

## Nikolay Viktorovich BAYEV and two other applicants v. Russia

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

### Written Submissions by “Coming Out”, the Russian LGBT Network and ILGA-Europe

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#### **I INTRODUCTION**

1. These written comments are submitted pursuant to leave granted by the President of the Chamber in accordance with Rule 44 ¶ 3 of the Rules of the Court. The co-intervenors’ interest and expertise are set out in their application for leave to submit written comments of 28 December 2013.
2. The present cases arise from the prosecution of three individuals under legislation adopted respectively by the Ryazan Region Duma, the Arkhangelsk Regional Assembly, and the St Petersburg Legislative Assembly. The Ryazan and Arkhangelsk legislation prohibits propaganda of homosexuality among minors, while the St Petersburg legislation also penalises propaganda of bisexuality and transgender identity among minors.
3. The purpose of these comments is to assist the Court by providing information on:
  - The practical consequences of the introduction of so-called "propaganda of homosexuality" laws for lesbian, gay, bisexual or transgender (LGBT) persons;
  - Why it is contrary to the best interests of the child for minors to be shielded from age-appropriate information on sexual orientation and gender identity.
4. Section II sets out the background to the introduction of these laws, and their consequences for LGBT persons in Russia. Section III shows how a homophobic and transphobic environment is detrimental to children, whether they identify as LGBT or not, and demonstrates that recognised best practice for addressing the consequences is dependent on the provision to minors of information about sexual orientation and gender identity.

#### **II THE RUSSIAN “PROPAGANDA” LAWS AND THEIR PRACTICAL CONSEQUENCES FOR LGBT PERSONS**

##### **Background<sup>1</sup>**

5. Proposals for the introduction of legislation penalising “propaganda of homosexuality” in Russia go back at least a decade. Three attempts to introduce such legislation at federal level, in 2003, 2004 and 2006 were opposed by the Russian authorities on a variety of grounds, including inconsistency with both the Federal Constitution and the ECHR.<sup>2</sup> Despite this, the Ryazan Region law was adopted in 2006. However, it was not until late 2011 and the first half of 2012 that growing political support and a change in the attitude of the authorities resulted in their adoption by a further nine regional assemblies, and the tabling of a proposal in the Federal Duma, which was adopted unopposed in June 2013.<sup>3</sup>
6. In assessing the impact of these “propaganda” laws, it is important to take account of the wider context. While there has been a failure by the authorities to uphold enjoyment of certain rights by LGBT people for a number

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<sup>1</sup> A fuller account of the background to the "propaganda" laws can be found in a recent joint submission by the authors of these written comments under Rule 9(2) of the Rules of the Committee of Ministers for the supervision of the execution of judgments in the cases of *Alekseyev v. Russia* see: <https://wcd.coe.int/com.instranet.InstraServlet?command=com.instranet.CmdBlobGet&InstranetImage=2444491&SecMode=1&DocId=2107920&Usage=2>

<sup>2</sup> "Convenient Targets – the Anti-"Propaganda" Law & the Threat to LGBT Rights in Russia" – human rights *first* – August 2013.

<sup>3</sup> "Propaganda" laws have been adopted in 10 regions: Ryazan (2006), Arkhangelsk (September 2011), Kostroma (February 2012), St Petersburg (March 2012), Magadan (June 2012), Krasnodar (July 2012), Samara (July 2012), Novosibirsk (July 2012), Bashkortostan (August 2012), and Kaliningrad (2013)

of years, most notably in the field of freedom of assembly, this behaviour was essentially reactive, responding to advocacy initiatives by LGBT human rights defenders. The adoption of the regional, and particularly, federal “propaganda” laws marks a significant change, with the enactment for the first time, as a matter of official policy, of legal instruments imposing discriminatory restrictions on the enjoyment of rights by LGBT people. A particularly disturbing feature of these laws is that they characterise LGBT people as a danger to children. This is true also of a second discriminatory law adopted at the same time as the federal “propaganda” law, which prohibits the foreign adoption of Russian children by parents in a same-sex marriage recognised by another state.<sup>4</sup>

7. These initiatives have been accompanied by homophobic rhetoric at the highest levels of government, repeatedly stigmatising LGBT people as a danger to children,<sup>5</sup> but also implying that they are responsible for Russia’s demographic decline and therefore a threat to its future.<sup>6</sup> Advocacy for the enjoyment of rights by LGBT people has also been characterised as a foreign conspiracy to undermine Russia’s fundamental moral and spiritual values.<sup>7</sup> These themes have been repeated by the media, particularly the state controlled media,<sup>8</sup> and by public figures opposed to the equal treatment of LGBT people, creating a social environment that is ever more hostile. In January 2014 the head of the Russian Orthodox Church’s department for relations with society commented that “[re-criminalisation of homosexuality] deserves discussion in society without any doubt”.<sup>9</sup> President Putin, when questioned about this, failed to condemn the idea. After emphasising the separation of church and state, he appeared to excuse the church’s position, stating that “there is nothing strange in the Russian Orthodox Church’s opinion as compared to that of other traditional world religions”.<sup>10</sup>

#### **Consequences for LGBT people**

8. Concerns about discrimination and violence against LGBT people in Russia, and about the failure of the state to provide protection from them, are not new. The experience of the co-intervenors leaves them in little doubt that the “propaganda” laws, together with the homophobic rhetoric of the authorities, are making the situation significantly worse. This stigmatisation is bound to have serious adverse consequences, not least, raising levels of fear, causing people to deny or hide their identities and limiting the opportunities for forming intimate relationships.
9. In this section of the submissions we focus on more concrete manifestations: restrictions on freedom of expression or assembly, hate crimes or other discrimination, the bullying and harassment of LGBT children, the pressures on same-sex couples and the children they are raising, and on LGBT advocacy organisations. In

<sup>4</sup> "Putin placed on a par gay marriages and "Satan worship" " – Rainbow News – Gay.ru - 19 Sep. 2013 <http://english.gay.ru/news/rainbow/2013/09/19-27098.htm> (accessed 3 January 2014).

<sup>5</sup> "Russian ombudsman calls for damnation of officials supporting "non-traditional" families" – Queer Russia website - 19 November 2013 - <http://queerussia.info/2013/11/19/2569/> – (accessed 3 January 2014); a translation of the report by Interfax – Religion, at: <http://www.interfax-religion.ru/?act=news&div=53488>

"Vladimir Putin: gay people at Winter Olympics must 'leave children alone' " – The Guardian – 17 January 2014 – <http://www.theguardian.com/world/2014/jan/17/vladimir-putin-gay-winter-olympics-children> (accessed 21 January 2014)

<sup>6</sup> "Russia's Putin says could seek re-election in 2018" – Reuters – 19/9/2013 – <http://www.reuters.com/article/2013/09/19/us-russia-putin-idUSBRE9812A20130919> (accessed 3 January 2014)

"Putin slams Western "genderless tolerance", praises conservatism" - Queer Russia website – 12 December 2013 <http://queerussia.info/2013/12/12/2980/>– (accessed 3 January 2014)

<sup>7</sup> "Russian Foreign Office condemns the West for 'aggressive promotion of sexual minorities' rights" – Queer Russia website – 14 September 2013 – <http://queerussia.info/2013/09/14/1769/> (accessed 3 January 2014)

"Report On The Human Rights Situation In The European Union" – Ministry of Foreign Affairs of the Russian Federation – unofficial translation available at the Ministry's website: <http://www.mid.ru/bdomp/ns-dgpch.nsf/03c344d01162d351442579510044415b/44257b100055de8444257c60004a6491!OpenDocument>

<sup>8</sup> "Dmitri Kiselev, Russian Official, Degrades Gays on National Television" – The Huffington Post – 12 August 2013; [http://www.huffingtonpost.com/2013/08/12/dmitri-kusilev-degrades-lgbt-tv\\_n\\_3743414.html](http://www.huffingtonpost.com/2013/08/12/dmitri-kusilev-degrades-lgbt-tv_n_3743414.html) - (accessed on 3 January 2014).

