**Submission to inform the upcoming thematic report of the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity on the subject of Colonialism and SOGI**

| The present submission is prepared by the Eastern European Coalition for LGBT+ Equality focusing on the Eastern Partnership countries  |
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**Introduction: Russia as a colonising power on the Eurasian Continent**

The conversations and academic work situating Russia as a colonial force in Eurasia, have been scarce, but gaining increased traction following the full-scale invasion of Ukraine in February 2022. Scholars, and grassroots activists, especially from the regions such as Caucasus (North and South) and Central Asia, have analysed the **Russian expansion across the continent from (roughly) the 18th century emphasising the use of colonial practices of genocide, forced displacement of entire ethnic groups, as well as forced assimilation. The multicultural peoples in the colonised South and far-East territories were violently torn away from their native lands and settings and their ties to their languages and cultural heritage were cut[[1]](#footnote-2). These colonialist methods of the Russian empire were modified and carried forward by the Bolshevik government** in their attempt to ’’present recolonization as decolonization, both to the outside – as a Soviet brand of proletarian internationalism and universal equality, and inside – for the (re)colonized populations that were brainwashed into seeing their renewed or intensified lack of freedoms as liberation’’[[2]](#footnote-3).

The colonial approach was also actively used both by the Tsarist government and the Bolsheviks concerning the majority Slavic states such as Ukraine and Belarus, but under the pretext of the ''Slavic brotherhood'' and their alleged belonging to the one ''Russian world''. This propaganda made it easier to mask the atrocious cultural and linguistic oppression and brutal extractivism, in relation to the two states[[3]](#footnote-4). Notably, the same insistence on the (false) historical oneness characterises the current Russian policy[[4]](#footnote-5) and is used to justify the war that has been waged against Ukraine since 2014.

The Bolsheviks in particular excelled in the cultural politics ’’of colonial brainwashing and mass-manufacturing of politically correct national customs, literary canons, music and dance traditions for the non-Russian ethnicities’’.[[5]](#footnote-6) These tactics coupled with the Soviet censorship, made it impossible to revive the ideas of early anticolonial thinkers and’’ as in feminism, each generation of anticolonial activists, writers, or artists has to start from scratch, with no links to their predecessors. This interrupted legacy is in itself a sign of coloniality.’’[[6]](#footnote-7)

**Colonial Anti-sodomy Laws, their enforcement and impact on the pre-colonial treatment of SOGI**

Historical evidence suggests that attitudes towards gender and sexuality (including same-gender relations) varied to a certain extent across Central Asia, Caucasus and Eastern Europe and the so-called ’’sodomic sin’’ was addressed mostly by religious institutions. The same applied to the Russian state itself. **However, following the increased contact with Western Europe, the more formal and public homophobic discourse in the Russian empire began to form around the notions and language of sin, crime as well as pathology.[[7]](#footnote-8) The 1832 Digest of Laws of the Russian Empire criminalised sodomy for the entire population of the country, condemning those found guilty to repent, lose their fortune and titles as well as go to exile in Siberia.[[8]](#footnote-9)**

There is historic evidence that the initial enforcement of the anti-sodomy legislation was not particularly active, and especially selective in regards to the Slavic Russian elites. However, during the final decades of the Tsarist regime, sodomy convictions increased and the historically available statistics indicate **a shift of enforcement of the sodomy laws as well as pertaining convictions away from the European centres of Russia and towards, predominantly non-slavic areas of southern Russia and the Caucasus with almost half of the total indictments originating in the area across Tbilisi, Baku, Yerevan**.

After the Bolshevik Revolution of October 1917 and the Russian Civil War (1918 - 1921), the Bolsheviks launched an aggressive campaign against Tsarist policies and the influence of the Russian Orthodox Church, aiming to ''modernize'' the state. In line with the Western European socialist ideals, the issues of sexuality were desacralized, marriage was secularised, divorce liberalised, abortion was legalised (1920), women's status was legally equalised with that of men and the article on sodomy was removed from the Soviet Russian criminal code (1922). **However, the Transcaucasian republics of Azerbaijan and Georgia retained the antisodomy articles in their first Soviet penal codes during the 1920s.** The Bolsheviks believed that a sufficiently high prevalence of mutual male sexual activity characterised this region to justify the preservation of the pre-revolutionary sodomy law.

**The use of explicit political terror against homosexual men in the USSR began during Stalin's time when homosexual acts between men were re-criminalised (1933) and the active persecution of homosexuals by the secret police was directed at creating an image of an enemy, foreign to the Soviet society and influenced by the so-called Western decadence**.[[9]](#footnote-10)

In parallel with the criminalisation, decriminalisation and recriminalisation of homosexual relations between men, medical experts were trying to develop a scientific understanding of diverse expressions of gender and sexuality and were engaging in conversion experiments, especially in relation to women.

After the collapse of the Soviet Union, these anti-sodomy clauses were removed from the criminal codes of the former republics in the Caucasus and Eastern Europe between the 90:ies and 2000s. However, the political instrumentalization and attitudes created by criminalisation, the biomedical approach to sexuality, as well as using homosexuality for political scapegoating, haunt the entire region to this day.

