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Russian Federation: Second LGBT organisation falls foul of Foreign Agents Law and rising homophobia

Amnesty International is seriously concerned about the ongoing clampdown in Russia against civil society. The organisation strongly condemns the use of the “Foreign Agents Law” to prosecute and hold personally liable the leaders of non-governmental organisations (NGOs) that refuse to be labelled in a manner that creates a negative public image of their work in the eyes of the Russian society.

The “Foreign Agents Law” requires all organisations that receive foreign funding and engage in loosely defined “political activities” to register as “foreign agents” and to subject themselves to additional and burdensome checks and audits and mark all of their publications and websites with this label, which implies “spy” and “enemy”. Amnesty International has previously expressed concern that this legislation, in its entirety, negatively affects the rights to freedom of expression and association.

On 25 June 2013, Anna Anisimova, the Acting Director of the Lesbian, Gay, Bisexual and Transgender (LGBT) organisation “Vyhod” (Coming Out), was fined 300,000 Russian roubles (approximately USD 9,600) by a magistrates' court in Saint Petersburg on account of the organisation's failure to register as a “foreign agent”. This follows on from an earlier fine of 500,000 Russian roubles (approximately USD 16,000) that the organisation was ordered to pay on 19 June.

On the day of the trial approximately 30 homophobic activists physically prevented Vyhod supporters from entering the court and issued death threats against those who attempted to do so. They were also verbally insulting the LGBT activists and supporters. Neither the judge, nor the court marshals were inclined to interfere with the situation. Vyhod's lawyer managed to ensure his access to the court only after repeated calls on the court. After the trial, the lawyer had to be escorted by the special police unit (OMON) out of the court to ensure his safety. As far as Amnesty International is aware, no investigation has been launched into any potentially criminal or violent behaviour of the individuals outside the court.

The fining of Vyhod, and the scenes outside the court, are indicative of a broader trend of harassment of LGBT activists and state endorsed or tolerated homophobia. In recent years, Amnesty International has repeatedly expressed its concerns regarding the banning of LGBT prides in many regions, including Moscow. On 26 June 2013, the Upper Chamber of the Russian Duma adopted a Federal bill banning the “propaganda of non-traditional sexual relations”, adding to the similar laws already adopted in a number of Russian regions in the recent years. Russian law enforcement authorities also regularly refuse to initiate criminal investigations into attacks on LGBT people and, in the rare cases they do, fail to acknowledge and adequately reflect the aggravating circumstance of these episodes constituting hate crime based on perceived sexual orientation of the victim.

The prosecution of the leaders of LGBT groups constitutes part of the government's clampdown on civil activism and dissent in the country, in violation of Russia's international human rights obligations regarding non-discrimination, and the rights to freedom of expression, assembly, and association.

To the date, three NGO leaders have been fined under the Foreign Agents Law. In addition to Anna Anisimova, acting Director of the Vyhod LGBT organisation, these were the Director of the Association Golos, Lilia Shibanova and the Director of the Kostroma Center for Support of Public Initiatives, Aleksandr Zamarianov. Three other NGOs have also been fined: the Association Golos, the Moscow Regional Organisation Golos, the LGBT film festival Bok o Bok (Side by Side). Currently, the Director of the other LGBT NGO, Bok o Bok, Gulya Sultanova is expecting to stand trial on the same charges. Amnesty International continues to closely monitor the case.

Amnesty International is calling on the Russian authorities to respect its international human rights obligations and to abandon its discriminatory approach towards the LGBT community. Amnesty International further calls on the authorities to ensure the adequate protection of everyone in its territory, against violent attacks including those motivated by prejudice against LGBT individuals. The authorities should immediately launch independent, impartial, and thorough investigations into any violent attacks. Perpetrators of violence should be brought to justice.

Amnesty International continues to call on the Russian authorities to reverse its persecution of civil society organisations through the implementation of the abusive “foreign agents law”, a law, which in itself is inconsistent with Russia’s international legal obligations. The authorities should refrain from further undue interference of the right to freedom of expression and freedom of association of all persons within its jurisdiction irrespective of whether it approves of their activities.

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