



February 2024

## **Input for the Report on respecting the rights of LGBTI people in the context of business activities: fulfilling obligations and responsibilities under the UNGPs**

### **I. Background of Submitting Organisation**

**Coming out** ([comingoutspb.com](http://comingoutspb.com)) is a regional nonprofit initiative group founded in 2008 in St. Petersburg, Russia. It has been protecting the rights of the LGBTQ+ community and helping queer people live more peacefully in Russia. The main goal of the Coming Out LGBTQ+ group is to establish equal legal and social rights for everyone, regardless of their sexual orientation and/or gender identity. The group monitors discrimination to collect evidence of the experiences of LGBTQ+ people in Russia and works with the authorities on cases of discrimination and violence.

### **II. Introduction**

In Russia, there are no direct legal prohibitions on the participation of LGBTQ+ people in business activities, just as there are no direct restrictions on the principle of sexual orientation and gender identity. A recent [statement](#) by the Russian President reiterated that Russia has a tolerant attitude towards LGBTQ+ people and that there are no restrictions on them. However, existing discriminatory legislation, which is perceived as targeting only the dissemination of information about so-called "non-traditional relationships," also affects the economic rights of LGBTQ+ people, significantly limiting their ability to participate in business processes.

### **III. Restrictions on business rights for LGBTQ+ people in Russia**

The 'propaganda' law has significant implications for Russian LGBTQ+ people, especially in its new version. Since December 2022, 'propaganda of non-traditional relationships' has been banned not only for minors, but also for any recipients, regardless of their age<sup>1</sup>. As a result of this law, both free and commercial distribution of LGBTQ+ content has been banned. There are regular reports of books with LGBTQ+ characters being withdrawn from sale, restrictions on the distribution of films or the distribution of content on streaming platforms if it contains LGBTQ+ themes, and so on.

In late 2023, we conducted research on the impact of the revised 'gay propaganda' law on LGBTQ+ people in Russia. More than half of the respondents said that the new law had worsened access to LGBTQ+ content or various LGBTQ+ products (symbols, LGBTQ+ literature) both offline: in shops, cinemas, libraries, etc., and online. This was reported by 68% and 66.3% of respondents respectively. Censorship restrictions, reinforced by the new

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<sup>1</sup> *Russia: Expanded 'Gay Propaganda' Ban Progresses Toward Law*, HUM. RTS. WATCH (Nov. 25, 2022, 9:30 AM) (hereinafter '*Gay Propaganda' Ban*'), <https://www.hrw.org/news/2022/11/25/russia-expanded-gay-propaganda-ban-progresses-toward-law>.

law on "propaganda", become a double-edged sword for both those interested in LGBTQ+ content and those who produce it in one way or another (writers, artists, filmmakers, journalists, researchers, bloggers). Not only does this law restrict the dissemination of information, it also deprives many people of income, professional development and the ability to express themselves. For example, one of the respondents described their situation as: "Ridero Publishing removed my book from their website." (Asexual Non-Binary Transgender Man, 18). Another respondent, homosexual cisgender male, 18 years old, reported: "Limited opportunities for professional development (I work in the cinema, many topics have become taboo, films, scripts and TV series are now shelved)". It is important to note that for young LGBTQ+ people just starting out in their careers, opportunities to get involved in business, selling and promoting their own work are particularly limited.

The new foreign agents law also restricts business rights of LGBTQ+ people. Law 121-FZ (the Foreign Agents Law) was expanded to provide authorities with additional monitoring measures and to increase the number of prohibited activities<sup>2</sup>. The revised law imposes significant restrictions upon individuals and organisations who are perceived to be "under foreign influence" (not just foreign funding). There is significant ambiguity around what qualifies as "foreign influence," allowing the State to have substantial control over what narratives Russian citizens and organisations are able to advance. The law also bans 'foreign agents' from educational and pedagogical activities, participation in election commissions, public service and Russian state funding. Thus, it is impossible for "foreign agents" to engage in business in the sphere of educational and pedagogical services. In February 2024, a bill was [passed](#) that would ban advertisers from working with "foreign agents". Thus, the advertising business becomes inaccessible for so-called "foreign agents".

Restrictions on "foreign agents" have direct relevance to LGBTQ+ people. LGBT propaganda (or 'propaganda of non-traditional relationships') is one of the regular grounds for a declaration by a 'foreign agent'. The main Russian federal and region LGBTQ+ and feminist organisations and some LGBTQ+ and feminist activists personally are included in the Registry of Foreign Agents.

Lastly, the Russian Supreme Court issued a ruling in November 2023 stating that the "international LGBTQ+ movement and its structural units" are "extremist" and therefore banned throughout the country.<sup>3</sup> This ruling includes a ban on the rainbow flag in any form. This has already led to restrictions on the sale of rainbow symbols. From the end of 2024, regular police raids on gay and queer clubs and parties (even secret ones) began. As a result, several establishments were closed down. Thus, the entertainment business for LGBTQ+ people is also undergoing strong state pressure.

As businesses that cater to the LGBTQ+ community are often run by LGBTQ+ people themselves, all of the above restrictions directly affect their business and human rights.

#### **IV. Conclusion**

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<sup>2</sup> New law on activities of foreign agents // The State Duma. The Federal Assembly of the Russian Federation. 29 June 2022. <http://duma.gov.ru/en/news/54760/>.

<sup>3</sup> *Russia: First Convictions Under LGBT 'Extremist' Ruling*, HUM. RTS. WATCH (Feb. 15, 2024, 12:00 AM) (hereinafter *LGBT 'Extremist' Ruling*); Press Release, *supra* note 7.

As can be seen, the rights of Russian LGBT people to freedom of opinion and expression are severely limited, which also affects their access to social, cultural, and economic rights. In addition to direct restrictions on economic development opportunities, the constant threat of political persecution and administrative or criminal sanctions for openly expressing their sexual orientation and gender identity makes LGBTQ+ people in Russia generally less willing to take economic risks and engage in business activities.

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