits political and civil rights, has silenced independent media, and employs antiterrorism and other laws against political dissidents. Some members of the peninsula's indigenous Tatar minority continue to vocally oppose the annexation, despite the risk of imprisonment.

Key Developments

- In November, the International Criminal Court stated in preliminary findings that the annexation of Crimea constituted a violation of Ukraine's territorial integrity and was "equivalent to an international armed conflict between Ukraine and the Russian Federation."
- In September, elections for the Russian State Duma were held in Crimea. Local rights activists reported that some residents were threatened with dismissal from their jobs if they failed to vote, or were pressured to attend a preelection rally for Russian president Vladimir Putin's United Russia party.
- Crimean Tatar activist Ervin Ibragimov was abducted in May, and his whereabouts were unknown at year's end.

Executive Summary

<http://www.refworld.org/cgi-bin/texis/vtx/rwmain?page=printdoc&docid=58ff3e264> 26-04-2017

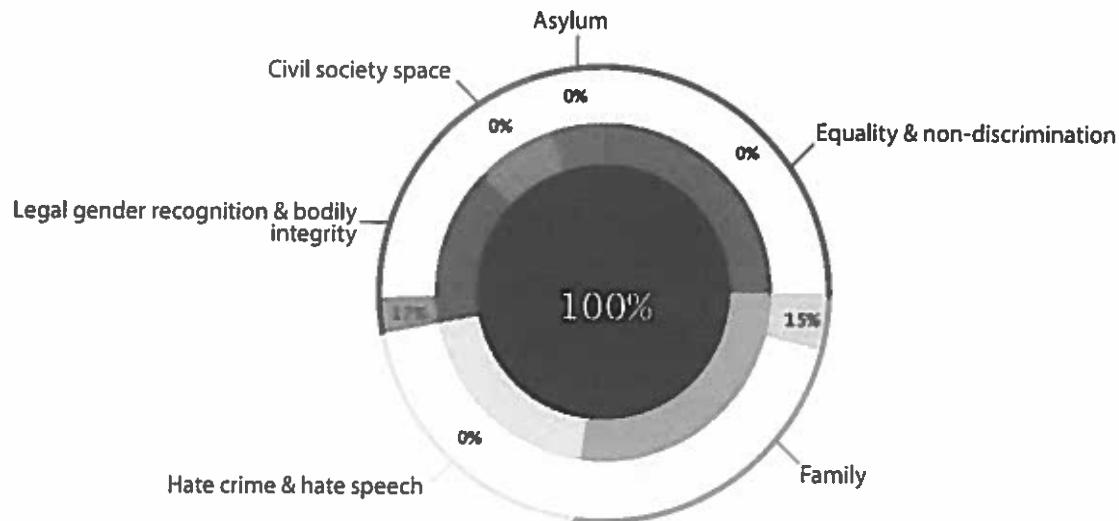
Russia



Events in Russia during 2016 were typified by a few familiar hallmarks – the ongoing lack of state protection of LGBTI people, and the tenacity of the LGBTI movement in cities across the country. Even in the face of the so-called ‘anti-propaganda’ law that has existed since 2013, activists refused to treat the absence of fundamental freedoms as a normal state of events. LGBTI groups and individuals attempted to mark a series of landmark dates, from the Day of Silence and May Day, to IDAHOT and Pride season. Authorities moved to suppress and disrupt these solidarity efforts; by frustrating organisers attempts to plan events, banning the gatherings altogether, or detaining activists. The work of LGBTI NGOs, support groups and media outlets was also tangled up in the workings of the ‘anti-propaganda’ law. LGBTI people continued to experience intolerance on a daily basis. These human rights infringements can be anything from difficulties using ID cards that differ from your gender expression, discrimination when applying for a job, to more physical threats such as bias-motivated violence. State authorities rarely take homophobic or transphobic motives into account in cases of violence, so access to justice for LGBTI victims of crime is an additional problem.

For more information on developments in 2016, visit www.rainbow-europe.org where you can read the full country chapter.

