



**“We Have the Upper Hand”
Freedom of assembly in Russia and the human rights of lesbian, gay,
bisexual, and transgender people**

By Human Rights Watch and the European Region of the International Lesbian and
Gay Association (ILGA– Europe)

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I. Introduction

For the second year in a row, on Sunday, May 27, 2007, a small group of lesbian, gay, bisexual, and transgender (LGBT) activists and their supporters tried to stage a peaceful public demonstration in Moscow to claim their rights. For the second year in a row, anti-gay nationalist groups assaulted them, beating some severely, pelting others with rocks and eggs. For the second year in a row, police sided with the violent rather than the victims. They failed to protect peaceful demonstrators; in some cases, they colluded with the attacking extremists.

Police arrested almost 20 people engaged only in nonviolent protest¹—three times more than in 2006—along with a lesser number of their attackers.

These attacks and arrests come amid a deteriorating climate for human rights in Russia, with freedoms of expression and assembly increasingly in jeopardy. Journalists have faced harassment and murder. A 2006 law on nongovernmental organizations (NGOs) allows for unprecedented government interference into their work. Authorities increasingly crack down on demonstrations challenging government policies—refusing permits and subjecting protesters to excessive force and arrests.²

Attempts to hold a gay pride parade in Moscow have met not just official prohibition but official vilification. Moscow Mayor Yuri Luzhkov, who denied a permit to public

¹ A spokesman for the Moscow mayor, as noted below, said that 18 “gay activists” had been arrested, a figure apparently not including four foreigners—a member of the German Bundestag and his partner, an Italian member of the European Parliament, and a European Parliament staffer.

² For example, in April 2007 police violently broke up “Dissenter’s Marches” in Moscow, Nizhny Novgorod, and St. Petersburg, organized by “Another Russia,” a coalition of left- and right-wing opposition movements. They beat many demonstrators and detained hundreds. See “Russia: Police Break up Peaceful Demonstration,” Human Rights Watch news release, April 15, 2007, <http://hrw.org/english/docs/2007/04/15/russia15699.htm>. To prevent another “Dissenters’ March” planned around the Russia-EU summit in Samara in May, authorities detained organizers, human rights activists, and independent journalists. See “Russia: Pre-Summit Crackdown Shows Why EU Must Speak Up,” Human Rights Watch news release, May 17, 2007, <http://hrw.org/english/docs/2007/05/16/russia15951.htm>; “Organizers of ‘Dissenters’ March’ pressured in Samara,” *Prima News*, May 17, 2007, <http://www.prima-news.ru/eng/news/news/2007/5/17/38204.html> (accessed June 5, 2007); and David Nowak and Nikolaus von Twickel, “Kasparov Misses Plane to Samara,” *Moscow Times*, May 21, 2007, <http://www.themoscowtimes.com/stories/2007/05/21/002.html> (accessed June 5, 2007).

pride events in 2006, said in February 2007, “Last year, Moscow came under unprecedented pressure to sanction the gay parade, which can be described in no other way than as Satanic. We did not let the parade take place then, and we are not going to allow it in the future.” President Vladimir Putin tacitly gave Luzhkov his approval, suggesting that LGBT people’s rights conflicted with protecting “demography.”³

Since the Moscow gay pride events in 2006, a new wave of LGBT activism has risen in Russia. Not all these still-small groups participated in the 2007 pride events. All, however, are determined to see a more open society. More than two dozen human rights organizations, including LGBT groups, signed a letter in March 2007 condemning violations based on sexual orientation and gender identity. Even after the May 27 arrests, Human Rights Watch spoke to two young Russians—waiting outside a Moscow police station for their friends to be freed—who described their hopes to start networks of gay and heterosexual people working together, to share experiences and fight hatred.

Russia’s chances to become an open society are still alive, but fading. While the violence at Moscow Pride 2007 has drawn global attention, it is vital to place the recent brutality in the broader context of diminished civil rights in Russia, in particular the right to freedom of assembly. With free expression stifled, civil society harassed, and independent media under steady attack, preserving the right to public assembly and protest has become a critical struggle. LGBT people’s ability in Russia to speak out and gather together is inseparable from all people’s capacity to exercise these liberties—and hinges on an end to the spread of repression. Ruslan Zuev, of the LGBT Network Russia, says, “Lesbian, gay, bisexual, and transgender people have no access to the mass media in Russia; they are mentioned only to be despised. Almost our only opportunity to reach the public is by making a public demonstration on the pavements.”⁴ Much the same is true of all democratic movements in Russia. All must be defended.