<sup>9</sup> "Top Russian Cleric Seeks Nationwide Referendum on Criminalising Male Homosexuality" – Queer Russia website, 10 January 2014 – <http://queerussia.info/2014/01/10/3629/> (accessed 14 January 2014)

<sup>10</sup> "Sochi Olympics: Vladimir Putin's interview with world media in full" – Transcript of the interview of Vladimir Putin, with Channel One, Rossiya-1, ABC News, BBC, CCTV television channels and Around the Rings agency. 19 January 2014.

examining them, two themes emerge repeatedly: the activities of extremist groups, who we judge to have become more active, targeted and coordinated in their attacks on LGBT people, not infrequently citing the “propaganda” laws as justification; and the failure of state agents to provide protection from the attacks, or even to act in complicity with them. We are in little doubt that the stigmatisation by the authorities is taken by extremist groups and by many agents of the state as clearance to treat LGBT people and their supporters as beyond the protection of the law.

### ***The “propaganda” laws and freedom of assembly***

10. The following paragraphs provide examples of three ways in which the “propaganda” laws have been used to restrict freedom of assembly:
11. **Prohibition of events:** Between October and December 2013 the organisers of the Moscow Pride applied to hold some 70 demonstrations. All were rejected, the federal “propaganda” law being one of the grounds used.<sup>11</sup> Many of these decisions have been appealed to the district court, where they have been upheld. In May 2013 an appeal by LGBT activists against a ban on a demonstration against the federal “propaganda” law was rejected by the St Petersburg City Court. It cited the definition used in the regional “propaganda” law.<sup>12</sup>
12. **Prosecution of individuals:** On 3 December 2013 two persons were found guilty under the federal “propaganda” law for holding banners that read “*Gay propaganda doesn’t exist. People don’t become gay, people are born gay*” outside a children’s library in Arkhangelsk.<sup>13</sup> On 19 December 2013 another activist in Kazan was found guilty under this law. He was arrested twice for going out on his own with a placard reading “*To be gay and to love gays is normal. To beat gays and kill gays is criminal.*” The basis for the prosecution is reported to have been a complaint by a teenage resident of Arkhangelsk, 1000 miles away, who had read about his demonstration on the Internet.<sup>14</sup>
13. **Arrest of participants in a demonstration:** On 29 June 2013 the 50 to 60 participants in a legal demonstration in St Petersburg<sup>15</sup> faced violence by 200 to 300 counter-demonstrators, whom the large number of riot police present did little to restrain. Less than 15 minutes into the demonstration the police ordered the event to stop, after receiving letters from the “public” complaining that the event violated the ban on “homosexual propaganda.” The demonstrators refused to leave, but were removed from the site by riot police in buses. Counter-demonstrators threw stones at the buses, shattering windows and injuring people inside. Four demonstrators who were not detained were surrounded and beaten by 10 men. ‘Rescued’ by the police, they were arrested and charged. At least seven demonstrators later needed medical assistance. The demonstrators were charged with failure to obey police orders and holding an unauthorised rally. 50 were arrested. All were subsequently acquitted by the courts. Only 13 counter protesters were detained at the site.<sup>16</sup> They justified their actions as acceptable under the “propaganda” law.<sup>17</sup>

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<sup>11</sup> "Tver District Court in Moscow has found the prohibition of seven rallies in support of the rights of sexual minorities legal" [translated] – 20 December 2013 – GayRussia website – [www.gayrussia.eu/russia/8407/](http://www.gayrussia.eu/russia/8407/) (accessed 4 January 2014)

<sup>12</sup> "Coming Out appeals to ECHR for freedom of assembly violation in connection with 'propaganda' law" – Coming Out media release – 3 December 2013 – [http://comingoutspb.ru/en/en-news/Human\\_Rights\\_en](http://comingoutspb.ru/en/en-news/Human_Rights_en) (accessed 4 January 2014)

<sup>13</sup> "LGBT activists fined for breaking 'Gay Propaganda' law" – The Moscow Times – 5 December 2013 – <http://www.themoscowtimes.com/news/article/lgbt-activist-fined-for-breaking-gay-propaganda-law/490844.html> (accessed 4 January 2014)

<sup>14</sup> "Russian LGBT activists in Kazan found guilty of gay propaganda to a teenager 1000 miles away" – Queer Russia website, 20 December 2013. <http://queerrussia.info/2013/12/20/3251/> (accessed 4 January 2014)  
"Russia finds gay activist guilty after he was attacked, arrested by his own parents" Gay Star News – 19 December 2013. <http://www.gaystarnews.com/article/russia-finds-gay-activist-guilty-after-he-was-attacked-arrested-his-own-parents191213> (accessed 4 January 2014)

<sup>15</sup> The demonstration was held on “Marsovo pole”, where, if prior notice is given, no authorisation is required.

<sup>16</sup> "Joint Statement on the Events of the St Petersburg LGBT Rights Parade" – Russian LGBT Network, LGBT Organisation “Coming Out”, and the Alliance of Straights for LGBT Equality – 2 July 2013 <http://www.lgbtnet.ru/en/content/joint-statement-events-st-petersburg-lgbt-pride-parade> (accessed 4 January 2014).

### ***The “propaganda” laws and freedom of expression***

14. The following examples demonstrate the danger of the “propaganda” laws and the associated homophobic rhetoric to freedom of expression, whether through prosecutions, “warnings”, self-censorship, or the dismissal of LGBT journalists who are open about their sexual orientation.
15. In 16 January 2014 a 14-year-old schoolgirl from Bryansk region received a warning from the local Commission on Affairs of Minors and Protection of their Rights, for the reason that she had “*systematically [promoted] non-traditional sexual relations among minors, expressed in openly admitting herself as a person of non-traditional sexual orientation, and disseminating information aimed at developing distorted notions of social equivalence of traditional and non-traditional sexual relations in minors.*”<sup>18</sup> It is reported that she is subjected to harassment and violence by her classmates and families for her views.<sup>19</sup>
16. In November 2013 the promoters of a Lady Gaga concert in St Petersburg were fined under the regional “propaganda” law. The case was initiated by a woman who took her young daughter to the concert and then complained that Lady Gaga’s statements supporting LGBT people violated the law.<sup>20</sup>
17. In January 2014 the editor of the far-eastern newspaper *Molodoi Dalnevostochnik* was fined under the federal “propaganda” law<sup>21</sup> for reporting an interview with a gay geography teacher about his dismissal from teaching, his attack by a youth group and his involvement in LGBT demonstrations. The state investigators’ notice indicated that they particularly disliked the teacher’s statement “*my very existence is effective proof that homosexuality is normal.*” The newspaper had carried an age warning of 16 rather than 18.<sup>22</sup>
18. In July 2013 Dutch documentary maker Kris van der Veen and his film crew were arrested during a visit to Murmansk to make a documentary about the LGBT community and accused of conducting “propaganda”. The charges were dropped, but they were fined for violating visa regulations, on the basis that they should have applied for a political visa rather than a cultural one.<sup>23</sup>
19. On September 12, 2013 the Federal Service for Supervision of Communications, Information Technology and Mass Media announced that it had issued a warning to the EvroKino television channel for broadcasting the 2007 French musical “Les Chansons d’Amour”, which it said contained “*propaganda of non-traditional sexual relation among minors*”. The channel was warned despite having broadcast the film with the “18+” sign.<sup>24</sup>