Legal and policy situation in **Russia** as of 31 December 2016



In order to improve the legal and policy situation of LGBTI people, ILGA-Europe recommend:

- ➔ **Introducing hate crime laws and policies that explicitly cover all bias-motivated crimes based on sexual orientation, gender identity and sex characteristics.**
- ➔ **Removing obstacles to the effective exercise of freedom of assembly, association and expression.**
- ➔ **Repealing the legislation prohibiting 'propaganda of non-traditional sexual relationships'.**

Bias-motivated violence

- A trans woman was murdered in the city of Ufa on 1 February. According to local police, the victim had been arguing with a man who appeared to be drunk. The man then stabbed the victim five times in the chest. The perpetrator (who was the partner of the victim's ex-wife) was found guilty of murder by the Oktyabrsky District Court in May. They were sentenced to six and a half years in prison. A transphobic motive was not taken into account.
- A man from Syzran was punched multiple times by another customer while shopping at a local supermarket in February. The man was called a 'fag' before being hit in the face and body. The attacker was later arrested on hooliganism charges by police.
- Dmitry Tsilikin, a journalist and well-known theatre critic, was found dead at his St Petersburg apartment on 1 April. While Tsilikin's sexual orientation was not public knowledge, his friends and colleagues believe he was murdered because he was gay. One man, who Tsilikin had met online, was arrested and told police he intended to blackmail the journalist because of his sexual orientation. Sergei Kosyrev also referred to his own life as a "crusade against a particular social group". He was later charged with murder and theft; a homophobic motive was not taken into account.
- In June, Russian football fans attacked an LGBT nightclub in Ekaterinburg. The attackers shouted homophobic insults at people standing outside, before entering the club. They fired air pistols during the incident. One patron inside the club was assaulted and suffered a broken leg and concussion.
- Star Rally – an event organised by the Russian LGBT Sport Federation's Nizhny Novgorod branch – was attacked in August. The event's sport and social programme attracted a mixed audience of LGBTI activists, allies and local people. The organisers had not posted prominent LGBT-related signage, in order to comply with the "propaganda" legislation. At night, the campsite was attacked by between five to eight people, armed with bats. Property was damaged and three people were seriously injured. This was one of three Russian LGBT

Sport Federation events to be disrupted in 2016; the others were the St Petersburg Winter Festival and the Tomsk Siberian Athens festival (see **Freedom of assembly**). The subsequent police report did not mention any potential bias motive, focusing on compensation issues for damage to the participant's vehicles. The authorities then refused to commence any investigation as they said those who were responsible for the attack couldn't be identified, even though the victims stated that they knew who the attackers were. The case was not reported as an anti-LGBTI hate crime by any of the victims.

Data collection

- The Transgender Legal Defence Project carried out research between December 2015 and June 2016 on the discrimination experienced by trans people. The findings of their monitoring work were published in the 'Violation of transgender people's rights in Russia' report. The paper mainly focused on the problems experienced by trans people when their personal ID documents differed from their gender expression. The report concluded that trans people seek to avoid conflict by deliberately refraining from accessing certain goods and services. The authors' general recommendation is for the introduction of a quick, transparent and accessible legal gender recognition procedure, along with removing unjustified requirements such as sterilisation; the report also contains specific recommendations aimed at (among others) NGOs, trade unions, doctors, the health ministry and the Russian government.
- On 5 October, international NGO Equal Rights Trust published the results of the first legal study to examine the practice of Russian courts when dealing with LGBT rights cases. 'Justice or Complicity' analysed over 200 cases dealing with a broad range of subjects, including employment, education, private life, freedom of expression and assembly, and anti-LGBT violence. Among the report's conclusions were that the Russian courts are currently denying LGBT people in Russia access to justice, by failing to provide adequate redress to victims of discrimination and also by contributing to prevalent discriminatory societal attitudes.