³ Both quoted in “Putin signals support for Luzhkov’s gay parade ban,” *Russia News & Information Agency (RIA) Novosti*, February 1, 2007, <http://en.rian.ru/russia/20070201/60045003.html> (accessed May 28, 2007). Asked about Luzhkov’s stance, Putin, while saying he respected human freedoms, observed that “I link this issue to the performance of my duties and [to] one of the main problems in the country—demography.” In 2006 Putin had called for increasing Russia’s birthrate as a central issue in his state of the nation address.

⁴ Ruslan Zuev, statement at a press conference hosted by the Moscow Helsinki Group, May 28, 2007.

II. Banned, Beaten, Jailed: the Demonstration of May 27

On May 14, Moscow Pride organizers submitted to Mayor Luzhkov official notification of plans for a human rights march on May 27.

On May 15, Moscow city authorities stated that after a “meeting between city administration officials and the organizers of the gay pride parade,” the latter “received an official refusal for this event ... [A] gay pride parade would violate the rights and interests of other citizens, contravening applicable laws.”⁵ Moscow Pride organizers denied that any “meeting” had taken place, or any refusal had been received.

To inaugurate Moscow Pride 2007, a conference on human rights took place at the Moscow Swissotel on May 25-26. Russian participants were joined by foreign activists from Austria, Belarus, France, Moldova, Sweden, the United Kingdom, the United States, and other countries, as well as member of the German Bundestag Volker Beck; member of the Italian Parliament Vladimir Luxuria; and Sophie In't Veld of the Netherlands and Marco Cappatto of Italy, members of the European Parliament.

On Saturday, May 26, the LGBT Network Russia, Free Radicals, and Green Alternative held a demonstration in Pushkin Square to protest homophobia and xenophobia. The request to City Hall for authorization had not mentioned homosexuality, and about 15 police protected some 40 demonstrators.

On the same day, nationalists organized two large protests against Moscow Pride. At Slavyanskaya Square, the ultra-Orthodox “People’s Union” had assembled some 300 people. The independent press reported shouts of “Our ‘scouts’ will be in the center tomorrow. Faggots won’t get through!” Beside the All-Russian Exhibition Center, a larger crowd gathered, assembled by neo-Nazi groups. Russian National

⁵ “Moscow bans gay pride parade for the second time,” *Pravda*, May 15, 2007. http://english.pravda.ru/russia/history/15-05-2007/91472-gay_parade-o (accessed May 18, 2007).

Socialist leader Dmitry Rumiantsev told the audience, “I hear tomorrow there will be some sort of parade. Happy hunting, wolves!”⁶

Originally, organizers of Moscow Pride 2007 had planned a larger-scale march down Tverskaya Street. However, they scaled this back at the last minute. On the day of the planned pride events, May 27, a few LGBT supporters, including Nikolay Alexeyev, Beck, Cappatto, Luxuria, and In’t Veld, planned to approach City Hall on Tverskaya Street at noon with a petition. Signed by 49 European parliamentarians, the petition asked Mayor Luzhkov to permit demonstrations in support of gay rights.

As noon approached around 30 other participants gradually gathered across the street, at Tverskaya Square near the statue of Yuri Dolgoruky. Most were not formally connected with Pride organizers, and many did not know of the organizers’ final plans, but wished to show support. As one told Human Rights Watch, “I knew that some activists were going to demonstrate for lesbian and gay rights, and I simply wanted to take part.”⁷ Those not directly involved with the pride organizers made up the majority of those later arrested.

Representatives of Human Rights Watch and the European Region of the International Gay and Lesbian Association (ILGA-Europe) arriving at Tverskaya square at 11 a.m. found it already barricaded off by Moscow police. Small groups of skinheads and nationalist extremists began to infiltrate the area around it.