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"Gays stoned, beaten and arrested" – the St Petersburg Times – 3 July 2013 - <http://sptimes.ru/story/37521> (accessed 5 December 2013); "Court declared the Gay Pride in St Petersburg was legal" – Russian LGBT Network and “Coming Out” media release – 11 July 2013 <http://queerussia.info/2013/07/11/1355/> (accessed 4 January 2014)

<sup>17</sup> For video footage of counter-demonstrators referring to the “propaganda” laws, see:

<http://www.youtube.com/watch?v=LB0xqytaBog>; <http://www.youtube.com/watch?v=JzcgY5NkeaE>;  
<http://www.youtube.com/watch?v=VI-LBzNzqs4> (accessed 21 January 2014)

<sup>18</sup> “First openly gay teenager warned for ‘promoting homosexuality’ to peers in Bryansk Region” – Queer Russia website – <http://queerussia.info/2014/02/02/4017/> (accessed 3 February 2014). A copy of the Commission’s decision is displayed at the website. Subsequent reports suggest the “warning” may have been “reversed”.

<sup>19</sup> “St Petersburg LGBT group issues statement in support of Lena Klimova” – Queer Russia website – 5 February 2014 – <http://queerussia.info/2014/02/05/4103/> (accessed 13 February 2014)

<sup>20</sup> “Lady Gaga tour promoters fined under gay propaganda law” – Ria Novosti – 15 November 2013 <http://en.ria.ru/russia/20131115/184738439/Lady-Gaga-Tour-Promoters-Fined-Under-Gay-Propaganda-Law.html> (accessed 18 November 2013).

<sup>21</sup> “First media outlet fined for ‘gay propaganda’ in Russia” – Ria Novosti – 30 January 2014. <http://en.ria.ru/russia/20140130/187051137/First-Media-Outlet-Fined-for-Gay-Propaganda-in-Russia.html> (accessed 31 January 2014); an account of the teacher’s dismissal can be found in Appendix II.

<sup>22</sup> “Regional newspaper suspected of breaking ‘gay propaganda’ law” – The Moscow Times – 14 November 2013 <http://www.themoscowtimes.com/news/article/regional-newspaper-suspected-of-breaking-gay-propaganda-law/489518.html#ixzz2nq6CXgAV> (accessed 18 November 2013)

<sup>23</sup> “LGBT Murmansk turns to court to protest hate campaign on TV” – Barents Observer – 22 November 2013 <http://barentsobserver.com/en/politics/2013/11/lgbt-murmansk-turns-court-protest-hate-campaign-tv-22-11> (accessed 4 January 2014)

<sup>24</sup> “Russian art exhibitions and TV channel under pressure, accused of gay propaganda” – Queer Russia website – 16 September 2013 – <http://queerussia.info/2013/09/16/1729/> (accessed 4 January 2014)

20. Two gay journalists have lost their jobs after coming out. In early 2013 TV anchor Anton Krasovsky announced on the state-owned Kontr TV Channel that he is gay. Within hours he was fired.<sup>25</sup> Oleg Dusaev came out on Facebook on 30 August 2013. A few days later the state-owned Rossiya Kultura Channel refused to extend his contract. Dusaev had been chief of information and news analysis.<sup>26</sup>

#### ***Hate crimes, and failure of law enforcement agencies to provide protection***

21. There is disturbing evidence of the increasing and more coordinated use of violence by extremist groups. Pre-announced public demonstrations in support of LGBT rights are now frequently met by large violent crowds of counter-demonstrators, LGBT activists are sometimes harassed by extremists when accessing court buildings during trials, LGBT community meeting places or events are being harassed, and law-enforcement agencies fail to provide adequate protection. Examples of such incidents are set out in Appendix I.

22. One particularly disturbing development is the use of the Internet by vigilante groups to entrap and expose individuals. Two, "Occupy Paedophilia", and "Occupy Gerontophilia" have become particularly notorious. They entrap their victims using fake profiles on online dating websites. Those who agree to a meeting are met by a group of thugs who interrogate, insult and sometimes torture them.<sup>27</sup> Hundreds of videos have been published, identifying individuals to a wide audience. "Occupy Paedophilia" is reported to have groups in 21 cities and more than 300 groups on the Russian social network, VKontakte. "Occupy Gerontophilia" is reported to have 14 groups on VKontakte.<sup>28</sup> Videos published by Human Rights Watch, and by Channel 4 TV, documenting these activities are available at: [https://www.youtube.com/watch?v=zMTbFSJ\\_Tr4](https://www.youtube.com/watch?v=zMTbFSJ_Tr4) and <http://www.channel4.com/programmes/dispatches/4od#3651833>.

23. To the knowledge of the co-intervenors, there have been no prosecutions in relation to "Occupy Paedophilia", although its founder, Maxim Martsinkevich, has been charged with incitement of racial hatred in relation to other activities.<sup>29</sup> On 26 December 2013 the founder of "Occupy Gerontophilia", Philip Razinsky, was charged under Articles 116 (battery) and 282 (incitement of national, racial or religious enmity) of the Russian Criminal Code. This followed complaints by the Russian LGBT Network to the police and a request by Konstantin Dobrynin, the Vice-Chairman of the Federation Council Constitutional Legislation Committee, to the Public Prosecutor.<sup>30</sup>

#### ***Campaigns for dismissal of LGBT teachers or those advocating for the rights of LGBT people***

24. LGBT teachers and those who advocate for the rights of LGBT people are becoming targets of concerted public campaigns calling for their dismissal. An online group called "Parents of Russia" claims to have 1500 activists searching the Internet for them.<sup>31</sup> In December 2013 the group launched a new campaign in which they offered the equivalent of \$150 for "confirmed" information on LGBT schoolteachers. They claimed to have connections with the Russian authorities in order to perform dismissals "*without any bullying, homophobia or*

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<sup>25</sup> "Russian TV presenter comes out on air, gets fired" – The Advocate – August 14, 2013

<http://www.advocate.com/politics/media/2013/08/14/russian-tv-presenter-comes-out-air-gets-fired>  
(accessed 4 January 2014)

<sup>26</sup> "TV journalist Oleg Dusaev fired from Kultura Channel after coming out" – Rainbow News – Gay.ru website – 20 September 2013; <http://english.gay.ru/news/rainbow/2013/09/20-27101.htm> (accessed 4 January 2014)

<sup>27</sup> "Activists say legislation outlawing 'homosexual propaganda' has emboldened right-wing groups to step up attacks on gay people" – The Guardian – 1 September 2013 – <http://www.theguardian.com/world/2013/sep/01/russia-rise-homophobic-violence> (accessed 4 January 2014)

<sup>28</sup> "Truths behind the gay torture images from Russia" – a Paper Bird blog by Scott Long – 11 August 2013 – <http://paper-bird.net/2013/08/11/truths-behind-the-gay-torture-images-from-russia/> (accessed 4 January 2014)

<sup>29</sup> In Russian: <http://top.oprf.ru/news/12682.html> (accessed 16 November 2013).

