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Russia: Ongoing attack on the rights of LGBTI people

Amnesty International continues to express its grave concern over the persistent and ongoing attack of the Russian authorities against the rights of LGBTI people. This attack manifests itself in the denial of LGBTI people of the right to equality and protection from discrimination, freedom of expression and peaceful assembly and over the authorities' failure to prosecute the perpetrators of hate crimes against LGBTI people. Russia's president Vladimir Putin further increased the pressure on LGBTI people by signing a law that further restricts freedom of expression.

On 29 June, LGBTI activists and their supporters in Saint Petersburg attempted to hold a peaceful demonstration aimed at raising awareness of rising homophobia, discrimination and violent attacks against LGBTI people in Russia. The event was organised at the Marsovo Pole (Mars field) in the city centre, in a specially designated area, the so-called "Hyde Park" that does not require prior authorisation of the authorities. The organisers had informed the city authorities of the date and the purpose of the event, as prescribed by the law..

However, soon after the beginning of the event, the police informed the protesters that there was a complaint to the local authorities that the meeting violated a ban on "propaganda of homosexuality" among minors, imposed by the municipal law in 2012. When the protesters refused to cease demonstrating and leave, the police formed a line and kettled the protesters towards the police vehicle used for transporting detainees that was parked nearby, resulting in 55 LGBTI activists reportedly detained. The authorities later initiated administrative cases against them for failure to abide by the lawful order of the law enforcement officer. They were all released later the same day, except for one of the leaders, who was released on the following day. However, those charged are still at risk of being fined or detention of up to 15 days.

The event also drew the attention of homophobic counter-protestors, who turned out in numbers apparently significantly exceeding those of LGBTI activists and supporters. They shouted insulting slogans at LGBTI protesters, threw stones, eggs and smoke canisters and physically assaulted LGBTI activists. At least one of the LGBTI activists sustained serious injuries as a result of these attacks - his jaw and nose were broken. Police detained several of the attackers, reportedly between eight and ten, but despite the violence and the counter-protestors' failure to notify the authorities of their protest outside of the designated area, the police did not seek to disperse them, underlining the selective application of the law against supporters of LGBTI rights.

In the past, AI has repeatedly highlighted instances in which the Russian government has failed to adequately investigate or prosecute suspected hate crimes against LGBTI people, as well as failed to investigate failures of the police to prevent such attacks. Amnesty International calls on the government to ensure that these recent attacks are fully investigated, including as regards any discriminatory motive, and that where sufficient admissible evidence exists, perpetrators are held to account

On 29 and 30 June Dmitri Isakov, a LGBTI activist, held a single-person picket in the city of Kazan, as this is the only form of protest that does not require prior authorisation and notification of the authorities outside of the above mentioned designated areas. Kazan will host the 2013 Student Games (Universiade) and the LGBTI activist wanted to demonstrate that it is a tolerant city. However, the local authorities refused to authorise a larger protest in the city, reportedly referring to protection of children and family values and Dmitri Isakov decided to proceed with the single person

picket. He was detained by the police in the evening of 29 June, but the police failed to inform him of the reasons for his detention. Isakov complained about his treatment during arrest, which he says resulted in bruising. To Amnesty International's knowledge, no charges were brought against him and he was released later the same evening after a conversation with police where they allegedly threatened him in order to influence him to abandon his plan to hold another picket on the following day.

When the activist attempted to hold the same picket on 30 June, he was immediately detained by the police and taken to police station, where he spent several hours before he was released in the evening. To Amnesty International's knowledge, again, no formal charges were brought against him.

In relation to both cases Amnesty International expresses its concern over the legal grounds for the police interference with the peaceful execution by protesters of their right to freedom to peaceful assembly and expression. The available video footage and photo evidence covering the protest on the Marsovo Pole on 29 June and subsequent arrest of its participants, as well as the single-person picket by Dmitri Isakov on 29 and 30 June in Kazan, contain no indication that the LGBTI activists and their supporters were participating in disorderly conduct, violated traffic rules or engaged in any behaviour or activity that was not peaceful, except for necessary self-defence during attacks on them by homophobic counter-protestors.

Amnesty International believes that these people have been detained and are now face the risk of been subjected to administrative fines or detention solely for peacefully exercising their right to freedom of assembly and freedom of expression, which is in violation of the Russian Federation's international obligations under the International Covenant on Civil and Political Rights, the European Convention on Human Rights and the Russian Constitution. Furthermore, in relation to detentions of the peaceful LGBTI protesters, the organisation stresses that it appears that in both cases they have been arbitrarily detained on the basis of the peaceful exercise of their human rights.

On 30 June President Putin signed the Federal Law no. 135-FZ "On introduction of amendment to the Article 5 of the Federal law concerning protection of children from information causing harm to children's health and development and certain legal acts of the Russian Federation with the aim of protection of children from information, propagating denial of traditional family values" that entered into force on 1 July. The initial draft law aimed to ban "propaganda of homosexuality", however in a later version this wording was replaced by "non-traditional sexual relations".

The law introduces liability as for administrative offence for "propaganda of non-traditional sexual relations" among minors in the form of "dissemination of information aiming at forming of non-traditional concepts", "attractiveness" of such relations, as well as "perverted perception of social equality of traditional and non-traditional relations" or "imposing" information on "raising interest" to such relation. The wording of the law is very vague and these terms are not defined in this or other laws of the country. However one of the initiators of the law MP Mizulina in an interview to Russian media explained that "non-traditional relations" could be interpreted as to include 'gay men, lesbian women, bisexual and transgender people .

The penalty under this law includes fines of up to 100,000 Russian Rubles (approx. USD 3,000) for individuals, up to 200,000 Rubles (approx. USD 6,000) for public officials and up to one million Rubles (approx. USD 30,000) or suspension of their activities for up to 90 days for legal entities. Foreign nationals or stateless persons could be additionally subjected to detention of up to 15 days and deportation.

Amnesty International is gravely concerned that the law adversely impacts the rights to freedom from discrimination, and freedom of expression and assembly of LGBTI people. Laws such as this perpetuate the views that LGBTI individuals are inferior, potential criminals and that discrimination against them, in law or in practice, is justified purely on the grounds of their sexual orientation or gender identity. They contribute to a climate of hostility towards, and in some cases, as Amnesty International has documented, to violence against LGBTI individuals.

The denial of support and information about sexuality runs counter to Russia's obligations under the Convention on the Rights of the Child and denies the concept that sexual orientation is part of a person's innermost and immutable identity. The law also risks preventing LGBTI young people from accessing or sharing information that is vital to their health and well-being, including information about social groups, support networks, and sexual and reproductive health.

Amnesty International is also alarmed that the law in question is likely to violate the right to freedom of association..

Amnesty International is once again calling on the Russian authorities to respect its international human rights aspirations and obligations, to reverse its discriminatory legislation and policies against LGBTI people and to refrain from further undue interference of the right to freedom of expression, freedom of assembly and freedom of association of all persons within its jurisdiction. We are also calling on the Russian authorities to abandon discriminatory treatment of LGBTI people and to ensure their adequate protection against violent attacks, including those motivated by hatred based on real or perceived sexual orientation or gender identity, and to ensure that attacks on LGBTI people are investigated fully and without undue delay.

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