When Pride leaders approached City Hall at noon, a group of homophobic nationalists surrounded them.⁸ Regular and riot police (*OMON*, *Otryad Militsii Osobogo Naznachenya*) immediately arrested Nikolay Alexeyev, Nikolay Khramov of the Russian Radicals, and Sergey Konstantinov of the Free Radicals, dragging them to a detention truck. A Human Rights Watch representative witnessed Konstantinov

⁶ “Gay Parade United European Parliamentarians, Riot Police (OMON), t.A.T.u. and the Nationalists,” *Novaya Gazeta*, May 28, 2007.

⁷ Human Rights Watch interview with Fernanda von Manstein (her name among lesbian and gay friends), Moscow, May 27, 2007.

⁸ Sophie In’t Velt, who was not arrested, saw a man with a knife among the nationalists. Message from Sophie In’t Velt distributed by gayrussia.ru on email listserves, May 27, 2007. An ILGA-Europe representative permitted to enter a detention truck to assist the non-Russians saw an airgun that had been confiscated from the attackers.

being seriously manhandled by police, who wrenched his head back by the forehead. OMON also arrested two Russian transgender activists.

Nationalists continued to attack the others physically. One struck British gay activist Peter Tatchell in the left eye, bruising it; others kicked his legs after he fell. Tatchell was not arrested, but police took him to a different truck for his safety—placing him there, however, with three extremists who had been arrested.⁹

Police also seized Bundestag member Beck together with his partner, and manhandled them by the arms across Tverskaya Street to another truck waiting near the Dolgoruky statue. They also arrested Marco Cappatto and Ottavio Marzocchi, a European Parliament staffer. An ILGA-Europe representative witnessed OMON officers shouting at the latter as he was thrown into the truck, “Do this in your own country, faggot!” These arrested people were taken to nearby Tverskaya police station, on Bolshaya Dmitrovka Street.

Across Tverskaya Street from City Hall, where groups of LGBT rights supporters had gathered, OMON formed four lines stretching across the sidewalk, and began marching down the street towards Red Square. They pushed peaceful and violent demonstrators alike away from the vicinity of the Dolgoruky statue—but rather than making any effort to separate the two sides, OMON forces drove both back towards one another. Skinheads and nationalists intensified attacks on people they believed to be lesbian, gay, bisexual, or transgender as the police advanced. Nationalists beat Alexey Kisiliev—member of the LGBT Rights group and a co-organizer of Moscow Pride—in the head till he bled, kicking him after he fell. Kisiliev told ILGA-Europe,

I was with my friend and fellow activist Lyubava. We saw a group of skinheads screaming “Moscow is not Sodom! No to pederasts!” We started to scream back, “No to homophobia!” Once they heard us, they ran at us and started to punch me. I fell on the floor and they

⁹ An ILGA-Europe representative joined Tatchell and other non-Russians in the truck as interpreter.

continued to kick me, calling me a faggot [*pidor*]. There were plenty of police around, but none reacted to this violence.¹⁰

One witness told Human Rights Watch, “I ran back to the OMON and said, ‘Will you just try to stop them from beating him up?’ And they stood there in line and did nothing. The LGBT people were completely non-aggressive, not even holding posters—their only crime was being themselves.”¹¹

Similarly, Alexey Kozlov, a member of the environmental and left activist group Green Alternative, saw a nationalist carry out a violent attack on a supporter of LGBT rights:

I went to five policemen, OMON and ordinary police, asking them to arrest him. I pointed him out. An OMON officer said, “I have orders to stand here. If he attacks somebody here, I will arrest him.” A regular policeman told me to mail a request to the regional police office; “If they say it’s OK, we will do something.” While I was talking to another OMON officer, the same guy came behind me and kicked me in the back of the leg, and the officer did nothing.¹²

OMON appeared to be colluding actively with the violent nationalist demonstrators. One of the nationalists approached an OMON officer and pointed out a Human Rights Watch representative; the officer immediately seized the representative and took him to the OMON truck. (The Human Rights Watch representative was detained for only 15 minutes, then freed¹³). In a reminder of the environment of impunity, a lesbian told Human Rights Watch, “One of these aggressive people said to me, ‘Go to hell—remember, we have the upper hand.’”¹⁴

¹⁰ ILGA-Europe interview with Alexey Kisiliev, Moscow, May 27, 2007.

¹¹ Human Rights Watch interview with I.M. (full name withheld at her request), Moscow, May 27, 2007.

