

URGENT ACTION

DISCRIMINATORY LAW BACKED IN RUSSIA

The Russian Parliament has almost unanimously backed a homophobic bill outlawing the “propaganda of homosexuality amongst minors” at the first reading, held on 25 January.

The law would make “propaganda of homosexuality among minors” an administrative offence in federal law, with fines up to 500,000 roubles (US\$16,200). The closing date for amendments to be submitted is 25 May.

There is no legal definition in Russian law of what constitutes “propaganda of homosexuality”; as such, the law could be interpreted very loosely. The Russian Parliamentary Committee on family, women and children’s affairs suggested a definition of “propaganda of homosexuality” as “holding events by homosexuals in places which could be accessed by children, as well as calls to and approval of homosexual relationships on TV, radio at the time when children could see and hear them.” They argued the bill would not “limit the right of a child to receive information about homosexuality, if it is stipulated by the child’s needs and age”, and that the bill should go through. Amnesty International activists received similar responses to their appeals to the Committee.

The bill represents an attack on the fundamental right to freedom of expression and is a breach of the country’s international obligations to protect lesbian, gay, bisexual, transgender and intersex (LGBTI) people from discrimination. If passed, it would lead to further stigmatization and alienation of LGBTI people and further discrimination against them. In those regions where similar laws have been passed, Amnesty International has witnessed a clampdown on LGBTI activists, organisations and events.

Russian LGBTI activists conducted a “Kissing Day” protest in front of the Parliament on 25 January 2013. The protesters were met with verbal abuse and were pelted with eggs by supporters of the law. Police reportedly detained 20 LGBTI activists.

Please write immediately in Russian or your own language:

- Urging the authorities not to pass Draft Federal Law no. 44554-6, either in its current or amended form;
- Urging them to stop harassment of LGBTI activists;
- Calling on them to protect the rights of everyone, regardless of their real or perceived sexual orientation or gender identity, to protect freedom of expression and assembly, freedom from discrimination and equality before the law, in accordance with European and international human rights law.

PLEASE SEND APPEALS BEFORE 12 MARCH 2013 TO:

Chairman of the State Duma of the
Federal Assembly of the Russian
Federation

Sergei Naryshkin
1, Okhotny riad, Moscow 103265
Russian Federation
Fax: +7 495 6974258

Salutation: Dear Chairman

Chairwoman of the Committee on
Family, Women and Children’s Affairs

Yelena Mizulina
State Duma of the Russian Federation
2, Georgiyevski Lane
Moscow 103265
Russian Federation
Fax: +7 495 692 54 61

Salutation: Dear Chairwoman

Head of GU MVD for Moscow

Anatolii Yakunin
38, Petrovka str,
Moscow 103265
Russian Federation
Fax: +7 495 698 6 777

Email: mos-police@yandex.ru

Salutation: Dear Head of GU MVD

Also send copies to diplomatic representatives accredited to your country.

Please check with your section office if sending appeals after the above date. This is the second update of UA 348/12. Further information: <http://www.amnesty.org/en/library/info/EUR46/054/2012/en>

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ADDITIONAL INFORMATION

The first hearing of the bill in the lower house of the Russian Parliament, the Duma, was scheduled for 19 December 2012, but took place on 25 January 2013.

Similar laws have been approved in regions including Ryazan, Arkhangelsk, Kostroma, St. Petersburg, Novosibirsk, Magadan, Samara, Bashkortostan and Krasnodar. Some of these laws also prohibit "propaganda of paedophilia among minors", thus linking the sexual abuse of children with consensual, private sexual activity between adults.

The discriminatory section of Ryazan Region Law on Administrative Offences, concerning "public actions aimed at the propaganda of homosexuality", led to a submission to the UN Human Rights Committee by Irina Fedotova, an openly lesbian woman and activist in the LGBTI movement in the Russian Federation. She put up posters that read "Homosexuality is normal" and "I am proud of my homosexuality" near a school in Ryazan. Following a police intervention, a court fined her 1,500 roubles (US\$48) for "public actions aimed at the propaganda of homosexuality".

In October 2012 the UN Human Rights Committee found that Russia had violated Irina Fedotova's right to freedom of expression and her right to non-discrimination under Article 19(2) of the International Covenant on Civil and Political Rights (ICCPR) read in conjunction with Article 26. The Committee recalled that the prohibition of discrimination under Article 26 of the ICCPR comprises also discrimination based on sexual orientation, and concluded that the Ryazan Regional Law was discriminatory as the prohibition applied only to propaganda regarding homosexuality and not heterosexuality as well or sexuality in general.

The draft laws assume that protecting children from information relating to homosexuality is conducive to their attainment of healthy moral, spiritual and psychological development. However, having information about homosexuality can be helpful to children, and the principle of best interests of the child does not require that children be shielded from such information. Children as well as adults have the right to seek, receive and impart information and ideas of all kinds. This right is enjoyed by everyone, as provided in Article 19 of the ICCPR. This right is also explicitly guaranteed under Article 13 of the Convention on the Rights of the Child. The Committee on the Rights of the Child has interpreted this to include information about sexuality and sexual behaviour.

The law is ostensibly aimed at the protection of children but will have the effect of restricting the freedom of speech, association and assembly of LGBTI individuals, including children, LGBTI activists and organisations.

Name: n/a

Gender m/f: n/a

Further information on UA: 348/12 Index: EUR 46/002/2013 Issue Date: 29 January 2013