Employment

- A woman was awarded damages by Zheleznodorozhny district court of Novosibirsk after being refused a job due to her sexual orientation. Anna Balash had applied for the same job twice with LTD “Sib-Alians”. On both occasions, she was told she had been turned down because of her sexual orientation. When she questioned the company in February, after her second rejection, the company wrote to her, stating “non-traditional sexual orientation doesn’t meet job requirements, can negatively affect company’s reputation and will impede to carry out work duties. The position requires a lot of work with clients. The majority of our clients support traditional values. Therefore the employment can lead to financial losses”. On 29 July, Anna Balash was awarded RUB 1,000 (approx. EUR 15) in moral damages.

Equality and non-discrimination

- In June, NGO Legal and Psychological Centre “Personality” met with Valentina Bronevich, the ombudsperson for the far-east region of Kamchatka. During the meeting, the NGO presented the ombudsperson with a report by the Russian LGBT Network on discrimination and anti-LGBT violence. Bronevich said that she was aware of LGBT people as a social group but that she was surprised that “these people” are in the Kamchatka region.

Family

- A proposal to ban same-sex marriages (first initiated in 2015) was rejected by the State Duma on 3 November. Deputies Aleksey Zhuravlev (United Russia), Dmitry Gorovtsov and Anatoly Greshnevikov (both A Just Russia, CP; social-democratic) suggested amending the Family Code to prevent same-sex couples and trans people from marrying, citing a child’s right to grow up in a “traditional family culture”. The Duma committee on women, family and youth issues rejected the bill at first reading in November. Among the reasons for the bill’s rejection was the fact that registry officials do not have the authority to conduct medical examinations to

determine the gender of anyone who wants to get married.

Freedom of assembly

- The European Court of Human Rights communicated a series of questions to Russia on 15 January, in relation to two cases; *Alekseyev v Russia* and *Alekseev and others v Russia*. The cases related to the restriction and prohibition of multiple LGBTI-related events in several cities during the period 2009-2015.

- On 15 April, to mark the Day of Silence and highlight the discrimination faced by LGBTI people worldwide, eight activists gathered at Moscow’s Novopushkinsky park. Three LGBTI activists were detained and taken to Tverskaya police station. In St Petersburg, the solo Day of Silence protests organised by the Alliance of LGBT and Heterosexuals for Equality were not disrupted. Another 15 April gathering, with a march and distribution of leaflets planned, was interrupted by police. LGBTI activists had held a similar event in 2015 with no issue. The participants were delayed by riot police and the organisers of the march were detained at police stations. The march continued without the organisers and finished at Kazan Square. Three people were detained and later released, in what the authorities called ‘preventative discussions’.

- On 29 April, authorities in St Petersburg banned LGBTI groups from taking part in the annual May Day Parade. This was a departure from previous years, when LGBTI groups had been included in the event. Neo-Nazi group Slavic Power Northwest had been authorised to march on 1 May. The VKontakte social media page where the LGBTI groups had been discussing their plans for the march was blocked two days before the event. The reason given was that it was “on the basis of the requirements of the Russian Federation Prosecutor General’s Office”. No official rainbow column was organised as part of the parade. LGBTI activists took part in the ‘green’ or ‘left’-orientated columns. During the march, activists unfurled rainbow flags and 14 people were detained as a result. No explanation was given to the activists during police questions; no charges were brought.

- The Siberian Athens LGBT sports festival took place in Tomsk from 7-9 May, after overcoming obstructions and venue cancellations in advance. Organisers believed that venues were pressured to cancel by opposition groups or authorities.
- LGBT activists in St Petersburg attempted to organise a rainbow flashmob to celebrate IDAHOT. They notified the city's law and order committee in early May. The Committee replied, stating that they could not hold the event in Mars Field as the area was already too busy on that date. It also cited the so-called "anti-propaganda" law; no alternative location was proposed. The rejection invited the organisers to apply to hold the event on the following day, before rejecting the subsequent reapplication – a scenario that was repeated 11 times. This was the first time that the IDAHOT event in the city was not authorised. Activists filed a legal complaint and were warned by police over the phone that they would be arrested if they proceeded with the planned event. Instead of a flashmob, activists released rainbow balloons at St Isaac's Cathedral on 17 May. On 18 May, the court rejected the activists' complaint, and the City Court upheld the District Court's decision in August.
- Also on 17 May, approximately 40 LGBT activists released balloons and handed out leaflets in the Arbat district of Moscow. The location of the event was not publicly circulated so there were no police present or attempts to stop the event. One LGBT activist was attacked by two women while distributing leaflets; all three were later brought to a police station. The women reported the activist for sharing so-called "gay propaganda among minors" even though the activist said they had not given any leaflets to children. The activist was detained at a police station for three hours, without receiving any information on the grounds of her detention from the officers. The activist was later released without charge.
- An IDAHOT flashmob was approved by authorities in Tyumen for the first time but organisers cancelled the event, as they were concerned about the physical safety of participants. Contact details of organisers and potential participants had been publicly disseminated before the