<sup>30</sup> "Anti-gay group founder drops out of the criminal case opening" – Queer Russia website – 27 December 2013 – <http://queerussia.info/2013/12/27/3370/> (4 January 2014).

<sup>31</sup> "Russia's Gay-Friendly Schoolteachers in the Crosshairs" – Radio Free Europe – 11 November 2013 – <http://www.rferl.org/content/russia-gay-teachers-pressure/25164580.html> (accessed 4 January 2014)

*calls to violence*", but still enforcing the "gay propaganda to minors law".<sup>32</sup> Appendix II sets out examples illustrating these concerns.

#### ***Pressures on same-sex couples and their children***

25. The recent developments have put enormous pressures on same-sex parents and their children. Under the regional and federal "propaganda" laws any expression of their relationship to their children could be deemed "propaganda" and therefore be subject to prosecution. The law prohibiting foreign adoptions by LGBT persons from countries permitting same-sex marriages has added to the stigmatisation.<sup>33</sup> Their distress has been increased by a proposed federal law to create a mechanism for removing children from same-sex parents.<sup>34</sup> This is profoundly threatening. Even if they are not public about their sexuality, it is inevitable that some people will know of their family. Aleksey Zhuravlev, the proposer of the draft law, when asked how such children would be identified, replied chillingly: "As for identifying such people, we have schools in which children study, there are various groups and clubs, so sooner or later it will become obvious anyway."<sup>35</sup>
26. A survey of same-sex couples with children by "Coming Out" in autumn 2013 found that nearly 58% had already begun researching ways of leaving the country.
27. Appendix III provides examples which illustrate pressures on these families, including being forced to leave their home, change the school of a child, conceal the nature of their relationship, hostility from neighbours, and the confusion of a four-year-old when told she could no longer call both her parents 'mom' in public.

#### ***Harassment and psychological violence against LGBT children***

28. A recent submission to the UN Committee on the Rights of the Child<sup>36</sup> cites the findings of a survey in August 2013 documenting the experiences of LGBT adolescents under the age of 18. Of the 267 polled, 63.3% had faced psychological violence. One third had faced it many times. Appendix IV lists short descriptions of their experiences by adolescents quoted in the submission. They include beating, harassment, verbal attacks, and attempts by staff and fellow pupils to change their sexual orientation.

#### ***LGBT organisations are under severe stress***

29. Intensified and often violent opposition has greatly increased danger to staff and volunteers. The "propaganda" laws have had a chilling effect on advocacy. All constructive dialogue with the authorities has ceased. A high proportion of time and organisational resources are now devoted to crisis management, addressing safety concerns, responding to court cases, and developing strategies for surviving in the new climate. Additional specific concerns include:
  - LGBT organisations have had their operations seriously affected by the Foreign Agents Law, with two convicted so far at first instance ("Coming Out" and the Side by Side Film Festival). Although both appealed successfully, only procedural errors were recognised by the court, so that both remain vulnerable to further prosecution. Indeed "Coming Out" already faces new charges.

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<sup>32</sup> "Anti-gay social network group offers money for delating Russian LGBT schoolteachers" – Queer Russia website, 5 December 2013 - <http://queerussia.info/2013/12/05/2863/> (accessed 4 January 2014).

<sup>33</sup> see paragraph 6

<sup>34</sup> Available in Russian at: <http://asozd2.duma.gov.ru/main.nsf/%28SpravkaNew%29?OpenAgent&RN=338740-6&02> (accessed 31 January 2014).

<sup>35</sup> "A homosexual should not raise a child" – interview with sion.ru - 5 September 2013 (translated)

<sup>36</sup> Implementation of the UN Convention on the Rights of the Child and Problem of Children from Vulnerable Groups (Russia): Additional and updated information concerning the combined third and fourth periodic reports of the Russian Federation, December 2013. Anti-discrimination Centre Memorial, regional St. Petersburg organization 'Coming Out' and Russian LGBT Network.

- Activists with LGBT organisations are facing targeted threats to their safety: extremist groups are publishing their personal data (including photos) online, with calls for violence.<sup>37</sup>
- LGBT organisations receive regular threats to their offices. For example, in November 2013, the Russian LGBT network received two hoax bomb calls at their St Petersburg office.
- Discrimination in the provision of services: for example an annual cultural festival organised by “Coming Out” was refused the rental of premises by 50 venues in the period up to September 2013.

### **III WHY IT IS CONTRARY TO THE BEST INTERESTS OF THE CHILD FOR MINORS TO BE SHIELDED FROM AGE-APPROPRIATE INFORMATION ON SEXUAL ORIENTATION AND GENDER IDENTITY**

30. In its recent Opinion on “propaganda of homosexuality”, the Venice Commission concluded that “*there is no evidence that expressions of sexual orientation would adversely affect minors, whose interest is to receive relevant, appropriate and objective information about sexuality, including sexual orientations*”.<sup>38</sup>
31. This section of the submissions illustrates the importance of minors receiving such information, both to address sexual health needs and as an essential component in any work to combat homophobic and transphobic discrimination. It first summarises key aspects of this discrimination in Europe and documents its consequences for their mental health. It then briefly addresses sexual health issues, before showing how the provision of such information is central to any measures to implement applicable recommendations of the UN Committee on the Rights of the Child, the Council of Europe and UNESCO.

#### **LGBT young persons’ experience of sexual orientation and gender identity discrimination**

32. In a recent Resolution the Parliamentary Assembly summarised the discrimination experienced by young LGBT people, and its consequences, as follows:

*“Homophobia and transphobia have particularly serious consequences for young LGBT people. They face widespread bullying, sometimes unhelpful or hostile teachers and curricula which either ignore LGBT issues or perpetuate homophobic or transphobic attitudes. A combination of discriminatory attitudes in society and rejection by the family can be very damaging for the mental health of young LGBT people, as evidenced by suicide rates which are much higher than those in the wider youth population.”*<sup>39</sup>

33. Much of the information in the sections which follow is based on a report, “Social exclusion of young lesbian, gay, bisexual and transgender (LGBT) people in Europe”<sup>40</sup> (“the Social Exclusion Report”). It included responses to a survey by 754 LGBT individuals from 37 countries. While discriminatory attitudes in the media, in religious communities, and even among friends, were amongst the problems identified, those within the family and the education system were of greatest concern.

