

Nikolay Viktorovich BAYEV and two other applicants v. Russia

[Case Law](#), [Anti-propaganda Laws](#), [European Court of Human Rights](#), [Russia](#), [Strategic Litigation](#)

“Anti-propaganda” laws

(Application Nos: 67667/09, 44092/12, 56717/12), February 2014

[Find Court's judgement here.](#) (violation of Articles 10 and 14 of the Convention)

[Bayev v. RussiaDownload](#)

- The present cases arise from the prosecution of three individuals under legislation adopted locally in Russia, **prohibiting propaganda of homosexuality among minors and penalising propaganda of bisexuality and transgender identity among minors.**
- ILGA-Europe, together with “Coming Out” (the Russian LGBT Network) submitted the following:
 - These initiatives have been accompanied by homophobic rhetoric at the highest levels of government, repeatedly stigmatising LGBT people as a danger to children. “Propaganda” laws have been used to restrict freedom of assembly, to prohibit events, to prosecute individuals and to arrest participants in a demonstration.
 - European and international bodies have recognised the need to provide relevant, appropriate and objective information about sexual orientation and gender identity, to prevent mental health and sexual health issues.
- The European Court of Human Rights delivered its judgement on 20 June 2017.
- The Court referred to the interveners’ concern about **discrimination and violence** against LGBT people in Russia, hate crimes, bullying and harassment of LGBT children, pressure on same-sex couples and the children they are raising and on LGBT advocacy organisations (para 60). The Court found that the legal provisions in question did not serve to advance the legitimate aim of the protection of morals, and that they were likely to be counterproductive in achieving the declared legitimate aims of the protection of health and the protection of rights of others.
- Above all, by adopting such laws the **authorities reinforce stigma and prejudice and encourage homophobia**, which is incompatible with the notions of equality, pluralism and tolerance inherent in a democratic society. Because the legislation also embodies a predisposed bias on the part of the heterosexual majority against the homosexual minority, it gives rise to a violation of Article 14 of the Convention taken in conjunction with Article 10.