event by a local parents organisation and there were fears that those taking part in the flashmob would not be protected. On 21 May, activists gathered on a bridge in the centre to release rainbow balloons.

- Attempts to organise IDAHOT celebrations in Murmansk were denied once again. Activists were informed that they could not hold an event, as another gathering had been authorised for the same location and date; this has been the reasoning offered by the authorities in previous years. LGBTI activists reported that no other event took place on 17 May.
- In June, over 800 residents in the Kuban region signed a petition calling for the LGBT Black Sea 2016 festival to be banned. In June, a petition was launched on the Change.org website, calling for the LGBT Black Sea 2016 festival to be banned. The petition stated that "...we cannot dare let this festival happen" and called the event in the Kuban region "a shame for every single citizen of our region". The petition reached over 4500 signatures and the NGO Russian LGBT Network asked the website's administrators to cancel it on the grounds of hate speech. It was then suspended – the signature function was disabled – but the petition was not deleted. After that, a new CitizenGo.org petition was initiated by the "Fund of Family and Demography of Saint Peter and Fevronia". It referenced 'anti-propaganda' laws and called for the event to be banned, attracting an estimated 10,000 signatures. The LGBT Black Sea festival took place from 7 to 10 July with information being shared privately between attendees. Some of this information was leaked and led to further petitions from Orthodox activists. The location of the event itself was quite remote and only shared with participants in the days before it was due to take place, yet the police regularly visited the site, even on the first day of the festival.
- A gay couple was arrested outside the US embassy in Moscow on 13 June. The two men had gone to the building to lay flowers, candles and a banner after the attack on the Pulse nightclub in Orlando, but were detained by police officers. They were released after being charged with holding a public event without prior notice. When the couple returned the following day to view the

case papers, they were told by police that they should wait to be notified about their court date. The couple had received no further correspondence by the end of 2016.

- The St Petersburg-based activists who attempted to organise an IDAHOT flashmob continued with their efforts throughout the summer. On 12 July, two activists went to Mars Field with rainbow flags and placards to protest against the restrictions on their freedom of assembly; they also invited some journalists to join them. The activists were arrested and detained for over three hours. They were released, after being charged with violating Article 20.2 of the Administrative Code (public order offences related to the organisation and holding of public assemblies).
- In July, US pastor Jim Mulcahy was arrested in Samara, as authorities claimed he was preparing to perform same-sex marriage ceremonies. Mulcahy is Eastern Europe coordinator for the U.S.-based Metropolitan Community Churches and lives in Ukraine. He was visiting Samara, where he planned to speak to LGBTI activists at the offices of NGO Avers. Following his arrest, the pastor was held for eight hours, charged with violating an “anti-missionary” law, fined and told to leave Russia within five days.
- In September, the 8th QueerFest took place in St Petersburg. The opening session attracted 220 participants. It was the first time in the eight years of the pride festival that the opening reception took place peacefully, without attacks or counter-protests.

“We become stronger, more diversified, more aware. We might not have the power to change the repressive laws, but we have the power to invest in people: to establish dialogue with the society around us, to find new allies, and to continue empowering the LGBT people of Russia. What can be more important?”