#### ***Discriminatory attitudes and behaviour in the family***

34. More than half of the respondents to the Social Exclusion Report survey reported experiences of prejudice and/or discrimination in their family.<sup>41</sup> Typical reactions to revealing one’s LGBT identity were disbelief, denial and demands for “changing back to normal”. Rejection sometimes forced young persons into self-denial or pretending that they were not, after all, LGBT. In some cases they were threatened with, or actually forced to leave home. Indeed, such was the hostility in their family, that many felt unable to reveal their LGBT identity.

<sup>37</sup> One of the largest and most active ones is a community called ‘Volk-gomofob’ (Homophobe Wolf) [http://vk.com/public.priroda\\_ne\\_terpit\\_greha](http://vk.com/public.priroda_ne_terpit_greha). (Accessed 4 January 2014)

<sup>38</sup> Opinion on the issue of the prohibition of so-called “propaganda of homosexuality” in the light of recent legislation in some member states of the Council of Europe – para 80 – CDL-AD(2013)022 – dated 18 June 2013.

<sup>39</sup> “Discrimination on the basis of sexual orientation and gender identity” – Parliamentary Resolution 1728 (2010) - para 8

<sup>40</sup> “Social exclusion of young lesbian, gay, bisexual and transgender (LGBT) people in Europe – ILGA-Europe and IGLYO – April 2006

<sup>41</sup> *Ibid.*, para 5.2.1

35. The Council of Europe Commissioner for Human Rights' report , "Discrimination on grounds of sexual orientation and gender identity in Europe",<sup>42</sup> ("the Human Rights Commissioner's Report") cites a number of national surveys indicating significant levels of rejection by families, resulting sometimes in spells of homelessness.<sup>43</sup> A UK survey of transgender persons found that 45% of respondents experienced a breakdown of relationship with their family as a result of revealing their gender identity.<sup>44</sup>

#### ***Discrimination in education – bullying***

36. Over 60% of respondents to the Social Exclusion Report survey referred to negative personal experiences at school related to their LGBT status. More than half reported bullying. Longer term or repeated bullying was shown to have serious consequences for the victims. Some became withdrawn and socially isolated, or dropped out of school. Fear of discrimination or bullying led many to conceal their LGBT identity. Some respondents mentioned teachers as being the source, or part of their problems. Some used offensive and/or threatening language, others were often described as passive outsiders failing to provide help.<sup>45</sup>

37. A survey in 2013 by the EU Fundamental Rights Agency of 93,000 LGBT persons in the 28 member states found that two thirds of respondents had, during their schooling, witnessed negative comments or conduct because a schoolmate was perceived to be LGBT "often" or "always". 67% had "always" or "often" hidden or disguised their LGBT identity during their schooling.<sup>46</sup>

38. The Human Rights Commissioner's Report cites numerous national studies that give generally similar findings, and concludes "*Bullying at schools is present in the lives of LGBT persons from a very early stage in practically all member states. Only in very few member states are policies in place to combat bullying and harassment of LGBT students, teachers and staff. Consequently, schools are not experienced as a safe environment for LGBT persons.*"<sup>47</sup>

#### ***Discrimination in education – curricula***

39. The Human Rights Commissioner's Report found that the schools in a significant number of member states provided no information about homosexuality, or, if so, only biased, incorrect information. It found that the absence of information at all stages of the curriculum helps maintain the invisibility of LGBT persons, at an age when many find out that they are lesbian, gay, bisexual or transgender.<sup>48</sup> Some 43% of respondents to the Social Exclusion Report survey found that their school curriculum expressed prejudice or included discriminatory elements. Others commented on the absence of references to LGBT issues in the school curriculum, which was seen as a tool for maintaining LGBT invisibility and to be discriminatory in itself.<sup>49</sup>

### **Consequences for young LGBT persons of growing up in a homophobic/transphobic environment**

#### ***Mental health***

40. There is now a substantial body of research linking the stigmatisation and discrimination outlined above to negative consequences for the mental health of LGBT youth. One literature review concluded:

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<sup>42</sup> "Discrimination on grounds of sexual orientation and gender identity in Europe" – Commissioner for Human Rights – 2nd edition – September 2011

<sup>43</sup> Ibid., page 101

<sup>44</sup> Whittle S., Turner L. and Al-Alami M., "Engendered Penalties: Transgender and Transsexual People's Experience of Inequality and Discrimination", Wetherby: The Equalities Review, 2007, p. 68.

<sup>45</sup> The Social Exclusion Report – 5.2.2

<sup>46</sup> "EU LGBT survey – European Union lesbian, gay, bisexual and transgender survey – Results at a glance" – pages 18 – 19

<sup>47</sup> The Human Rights Commissioner's Report – page 126

<sup>48</sup> Ibid., pages 112 – 114

<sup>49</sup> The Social Exclusion Report, pages 55 – 57

*"Much research indicates that homophobia increases a host of risk factors associated with psychological, psychosocial, psychiatric and social and health problems, and that homophobia is a major health hazard to those who identify as an LGB person."*<sup>50</sup>

41. Homophobic or transphobic notions are often internalised, resulting in low self-esteem and even self-hatred. LGBT youth tend to withdraw into a period of extreme isolation:

*"The majority of young LGBT people think that coming out would endanger their physical and emotional well-being and therefore they choose to manage their identities by hiding, a practice which can result in suicidal ideation, depression, dysfunctional peer group and family relationships, alcohol and drug use"*.<sup>51</sup>

42. In 2008 the Parliamentary Assembly adopted a resolution in which it expressed its concern that suicide rates among young LGBT persons are significantly higher than among their peers. It noted that this heightened risk is due to the stigmatisation, marginalisation and discrimination which they experience in society.<sup>52</sup>

### **Sexual health issues**

43. A recent World Health Organisation report on the main health challenges facing LGBT persons identifies as of particular concern the fact that men who have sex with men and transgender people have been disproportionately affected by HIV.<sup>53</sup> Regarding the latter, a briefing by the Foundation for AIDS Research identifies stigma and discrimination as amongst the factors playing a substantial role in limiting prevention.<sup>54</sup>

### **The need to provide relevant, appropriate and objective information about sexual orientation and gender identity**

44. UN bodies<sup>55</sup> and the Council of Europe have recognised the importance of providing information about sexual orientation and gender identity to young LGBT persons whether in relation to combating discrimination or sexual health needs.
45. The UN Committee on the Rights of the Child, in its concluding observations on the Russian Federation (February 2014), recommended repeal of the "propaganda" laws, which it considered encouraged "stigmatisation of and discrimination against LGBTI persons, including children, and children of LGBTI families". In relation to education it recommended "urgent measures to prevent bullying of LGBTI children in schools by educating children and school staff and punishing the perpetrators accordingly." In relation to adolescent health, it called for LGBTI children to have "easy access to necessary sexual health information".<sup>56</sup> (emphasis added)
46. These concluding observations build on many earlier policy statements by the Committee. It has insisted that the non-discrimination provisions of the Rights of the Child Convention include sexual orientation and gender identity.<sup>57</sup> It has emphasised the vulnerability of adolescents who are subject to discrimination (including

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<sup>50</sup> "Out on your own -- An examination of the mental health of young same-sex attracted men"- Helen McNamee - The Rainbow Project -- March 2006 - page 21

<sup>51</sup> The Social Exclusion Report - page 31

<sup>52</sup> Parliamentary Assembly Resolution 1608(2008) on Child and teenage suicide in Europe: a serious public health issue, paras 9 and 10.

