

Commentary by LGBTQ+ group “Coming Out”

To the High Commissioner for Human Rights

**April 2024**

**Use of Administrative Measures in Counter Terrorism – Report to the Human Rights Council on Terrorism and Human Rights**

**I. Background of Submitting Organisation**

This report was prepared by the Coming Out LGBTQ+ group with the assistance of Joseph (Andrei) Wiemann, J.D. Candidate 2024, Georgetown University Law Center, who is doing legal fieldwork with our organisation.

**Coming out** ([comingoutspb.com](https://comingoutspb.com/en/)) 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. Russia’s Supreme Court Decision Labelling “International LGBT Movement” as “Extremist”**

In November 2023, the Russian Supreme Court ruled that the “international LGBT movement and its structural units” are “extremist” and therefore banned throughout the country.[[1]](#footnote-1) This ruling, which includes a prohibition on the rainbow flag in any form, has forced “human rights defenders and organizations working to defend the human rights of LGBT people in Russia . . . to discontinue their activities, fearing criminal prosecution.”[[2]](#footnote-2) Those found guilty of “displaying extremist group symbols” face imprisonment of up to fifteen days for their first offense and up to four years for their second offense, while “participating in or financing an extremist organization” faces imprisonment of up to twelve years.[[3]](#footnote-3) Given how recent this ruling is, it is unknown exactly how detrimental the effects will be, but already there have been “a series of police raids of gay clubs, incidents of self-censorship, and an uptick in requests for legal advice from remaining LGBT support groups.”[[4]](#footnote-4) Most notably, just a few weeks ago, Russian police raided an LGBTQ+ club, Pose, in Orenburg, arresting two club employees, Alexander Klimov and Diana Kamilyanova.[[5]](#footnote-5) Klimov, the club’s art director, and Kamilyanova, the bar manager, are now facing up to ten years in prison for allegedly permitting and filming drag performances within the club.[[6]](#footnote-6) These arrests and corresponding criminal trial, which is the first of its kind after the LGBT “extremist” court ruling, not only violate international human rights law, but also signify the State’s desire to expand their suppression of LGBTQ+ rights within Russia.

On 28 March, Rosfinmonitoring (the Federal Financial Monitoring Service of the Russian Federation) added Diana Kamilyanova and Alexander Klimov to its list of terrorists and extremists.[[7]](#footnote-7) A record number of people have been added to Russia's list of terrorists and extremists so far this year, independent journalists have calculated.[[8]](#footnote-8) Against the background of the recent brutal terrorist attack on the Crocus City Hall, experts say that the active expansion of the list of extremists and terrorists to include the LGBT movement, organisations associated with Alexei Navalny, Jehovah's Witnesses, Meta, etc., is putting additional strain on the security services, which is probably why they failed to prevent the terrorist attack in Moscow.[[9]](#footnote-9)

 What further complicates the situation in Russia, is that there is no universal definition of what qualifies as “extremism.” This allows the Russian government to have substantial control over what activities their citizens and organizations are able to participate it, while also criminalizing behavior that is not inherently harmful or violent. As explained in a United Nations Press Release last December, “[t]he term ‘extremism’ has no basis in international law, and when it triggers criminal liability, it is incompatible with human rights.”[[10]](#footnote-10) This incompatibility is exemplified by Russia’s criminalization of the LGBT movement, as numerous international human rights that pertain to the full participation of LGBT individuals and organizations in civil society are severely impacted. These rights include: (i) the right to freedom of opinion and expression;[[11]](#footnote-11) (ii) the right to peaceful assembly and association;[[12]](#footnote-12) (iii) the right freely to participate in the cultural life of the community;[[13]](#footnote-13) (iv) the right to liberty and security of person;[[14]](#footnote-14) (v) the right to equal protection against any discrimination;[[15]](#footnote-15) and (vi) the right to be free from arbitrary arrest, detention, and exile.[[16]](#footnote-16) Unfortunately, these rights are being infringed upon and blatantly disregarded by the State in their attempt to mitigate LGBTQ+ activism and silence LGBTQ+ individuals. Prosecutions and convictions against innocent citizens, much like Alexander Klimov and Diana Kamilyanova, are not only likely to continue, but ultimately increase as Russia enforces their prohibitions against the LGBTQ+ community by falsely labeling them as “extremists.”

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1. *Russia: First Convictions Under LGBT ‘Extremist’ Ruling*, Hum. Rts. Watch (Feb. 15, 2024, 12:00 AM) [hereinafter Hum. Rts. Watch], https://www.hrw.org/news/2024/02/15/russia-first-convictions-under-lgbt-extremist-ruling; Press Release, U.N. Experts Condemn Russian Supreme Court Decision Banning “LGBT Movement” as “Extremist” (Dec. 7, 2023) [hereinafter Press Release]. [↑](#footnote-ref-1)
2. Press Release, *supra* note 1, at ¶ 5. [↑](#footnote-ref-2)
3. Hum. Rts. Watch, *supra* note 1, at ¶ 6. Recently, a woman was sentenced to five days in jail for wearing rainbow earrings, while another woman was fined for posting a rainbow flag on her social media. *Id.* at ¶ 2. [↑](#footnote-ref-3)
4. *Id.* at ¶ 4. [↑](#footnote-ref-4)
5. *Russia Arrests Gay Club Managers in First LGBTQ+ ‘Extremism’ Criminal Case*, Moscow Times (Mar. 20, 2024) [hereinafter Moscow Times], https://www.themoscowtimes.com/2024/03/20/russia-arrests-gay-club-managers-in-first-lgbtq-extremism-criminal-case-a84548; BBC Russian, *Two Arrested in Russia's First LGBTQ+ Extremism Case*, BBC (Mar. 20, 2024), https://www.bbc.com/news/world-europe-68615477. [↑](#footnote-ref-5)
6. Moscow Times, *supra* note 5. [↑](#footnote-ref-6)
7. *Managers of Russian gay club added to list of ‘terrorists and extremists,’* Novaya Gazeta Europe (Mar. 28, 2024), https://novayagazeta.eu/articles/2024/03/30/managers-of-russian-gay-club-added-to-list-of-terrorists-and-extremists-en-news. [↑](#footnote-ref-7)
8. *Record number of additions to Russia’s list of terrorists and extremists so far this year,* Novaya Gazeta Europe (Apr. 2, 2024), https://novayagazeta.eu/articles/2024/04/02/record-number-of-additions-to-russias-list-of-terrorists-and-extremists-so-far-this-year-en-news. [↑](#footnote-ref-8)
9. *Why Russian intelligence dismissed US warnings of terror threat,* Financial Times (Apr. 3, 2024), https://www.ft.com/content/43812009-f7fc-4ddb-85d9-04d8165c7dd1. [↑](#footnote-ref-9)
10. Press Release, *supra* note 1, at ¶ 9. [↑](#footnote-ref-10)
11. G.A. Res. 217 (III) A, Universal Declaration of Human Rights, at art. 19 (Dec. 10, 1948). [↑](#footnote-ref-11)
12. *Id.* at art. 20. [↑](#footnote-ref-12)
13. *Id.* at art. 27. [↑](#footnote-ref-13)
14. *Id.* at art. 3. [↑](#footnote-ref-14)
15. *Id.* at art. 7. [↑](#footnote-ref-15)
16. *Id.* at art. 9. [↑](#footnote-ref-16)