

COMING OUT

LGBT GROUP



Input by the LGBTQ+ Initiative Group "Coming Out"¹ to be discussed at the 4th session of the Forum on Human Rights, Democracy and the Rule of Law

The Russian Ministry of Justice has added "Coming Out" to the list of so-called "foreign agents", and we are obliged to mark our reports with this disclaimer

Introduction

LGBT* people and LGBT* communities in Russia are in a very vulnerable position, being discriminated against by the state at the regulatory level and in everyday life. Homophobia and transphobia are being increasingly institutionalised, enshrined in legislation up to the Constitution level. In 2013 the state adopted the gay propaganda law², initiating an institutional stigma of LGBT* communities. The trend was further developed using pressure on civil society in general, and especially on the LGBT organisations and initiatives. Since the laws on "foreign agents" were passed, an increasing number of activists and organisations were put on the "foreign agents" list.

In 2020-2022 homophobic rhetoric came to its peak. According to the adopted constitutional amendments, only the union of a man and a woman can be recognised as a marriage in Russia. New separate legislations violating human rights and enforcing discrimination against LGBT* people appear regularly. For example, a draft law prescribing a penalty for homosexual relations propaganda in Russia has been recently submitted for consideration and adoption to the Russian Parliament, the State Duma³.

The Russian government prefers not to identify LGBTQ+ as a social group, thus, from the state point of view, there can be no "additional" vulnerabilities. The problems of LGBTQ+ people are practically invisible to the authorities. Since the state does not perceive LGBTQ+ as a social group with specific characteristics and needs, it does not gather any information about discrimination, rights protection, needs and vulnerabilities of the LGBTQ+ people. The only data source on LGBTQ+ is non-governmental organisations, civil society associations and grass-roots LGBTQ+ initiatives. One of the examples of collection and data analysis regarding human rights and needs

¹ "Coming Out" (<https://comingoutspb.com/eng/>) — a regional non-profit initiative group founded in 2008 in St. Petersburg, Russia. We work for universal recognition of human dignity and equal rights for all regardless of sexual orientation or gender identity (SOGI) by lobbying and advocating educational and cultural events and providing psychological and legal services to LGBT* people

² Federal Law of 29 June 2013, No 135-FZ, "On the introduction of amendments into article 5 of the Federal Law "On the protection of children from information liable to be injurious to their health and development" and individual legislative documents of the Russian Federation aimed at protecting children from information promoting the denial of traditional family values"

³ <https://www.fontanka.ru/2022/06/08/71393735/>

of LGBTQ+ people in Russia is the “Report on the LGBT* people in St. Petersburg in 2021”, prepared by the LGBTQ+ initiative group “Coming Out”⁴ and other analytical materials⁵.

At the same time, it should be noted that one of the positive results of our work was that the Ombudsman of St. Petersburg included the data collected by Coming Out in his Annual Reports for several years in a row. However, the new ombudsman, who came at the end of 2021, is no longer ready to draw the attention of the authorities to these issues.

Another progressive development is that in 2021 a transgender woman became the head of one of the regional political parties in Russia. This shows that the level of transphobia in society may be less than it seems and less than the government tries to present it⁶.

LGBTQ+ people’s rights and the Sustainable Development Goals

The Sustainable Development Goals (SDGs) are not the most popular approach among Russian officials. We have no evidence of them being used as a blueprint for actions or as a reference for the government policy in Russia. Only some non-profit community organisations use SDGs as a guide. Government officials at various levels often make decisions and take actions that contradict the SDGs. They also create additional challenges for LGBTQ+ people.

In addition, since all information relating to sexual orientation or gender identity can be construed as propaganda, any attempt to collect data and provide sexual education by initiatives and activists can be prosecuted, making it almost illegal⁷.

Sustainment Development Goal 16: Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels.

Following resolution 46/4, adopted on 23 March 2021 by the Human Rights Council, governments were urged to take emergency measures during the COVID-19 pandemic on a non-discriminatory basis. The application of such measures should follow the state obligations for human rights observance.

The Russian government has taken measures against the spread of infection that violate the specified provision of resolution 46/4 adopted on 23 March 2021, prohibiting any public events organised by anyone but the government⁸. Thus, due to the COVID-19 pandemic, there were significantly fewer street actions in 2020-2021 than in previous years. For example, in 2019, almost three times more people participated in various LGBTQ+ street events⁹, and half of them faced various problems such as attacks, threats, and the need to disclose their sexual orientation and gender identity.