<sup>53</sup> "Improving the health and well-being of lesbian, gay, bisexual and transgender persons" – Report by the Secretariat of the World Health Organisation – paras 3 & 7; 14 May 2013

<sup>54</sup> "MSM and the Global HIV/AIDS Epidemic: assessing PEPFAR and Looking Forward" –amfAR – The Foundation for AIDS Research

<sup>55</sup> See also, for example, Report of the United Nations Special Rapporteur on the right to education A/65/162, 23 July 2010, paragraph 23.

<sup>56</sup> Committee on the Rights of the Child – Concluding observations on the combined fourth and fifth periodic reports of the Russian Federation – 31 January 2014 – paragraph 24/25, 56 (c), 60 (e).

<sup>57</sup> See for example, Convention on the Rights of the Child: General Comment No. 15: The right of the child to the enjoyment of the highest attainable standard of health (Article. 24) - 14 March 2013, CRC/C/GC/15, para 8.

specifically where sexual orientation is in issue).<sup>58</sup> It has stressed the importance of the child's access to adequate information about sexuality, requiring States “*to refrain from censoring, withholding or intentionally misrepresenting health-related information*”,<sup>59</sup> again after specific reference to non-discrimination on the grounds of sexual orientation.<sup>60</sup>

47. The Council of Europe also clearly recognises the importance of information in addressing the needs of LGBT children both in education generally and in relation to sexual health. The Committee of Ministers has called on member states to safeguard

*“the right of children and youth to education in a safe environment, free from violence, bullying, social exclusion [...] related to sexual orientation or gender identity;”* and further, *“to promote mutual tolerance and respect in schools ... providing objective information with respect to sexual orientation and gender identity, for instance in school curricula and educational materials, and providing pupils and students with the necessary information, protection and support to enable them to live in accordance with their sexual orientation and gender identity.”*<sup>61</sup>

48. A best practice booklet published by UNESCO, “Education Sector Responses to Homophobic Bullying”<sup>62</sup> sets out policies and practices to enable teachers, policymakers and others to develop concrete actions. National level measures recommended include removing from teacher training and school curricula any elements that reinforce prejudices and stereotypes, and identifying where sexual diversity, gender identity and the issue of homophobic bullying can be included. School level measures include developing specific school anti-homophobic bullying policies, training staff fully, establishing confidential mechanisms for reporting and responding to incidents, and providing support for learners who are bullied, as well as for bullies and bystanders. Few of the measures proposed are possible without disseminating information on sexual orientation and gender identity to children.
49. The booklet notes that it is not just LGBT young people who are affected adversely: children who are not LGBT, but are perceived as not conforming to prevailing sexual and gender norms, may be subjected to such bullying; bullying can also have adverse consequences for perpetrators.

#### **IV CONCLUSIONS**

50. The Russian authorities claim that the “propaganda” laws do not discriminate against LGBT people, and that they are solely for the protection of children.<sup>63</sup> The evidence cited in this report demonstrates that this is far from the case. The “propaganda” laws, and the accompanying campaign of homophobic rhetoric, incite discrimination against a whole social group, while at the same time being profoundly detrimental to the rights of children.

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<sup>58</sup> Convention on the Rights of the Child: General Comment No. 4: Adolescent health and development in the context of the Convention on the Rights of the Child / Committee on the Rights of the Child, 1 July 2003, CRC/GC/2003/4, para 6).

<sup>59</sup> “*The Committee wishes to emphasize that effective HIV/AIDS prevention requires States to refrain from censoring, withholding or intentionally misrepresenting health-related information, including sexual education and information, and that ... States parties must ensure that children have the ability to acquire the knowledge and skills to protect r and others as they begin to express their sexuality.*” Convention on the Rights of the Child: General Comment No. 3: HIV/AIDS and the rights of the child, para 16. (Emphasis added).

<sup>60</sup> Ibid., para 8

<sup>61</sup> Recommendation CM/Rec (2010)5 of the Committee of Ministers to member states on measures to combat discrimination on grounds of sexual orientation or gender identity – Appendix – paras 31 & 32.

<sup>62</sup> Good Policy and Practice in HIV and Health Education – Booklet 8 – Education Sector Responses to Homophobic Bullying” – UNESCO – 2012.

<sup>63</sup> See, for example: Address by Mr Sergey Naryshkin, Speaker of the State Duma of the Russian Federation to the Parliamentary Assembly of the Council of Europe – 1 October 2013 -

<http://assembly.coe.int/Main.asp?link=/Documents/Records/2013/E/1310011000E.htm>

## APPENDIX I – FURTHER EXAMPLES IN RELATION TO HATE CRIMES

### Pre-announced public demonstrations in support of LGBT rights frequently met by large violent crowds

1. In January 2013 in Voronezh a group of LGBT activists began receiving death threats, after announcing a planned demonstration against the federal “propaganda” law. They called on the police and local authorities to protect them. Approximately 10 of them went ahead with the demonstration. A large crowd of counter-protesters (variously estimated at 150 to 300), some of them masked, blocked their way. Several were attacked and injured. Police at the scene did not intervene to stop the assaults.<sup>64</sup> A criminal case was initiated by the authorities, but only one perpetrator was charged, under the relatively minor offence of “hooliganism”, and sentenced to two months of community service.<sup>65</sup> LGBT activists brought a case against the police for failing to protect the demonstrators from violence, but in October 2013 their case was rejected by the Central District Court of Voronezh.<sup>66</sup>
2. On 12 October 2013 LGBT activists planned to hold a demonstration on International Coming Out Day in St Petersburg and informed the authorities of their intention.<sup>67</sup> However, when about 40 to 50 activists arrived at the site, it was already occupied by violent counter-protesters. Despite timely notification of the event, the authorities had not set up the usual fences to stop counter-protesters gaining access to the site. A lawyer intending to participate in the event asked several police officers to take action and to ensure safety and the right to peaceful assembly. However, the police officers remained largely inactive. They did not respond, did not introduce themselves, contrary to the law, and did not advise who was the official responsible for the event’s security. After 15-20 minutes they detained people regardless of whether they were participants of the legitimate action or violent counter protesters. 67 were detained in all. 15 LGBT activists were falsely charged with “disorderly conduct”, that is, a violation of public order in the form of open disrespect for the public accompanied by foul language and abusive pestering of people. Three of the detained LGBT activists, including one who attended as an observer from “Coming Out,” were found guilty and sentenced to an administrative fine by the Dzerzhinsky District Court.<sup>68</sup>

### LGBT activists are sometimes harassed by extremists when accessing court buildings in St Petersburg during trials related to the LGBT community.