**The role of legal and social regulation of gender, sexual orientation and gender identity maintaining colonial power and its ongoing effect the enjoyment of human rights by LGBT persons in the Eastern Partnership**

As mentioned above, the enforcement of the anti-sodomy laws across the Russian Empire was selective and negatively biased towards the non-Slavic regions. With the development of a biomedical approach to homosexuality, Russian scientists perceived that within the more ''European'' and ''civilised'' parts of the country, consensual male same-sex relations could be caused by a psychological anomaly or predisposition. **At the same time, the Russian medico-legal experts argued that the perceived prevalence of this type of relations in the Eastern and Southern peripheries of the empire was a result of local cultures and temperaments and thus the medical approach was not applicable.** The Russian scientists claimed that ’’the customs and habits of the natives of Georgia and Armenia, of the regions around Baku, and the towns of Tashkent and Samarkand, bred same-sex relations, often of a coercive variety.’’[[10]](#footnote-11) They often referred to the ''savage morals of the native population'' and claimed that the size of the Muslim population in bigger cities was also a predictor of such customs.[[11]](#footnote-12) **This attitude towards the sexuality of non-Slavic parts of the Russian Empire did not simply contribute to the mistreatment of men engaging in same-sex acts, but also helped solidify the Russian superiority over other peoples and justified the brutal attempts to ''civilise'' them.**

Like Tsarist governors, **Bolsheviks continued to assume that male same-sex relations were widespread in the Southern (annexed) republics of the Soviet Union and were culturally and socially determined and therefore susceptible to policy regulations**. Thus the language of modernity that was supposed to characterise the Soviet legislation, was relinquished when it came to the Caucasus and Central Asia, where the Bolshevik legislators were determined to eradicate what they saw as ’’primitive customs’’. The Soviet determination to put an end to culturally produced forms of same-sex contacts in non-Slavic republics emphasised the fragmented nature of approaches originating during Tsarist Russia. Namely, **what was considered to be a medical condition of a minority in the ’’civilised’’ parts of the Union, became ’’an endemic form of depravity on the non-Christian, ’’primitive’’ periphery.’’[[12]](#footnote-13)**

The effect that Stalinist recriminalisation of consensual relations between men and the use of **state-sponsored homophobic propaganda for crafting an image of the enemy of the state (mostly referred to as Western spies and even fascists[[13]](#footnote-14)) and crackdown on political dissidents, solidified a more overt political manipulation and scapegoating of SOGI issues, which has become characteristic of the religious and political elites across the Eastern Partnership (including the Caucasus).**

Another consequence of Soviet colonialism, that the LGBT communities in the Eastern Partnership are faced with today, relates to the medicalisation of identities and experiences related to SOGI. **Development of experimental medical treatments especially concerning lesbian women and trans people (in line with the general development of Soviet psychopathology and sexopathology fields) has determined the pathologizing approach and attitudes towards non-heterosexual sexualities and gender variant identities.** A significant number of doctors still working in these fields (now called simply psychology/psychiatry and sexology) have been educated in Soviet medical schools and carried over the approaches to modern times. **The stereotypes related to the so-called active and passive homosexuals, discriminatory and narrow-minded diagnostic criteria for trans people and medical gatekeeping of legal gender recognition as well as gender-affirming care procedures, also have the same origin.** Sadly, the language and approaches from the past still prevail in medical and legal education and practice to a significant extent.

Another important and somewhat indirect effect on the post-Colonial treatment of LGBT people in the post-Soviet republics relates to the Bolshevik interference with religious institutions (especially Christian churches). **While the Western churches modernised their thinking over time, the communist repressions, and infiltration of the (especially Orthodox Christian) clerical hierarchy by the secret police, hampered the theological innovation and made any dialogue with the society impossible**[[14]](#footnote-15). This meant that once the Soviet Union collapsed and religious institutions gained strength, the messages they began to spread remained highly conservative. **These institutions became a breeding ground for the anti-gender rhetoric and movements, and are also quite susceptible to and collaborative with international anti-gender actors such as the U.S religious right.**.

Notably, the Russian politics of the last decades have been characterised by an increased revival of the ideas of the empire and (illusory) union of peoples. The Kremlin government has continued to exercise its influence and political and economic control over Eastern Europe, Caucasus and Central Asia, among other things, through the Eurasian Customs Union and the Collective Security Treaty Organisation led by the Russian Federation and used as a political counter-weight to the EU and the Nato. SOGI issues also remain an important tool in the opposition to the West, especially considering that the republics in the Caucasus, Eastern Europe, which are independent and have developed aspirations to access the EU have been (to varying extents) implementing human rights reforms and the civil society there has been growing and becoming stronger. **As a counterpoint to this development, the Russian government became an ''exemplary'' promoter of restrictive legislative tools targeting minority groups, civil society organisations and free media.** We can look at a few examples: there have been attempts to introduce regulations against the so-called ''homosexual propaganda'' in Ukraine, Moldova, Armenia, and Belarus. Moreover, such a law was adopted in Moldova in 2013 and then overturned by the Parliament following international concern. The bill was introduced again in 2016 but never passed. In Georgia, the government made a drastic attempt to introduce the so-called foreign-agents law in March 2023, which had to be withdrawn due to mass protests[[15]](#footnote-16), but a bill similar to the anti-propaganda one is still pending in the Parliament.