⁴ <https://comingoutspb.com/publikatsii/monitoring-diskriminatsii/doklad-o-polozhenii-lgbt-soobshchestva-v-sankt-peterburge-v-2021-godu/>

⁵ <https://comingoutspb.com/publikatsii/>

⁶ <https://meduza.io/feature/2021/11/17/yuliya-aleshina-iz-altayskogo-kрая-pervaya-v-rossii-transgendernaya-zhenschina-politik-my-s-ney-pogovorili>

⁷ <https://www.rbc.ru/rbcfreenews/5b735cb89a7947d160ee8ea4>

⁸ <https://severpost.ru/read/118333/>

⁹ <https://comingoutspb.com/publikatsii/monitoring-diskriminatsii/2021-doklad-o-polozhenii-lgbt-soobshchestva-v-sankt-peterburge-v-2020-godu/>

In addition, the authorities continue to exert pressure on civil society which affects organisations that support and develop legislation for LGBTQ+ rights protection. In 2021 and 2022, most of the LGBTQ+ organisations and initiatives were included in the list of so-called "foreign agents"¹⁰. This makes it difficult or even impossible to continue their work. The reason why the state recognises these organisations as "foreign agents" is because of their actions, which are perceived as political activities¹¹, while in fact, these organisations are just providing support¹².

Consequently, this means that any participation in decision-making processes for LGBTQ+ people and organisations is illegal.

The circumstances will lead to the inevitable failure to achieve the SDG 16.10: Ensure public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements.

What is more, the number of violent attacks against LGBTQ+ people in Russia, committed out of hatred for a social group with the acquiescence of the authorities increases. It is confirmed by the data from the reports on the state of the LGBTQ+ community in St. Petersburg over the past 3 years¹³.

In such circumstances, it is not possible to achieve the SDG target 16.1 "Significantly reduce all forms of violence and related death rates everywhere".

Apart from that, numerous cases in legal assistance for LGBTQ+ indicate the tendency of discriminatory restrictions on access to justice. Here is one tragic example of such a case: on October 20, 2014, two gay girls were attacked near the subway because of their appearance. Numerous complaints to their managers, the prosecutor's office, and the court, did not bring any results - the attackers were not identified and were not subject to punishment provided by the legislation of the Russian Federation. Although it could have been possible if there were a proper and prompt investigation. In 2020 after exhausting all possibilities at the national level, they received a decision from CEDAW on the ineffective investigation of hate crimes against lesbians.

By the decision on January 19, 2022, the District Court of St. Petersburg granted the claim "to issue compensation for moral damages caused by untimely and ineffective crime investigation"¹⁴. More similar examples can be found in the materials, prepared by the LGBTQ+ group "Coming out" - "Strategic Litigation - Protecting the Rights of LGBT* People"¹⁵.

The current trend shows how much time and effort it takes to exercise one's right to access justice in the Russian Federation. This makes it impossible to achieve the Sustainable Development Goal 16.3 "Promote the rule of law at the national and international levels and ensure equal access to justice for all."

¹⁰ <https://lenizdat.ru/articles/1159891/>

¹¹ <https://www.rbc.ru/politics/14/06/2022/62a84e289a7947b436f60a6c>

¹² <https://www.rbc.ru/politics/11/02/2022/6206a9509a79478b95cc66a6>

¹³ <https://comingoutspb.com/publikatsii/>

¹⁴ https://comingoutspb.com/news/vpervye-v-rossii-vykhod-dobilsya-kompensatsii-na-osnovanii-resheniya-cedaw/?sphrase_id=3381

¹⁵ <https://comingoutspb.com/publikatsii/prava-cheloveka/2020-strategicheskoe-sudoproizvodstvo-zashchita-prav-lgbt-lyudey/>

Conclusion

Given the above, we would like to inform you about the challenges faced by the democratic values in Russia and the obstacles to the implementation of the Sustainable Development Goals in particular. We would like to propose these challenges for discussion at the 4th session of the Forum on Human Rights, Democracy and the Rule of Law to develop measures to improve the current situation.

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