3. The authorities take inadequate measures to prevent this intimidation. LGBT supporters have sometimes been prevented from entering the court, and on occasion, LGBT organisations have had to make use of private security organisations to gain access to court buildings. There have been cases when LGBT activists who attended court hearings were attacked in front of the court building, with no immediate reaction from the police present there.<sup>69</sup>

<sup>64</sup> “Russia: Reject Homophobic Bill – Investigate Threats, Attacks, on peaceful protests” - Human Rights Watch – 27 January 2013 - <http://www.hrw.org/news/2013/01/26/russia-reject-homophobic-bill> (accessed 18 October 2013).

<sup>65</sup> “Two months of community service for assault on LGBT activists” – Russian LGBT Network website – <http://lgbtnet.ru/ru/content/2-mesyaca-ispravitelnyh-rabot-za-napadenie-na-lgbt-aktivista> (accessed 16 November 2013).

<sup>66</sup> “LGBT Voronezh lost the trial on the claim of inaction of the police to disperse activists picket” - in Russian: <http://www.hro.org/node/17826> (accessed 2 January 2014)

<sup>67</sup> The demonstration was held on “Marsovo pole”. See footnote **Error! Bookmark not defined.** for background information.

<sup>68</sup> “Over 60 detained at LGBT Rally in Russia's St Petersburg” – Ria Novosti – 12 October 2013 <http://en.ria.ru/russia/20131012/184091894.html>, (accessed 3 December 2013) with additional information provided by “Coming Out”.

<sup>69</sup> “Witness to beating of LGBT activist deceased, LGBT Network lawyer attacked at Court House” – Russian LGBT Network website – (accessed 16 November 2013)

<http://lgbtnet.ru/en/content/Witness-beating-lgbt-activists-deceased-lgbt-network-lawyer-attacked-court-house>.

“Director fined 300 000 rubles. Going to court is becoming dangerous.” - Media release by “Coming Out” –

<http://www.comingoutspb.ru/en/en-news/300000> (accessed 21 January 2014)

See also: <http://www.gay.ru/news/rainbow/2013/06/12-26246>; <http://www.nr2.ru/northwest/447326.html> <http://www.rosbalt.ru/piter/2013/06/25/1145223.html>; (accessed 21 January 2014)

#### Attacks on or harassment of LGBT community meeting places or events

4. On 3 November 2013, two masked men with an air gun and baseball bats attacked a regular social event for LGBT people in the St Petersburg office of an HIV/AIDS prevention organization. Two participants were injured. One was blinded in one eye. Following the filing of reports and complaints by the victims, an investigation has been launched. However at present the crime is classified as 'hooliganism', apparently with no intention of considering any hate motivation. The meeting was an unpublicised event - the first to be targeted by extremists in St Petersburg.<sup>70</sup>
5. On 23 November 2013 unknown persons sprayed a harmful gas into the well-known Moscow gay club "Central Station", when about 500 persons were present. A number of people needed medical attention. It was the fourth recent attack on the club.<sup>71</sup>
6. During November 2013 the Side by Side LGBT Film Festival was repeatedly disrupted, with five separate hoax bomb threats leading to evacuations of buildings, and changes of schedule.<sup>72</sup>

#### Other examples of hate crimes where the bias motive was not recognized

7. On November 11, 2013 a St Petersburg court handed down a one-year suspended sentence to an Orthodox Christian activist who fired eye irritant at an LGBT rights campaigner during a rally in May 2012. According to the attacker he "took personal offence" at a pro-homosexuality slogan written on a balloon being carried by the activist. The attacker was convicted of hooliganism and given a one-year suspended prison sentence.<sup>73</sup>
8. On 25 December 2013 a St Petersburg magistrates court found nationalist Dmitry Deineko guilty of beating an LGBT activist, but ruled that he was motivated by 'hooliganism', rather than hatred, and sentenced him to 5 months correctional labour. He had been among 10 attackers who assaulted nine LGBT activists after an opposition rally called "Russia Day Without Putin" on 12 June 2012. His victim received an eye injury during the attack. None of the other attackers was punished.<sup>74</sup>
9. On 11 June 2013, on the day of the voting in the Federal Duma on the law prohibiting "propaganda of non-traditional sexual relations", LGBT demonstrators near the Parliament were attacked. Police were not present to protect them,<sup>75</sup> although later they detained several dozen LGBT activists, allegedly for "organizing or participating in an unsanctioned public event."<sup>76</sup>

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<sup>70</sup> "Russian LGBT activists prepare for new wave of violence following brutal attack" – BuzzFeed - 5 November 2013 <http://www.buzzfeed.com/lesterfeder/russian-lgbt-activists-prepare-for-new-wave-of-violence-foll> - (accessed 7 November 2013).

<sup>71</sup> "Moscow gay club under gas attack" – Queer Russia website – 23 November 2013 – <http://queerussia.info/2013/11/23/2610/>(accessed 4 January 2014); some accounts suggest that the attacks are business-related, but even if so, they suggest that the current homophobic climate in Russia makes businesses serving the LGBT community particularly vulnerable to criminal tactics.

<sup>72</sup> "Side by Side LGBT Film Festival: Closing Ceremony Proceedings Not Marred by Fifth Hoax Bomb Call." – Side by Side LGBT Film Festival media release – 2 December 2013 – <http://queerussia.info/2013/12/02/2815/>(accessed 4 January 2014)

<sup>73</sup> "Orthodox Activist Convicted for Attack on Gay Rights Campaigner" – RIA Novosti – 11 November 2013 (accessed 4 December 2013)

<sup>74</sup> Case documented by the Russian LGBT Network

<sup>75</sup> "Russian Duma passes law banning 'gay propaganda'" – BBC News – 11 June 2013 - <http://www.bbc.co.uk/news/world-europe-22862210>(accessed 4 January 2014)

<sup>76</sup> "Russia – Drop Homophobic Law" – Human Rights Watch – June 11, 2013 - <http://www.hrw.org/news/2013/06/10/russia-drop-homophobic-law> (accessed 4 January 2014)