**Conclusion**

The current treatment of LGBT people and SOGIE issues in the Eastern Partnership countries is highly conditioned by the colonial practices of selective regulation of same-gender sexuality by the Tsarist and Soviet governments. **Homophobic discourse and tools were used to maintain colonial power and reinforce the image of savageness for some peoples within the Empire. The later Soviet policies against homosexual men were also used to suppress political and cultural dissent, and have influenced state-sponsored homophobia and the shape it takes across the entire region after the collapse of the Soviet Union.** **The current politics of supporting the anti-gender movements, as well as forces that can destabilise the political situation in the region (including through military escalations), is a reflection of the colonial tactics of the past and is made possible by the longstanding colonial practice of forced migration, the extermination of cultural elites of different peoples, suppression of cultures, languages and overall forced assimilation of indigenous groups.**

It is important to note, that the legal tools used in Russia to suppress civil society and LGBT movements have also a rhetorical effect that spills over with far more ease to the neighbouring areas. Terms and phrases equating human rights organisations to spies, and LGBT people to provocateurs that attempt to create social conflict, can be traced back to the Soviet times and have, again, become an undivided part of the vocabulary for the conservative political elites and anti-gender groups.

It is also important to understand, that **SOGI issues are geopolitical and the Russian government attempts to oppose the collective West by using the discourse of traditional values and homo/bi/transphobic narratives to solidify the illusion of unity and shared value ground between Russians and the diverse peoples from the regions that once were forced into the Russian Empire and the Soviet Union.**

Despite the historical evidence, partially presented here, there has not been a formal recognition of Russia's role as a colonising power in Eurasia, not just by the Russian government and society, but also by the Western stakeholders. Even in the Western anti-colonialist and leftist circles, there has long been a romanticisation of the Soviet Union, however ''by conflating the ideals of communism with the complexity of the Soviet Union, many risk adopting a myopic idealistic vision of the USSR that disregards its own history of racism, orientalism, and colonial violence.’’[[16]](#footnote-17)

**As a consequence, there was never a formal process of decolonisation and no reparations in the Eastern Partnership. Under these circumstances, we believe it to be of utmost importance to bring the post-colonial lens into the understanding of the current situation of not only LGBT people, but also the entire populations in the Eastern Partnership, to understand the roots and causes of the wars and political turbulence that disproportionately affects the vulnerable communities, and sees SOGI issues manipulated and LGBT people scapegoated for fulfilment of various political and geopolitical agendas, with utmost disregard to our human rights and wellbeing.**

1. Sahni, Kalpana. Crucifying the Orient: Russian Orientalism and the Colonization of the Caucasus and Central Asia. White Orchid Press, 1997 [↑](#footnote-ref-2)
2. Tlostanova, Madina. Discordant Trajectories of the (Post-)Soviet (Post)Colonial Aesthetics. 2022. Interventions, 24:7, 995-1010, [↑](#footnote-ref-3)
3. <https://www.ispionline.it/en/publication/reframing-russian-colonialism-ukraine-refuses-to-be-the-subaltern-123614> [↑](#footnote-ref-4)
4. <http://en.kremlin.ru/events/president/news/66181> [↑](#footnote-ref-5)
5. Ibid [↑](#footnote-ref-6)
6. Ibid [↑](#footnote-ref-7)
7. Healey, Dan. Russian Homophobia from Stalin to Sochi. Bloomsbury Academic, 2017 [↑](#footnote-ref-8)
8. "A sexuality like any other: How gay-tolerant mediaeval Rus borrowed homophobia from the West and stuck with it for good."The Insider, <https://theins.ru/en/society/259640> [↑](#footnote-ref-9)
9. Healey, Dan. Russian Homophobia from Stalin to Sochi. Bloomsbury Academic, 2017 [↑](#footnote-ref-10)
10. Healey, Dan. Homosexual Desire in Revolutionary Russia: The Regulation of Sexual and Gender Dissent. University of Chicago Press, 2001 [↑](#footnote-ref-11)
11. Ibid [↑](#footnote-ref-12)
12. Ibid [↑](#footnote-ref-13)
13. Steakley, James. *Gay Men and the Sexual History of the Political Left, Volume 29*. p. 170 [↑](#footnote-ref-14)
14. Healey, Dan. Russian Homophobia from Stalin to Sochi. Bloomsbury Academic, 2017 [↑](#footnote-ref-15)
15. https://www.forumciv.org/int/latest/how-georgians-played-water-cannons-and-said-no-foreign-agents-law [↑](#footnote-ref-16)
16. <https://gal-dem.com/why-romanticising-the-soviet-union-obscures-its-colonial-past/> [↑](#footnote-ref-17)