Polina Andrianova, LGBTI activist with NGO Coming Out St Petersburg, speaking at the opening of QueerFest, 15 September 2016

- LGBT activist Nikolai Alexeyev applied for permission to hold a Pride parade and a rally on 18 September in the

city of Tyumen. The event would coincide with the Duma elections scheduled for the same day. He also applied for events in the cities of Tula and Kaluga, but all applications were rejected. Moscow Pride notified the authorities in St Petersburg of their intention to hold Pride events in the city on 26 and 27 September. By the end of the year, Alexeyev had also appealed against the administration’s rejection of LGBTI events in Kaliningrad, Yoshkar-Ola, Vyborg, Cheboksari, Voronezh, Ulyanovsk, Volgograd, Syktyvkar, Abakan, Novosibirsk, Tomsk, Krasnoyarsk, and Barnaul.

Freedom of expression

- A law which proposed criminalising public demonstrations of “distorted sexual preferences” was rejected by the State Committee on Constitutional Legislation on 18 January. The Committee failed to endorse the bill and also advised the Duma to reject it. The draft law, originally put forward in October 2015, stated that individuals could face fines or 15 days of detention. One of the law’s drafters, Ivan Nikitchuk (Communist Party, KPRF) commented that the provisions would only apply to gay men, as “...we think women are more reasonable people and more able to manage their emotions”. On 19 February, the bill was then rejected by the Duma at first reading.

Developments related to the ‘anti-propaganda’ law

- In January, Novosibirsk lawyer Aleksei Krestyanov stated that the manager of Primorsky Safari Park should be prosecuted for violating the so-called “anti-propaganda” law. This followed widespread media coverage of a tiger and a goat living in the same enclosure; Krestyanov said that this promoted gay relationships to children. The Russian Prosecutor-General’s Office was examining the complaint.
- LGBT activist Sergei Alekseenko (former director of NGO Maximum) was fined by a court in Murmansk for violating the “anti-propaganda” law. The Leninsky District Court stated that posts, dating from 2015, on the NGOs VK social media channel breached the law which bans

dissemination of positive information about LGBT relationships to children. The complainants in the case were parents of children who had visited Maximum's page. On 18 January, Alekseenko was fined RUB 100,000 (approx. EUR 1400). Maximum had been unilaterally registered as a 'foreign agent' in 2015. Alekseenko appealed the decision but his appeal was rejected in May.

- In September, a court in Parabel, Siberia ruled that LGBT news website Blue System should be banned. Communications regulator Roskomnadzor subsequently banned the site and internet providers began blocking Blue System before it was shut down completely. Blue System's administrators received no warning or explanation for the ban; they were not notified of the court case while it was taking place. According to the website's administrators, it attracted an average of 100,000 visitors a day. By the end of 2016, the website had been moved to another domain and was functioning again.

- On 10 October, Roskomnadzor added the Children 404 online support group to a list of banned resources. The website, which offered support services to LGBT teenagers, was due to be blocked from social networks for violating the "anti-propaganda" legislation, unless it removed certain materials. The site had been the subject of several court cases in 2015. On 13 April, the Bernal Central District Court had decided to register the site in a list of banned resources, and the Altay Regional Court rejected an appeal on 22 June.

Legal gender recognition

- On 16 February, the Primorsky District Court in St Petersburg ruled that a trans man had provided the necessary documentation and should be permitted to change the gender marker on his birth certificate. The man had been refused documents reflecting his gender in September 2015 by the Primorsky district registrar, despite providing a range of medical documents verifying that he had undergone psychiatric evaluation, several years of hormone treatment and gender reassignment surgery.

- The Ministry of Health published a draft order on 19 February that proposed establishing sexologist offices. Activists were concerned by a number of elements contained within the proposed changes to the existing 'procedure for the provision of medical care in cases of mental and behavioural disorders' order. It was unclear if the new offices would replace the existing medical commissions, how the proposed order would operate under the 'anti-propaganda' legislation or how the measures would be supported, seeing as trans-specific health care is not part of a medicine student's curriculum.

Participation in public, cultural and political life

- NGO Avers, the Russian LGBT Sport Federation and runners living with HIV ran with rainbow flags in the Kazan Marathon on 15 May, aiming to draw attention to the need for regular HIV testing. This was the first time that LGBT organisations had openly joined the marathon; no participants were detained for displaying rainbow symbols.