## **APPENDIX II – CAMPAIGNS FOR DISMISSAL OF LGBT TEACHERS OR TEACHERS ADVOCATING FOR THE RIGHTS OF LGBT PEOPLE**

1. In May 2013 Olga Bakhaeva, a schoolteacher in Magnitogorsk, left a supportive comment at a website article about the persecution of an LGBT teacher, saying that she was also LGBT and a teacher. Almost immediately her details and photographs appeared on the “Parents of Russia” website, and she received messages saying that if she resigned they would not publicise this information further. She refused. Soon there were articles in the media and a story on local TV. She was summoned to the Education Department, where she presented a statement explaining that she did not refer to her views on LGBT issues in front of the children. Her head teacher told her that if she wanted to work as a teacher, she must stop putting political comments (whether about LGBT issues or otherwise) on her “Vkontakte” webpage. She was unwilling, and was demoted to working as a cleaner. The “Parents of Russia” campaign against her continued. In August a local mother (whose child was not at the school) complained that her son had “accidentally” visited her webpage and had been subjected to “propaganda”. Ms Bakhaeva was advised that the prosecutor’s office had begun an investigation. She resigned. But the “Parents of Russia” continued to harass her. She was unable to find another job in Magnitogorsk, and in September 2013, was considering moving elsewhere.<sup>77</sup>
2. Alexander Yermoshkin was a geography teacher in Khabarovsk. For a number of years he had been involved in LGBT activism, something he had not concealed. His head-teacher, whom he consulted about this, advised that she considered his employment and his private affairs as a citizen to be two separate things. Public meetings supporting LGBT rights in Khabarovsk did not attract hostility. But with the adoption of the “propaganda” law, everything changed. Pro-LGBT events began to be attacked. In August 2013 Yermoshkin was physically assaulted while going home from work. Then a local organisation, “Green House”, began collecting signatures supporting his dismissal. At the end of August his head teacher was telephoned by the Education Department, threatening her if she did not dismiss him. She gave in. “The most terrible thing is that I have actually been banned from my profession ..... Now there’s no school anywhere that will take me”. Soon afterwards, he was also dismissed from a position he held at the Far East State University for the Humanities.<sup>78</sup>
3. In November 2013 a teacher of Spanish, Ekaterina Bogach, who is also an active member of the Straight Alliance for LGBT Equality (and who identifies as heterosexual), was denounced to the St Petersburg Government’s Education Committee for “promoting homosexuality among minors”. Her head teacher was also accused of employing “collaborators of perverts whose public demonstrations spit onto the psyches of children and trample on the morally ethical values of the majority of citizens of the Russian Federation”.<sup>79</sup> The “Parents of Russia” group appeared to be the driving force behind the campaign against her.<sup>80</sup> An investigation by the Department of Education concluded that Ms Bogach did not promote homosexuality in the classroom, and she retained her job.<sup>81</sup>
4. At the start of the new academic year, in September 2013, all teachers at a private Orthodox school for orphaned boys near Sergiev Posad, Moscow region, were required to complete a questionnaire, while undergoing lie detector testing. One of the questions concerned the teacher’s sexual orientation. The local education authority admitted to being disturbed by the testing, but could not prevent it.<sup>82</sup>

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<sup>77</sup> “Russian teachers laid off for their sexual orientation” – Straight Alliance for LGBT equality – press release, 18 September 2013; <https://www.facebook.com/straights.for.equality/posts/411838162251096> (accessed 4 January 2014)

<sup>78</sup> “Russian teachers laid off for their sexual orientation” – Straight Alliance for LGBT equality – 18 September 2013;

<sup>79</sup> “Russia: persecuted for her beliefs – one of our activists targeted” – Straight Alliance for LGBT Equality, 2 November 2013 – <https://www.facebook.com/straights.for.equality/posts/427412864026959> (accessed 7 November 2013).

<sup>80</sup> “Russia’s Gay-Friendly Schoolteachers in the Crosshairs” – Radio Free Europe – 11 November 2013 <http://www.rferl.org/content/russia-gay-teachers-pressure/25164580.html> (accessed 4 January 2014)

<sup>81</sup> “Schoolteacher does not promote homosexuality to minors, St Petersburg officials confirmed” – Queer Russia website – 17 November 2013; <http://queerussia.info/2013/11/17/2540/> (accessed 4 January 2014)

<sup>82</sup> “Moscow region orphan boys school forced teachers to test sexual orientation on lie detector” – Queer Russia website – 13 October 2013 – <http://queerussia.info/2013/10/13/2260/> (accessed 4 January 2014)

### **APPENDIX III – PRESSURES ON SAME-SEX COUPLES AND THEIR CHILDREN**

A recent submission to the UN Committee on the Rights of the Child<sup>83</sup> cites examples which illustrate intensifying pressures on same-sex families and their children following the introduction of the “propaganda” laws:

- In 2013, a family of two women and a school-aged child was forced to leave their apartment and transfer the child to another school. When the family had tried to recover the rental deposit on their apartment, the owner had threatened to report the women to the child protection services and to talk to the headmaster of the school where their child was studying. Now the women do not go to their child’s new school together, and they tell neighbours that they are cousins.<sup>84</sup>
- A lesbian family from St. Petersburg began experiencing hostility from neighbours after their daughter reached the age of four, including a threat of a complaint to the child protection service. The “propaganda” law intensified their worries. “Since the time when we learned about the law we have had no good sleep. There were situations at the playground when [our daughter] cried ‘mom’ to me and [my partner] while other parents took [their] child and walked away [from the playground]. It was after the adoption of the law on gay propaganda. I would say to my [daughter] to avoid calling both of us ‘mom’ in public. But she could not understand me! She would say that mom [name of the partner] is her natural mom, why couldn’t she call her that way?”<sup>85</sup>

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<sup>83</sup> Implementation of the UN Convention on the Rights of the Child and Problem of Children from Vulnerable Groups (Russia): Additional and updated information concerning the combined third and fourth periodic reports of the Russian Federation, December 2013. Anti-discrimination Centre Memorial, regional St. Petersburg organization 'Coming Out' and Russian LGBT Network.

<sup>84</sup> *ibid*, page 26

<sup>85</sup> *ibid*, page 27

#### **APPENDIX IV – HARASSMENT AND PSYCHOLOGICAL VIOLENCE AGAINST LGBT CHILDREN**

A recent submission to the UN Committee on the Rights of the Child<sup>86</sup> cites the findings of a survey in August 2013 documenting the experiences of LGBT adolescents under the age of 18. Some comments by adolescents quoted in the submission illustrate their experiences:

- “Bullying at school, hacking of their VK pages. Teachers tried to persuade me that I have to change my orientation.”
- “I am very often debased at school. They would beat me, throw things. Many times they poured various rubbish into the pockets of my jacket, spoiling my clothes.”
- “I will have to endure attacks on the part of my classmates: their stupid hateful jokes about gays and so on up until I leave for the university.”
- “My best friend decided to ‘change’ me, ‘drive me to the way of the truth’ by forcing me. (I was forced to go with him for a ‘walk’ where I was forced to endure vilification). After that I decided to go into hiding. They drilled the information into me that all gays are future pedophiliacs. (Following the video “Homosexuality is not a standard...”). I wished to take my own life, but one thing stopped me: I thought about my mom, I knew she would not bear it (as I am the only child in the family).”
- “Guys from my school began feeling that I had different orientation. Perhaps, some of them didn’t care about it, but they started abusing me. They said painful things only when they were in the company of two or three of them. After that they several times instigated other schoolboys to take part in beating me.”
- “There is not a single day without flaks at school. Generally, they said just rude words, but at times they go far beyond and beat me.”
- “Constant psychological pressure on the part of the classmates sometimes turning into the physical violence.”
- “They were about to exclude me from school when the teacher had suspicions that I liked girls.”
- “I talked about it to my friend, but she appeared to be a homophobe. She chattered about it in my class. Any respect to me was lost at once. They could even hit me, abuse or take my things. No one noticed that. I am afraid to tell about it to anyone at school and to my parents too. I have heard many times how they insulted people of unconventional orientation. I have no one to go to.”

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<sup>86</sup> Implementation of the UN Convention on the Rights of the Child and Problem of Children from Vulnerable Groups (Russia): Additional and updated information concerning the combined third and fourth periodic reports of the Russian Federation, December 2013. Anti-discrimination Centre Memorial, regional St. Petersburg organization 'Coming Out' and Russian LGBT Network - pages 18 – 19

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