¹² Human Rights Watch interview with Alexey Kozlov, Moscow, May 27, 2007. Kozlov still limped from his injury at day’s end.

¹³ The reason for his release is not clear. Reactions of the officers suggested it may have been due to the fact that he carried only a paper copy of his passport, which would have complicated the bureaucratic processing of his arrest.

¹⁴ Human Rights Watch interview with Fernanda von Manstein, Moscow, May 27, 2007.

The OMON ranks broke formation further down Tverskaya Street, and small groups of LGBT people and their supporters began trying to ascend the street, hoping to reassemble near the statue. Alexey Kisiliev told ILGA-Europe, “I hobbled to Tverskaya Square.... By the time we got there, the police had already detained many people, and the crowd had thinned. I saw a group of 11 lesbians standing in front of the fence, and we took out our rainbow flags.”¹⁵ Many of the women were members of the Anti-Dictatorship Movement, an informal group of activists. One told Human Rights Watch,

The skinheads and Nazis ruled the streets. We thought we might be killed, but we still held up a few rainbow flags. Some journalists tried to speak to us, and then the Nazis came after us. One of the skinheads was wearing a mask. He tried to spit at me, but he forgot about the mask, and spat into his own face....

But the OMON who were on the barricades suddenly opened them up—“Would you please come here?” they called out, so nicely we were surprised! We thought they wanted to protect us by letting us in the square. But they were only trying to lure us there. They got us in the square and then arrested us, and threw us in the bus.¹⁶

¹⁵ ILGA-Europe interview with Alexey Kisiliev, Moscow, May 27, 2007.

¹⁶ Human Rights Watch interview with Mariya Markelova, Moscow, May 27, 2007.

III. Detentions and Aftermath

Eleven women and two men were arrested, among them Kisiliev, his face still bleeding. He recounted, “In the *avtozak* [truck used to transport prisoners] it was very hot, with no windows or ventilation. I felt dizzy after having been beaten up. The riot police were making jokes about us and degrading remarks. I complained that I probably had a concussion and needed medical help. They only joked, ‘Your head is not an ass, tie it and lie down.’”¹⁷ In 30-degree heat, they waited in the truck in the sun for over an hour. Police then drove the truck to Presnenskaya police station, farther from the center: “They told us the Tverskaya station was overloaded; but then we stayed in the bus here [at Presnenskaya] for two hours more, outside the station, in the heat,” another of the people who had been detained told us.¹⁸ Police continued to refuse the wounded Kisiliev medical attention.¹⁹ They threatened to close the only window in the overheated truck, and to “make us stay a day and a night,”²⁰ unless those arrested gave up their mobile phone batteries voluntarily so that they could not communicate with the outside world. One woman told Human Rights Watch,

Once we were in the station, the police told us, “No one needs lesbians, no one will ever get you out of here.” They kept asking each other, “Why did they bring these homos here? We don’t want them.” And they asked us, “How will you perverts have children?”²¹

Although a number of Western European demonstrators were detained or injured, Russians detained received far worse treatment from police. Alexey Kisiliev waited almost four hours for police to call an ambulance while he bled from head injuries. Activists, including a Human Rights Watch representative, voiced serious concern at Tverskaya police station over Sergey Konstaninov’s health, as he had recently been

¹⁷ ILGA-Europe interview with Alexey Kisiliev, Moscow, May 27, 2007.

¹⁸ Human Rights Watch interview with Mariya Markelova, Moscow, May 27, 2007.

¹⁹ ILGA-Europe interview with Alexey Kisiliev, Moscow, May 27, 2007.

²⁰ Human Rights Watch interview with Mariya, Moscow, May 27, 2007

²¹ *Ibid.*

on a 15-day hunger strike during detention after another demonstration. Nonetheless, he was held overnight and received no medical care. Human Rights Watch and ILGA-Europe know of no instance where one of these Russian detainees sought and was allowed to file a formal complaint about police misconduct.²²

After the arrests, skinheads and nationalists lingered on Bolshaya Dmitrovka Street across from Tverskaya police station, menacing LGBT rights supporters who were waiting for their colleagues, and stalking those who had been released. Seva Chernozub of the Free Radicals said,

There was a group of about 20 skinheads right across the street from the police station, and one Orthodox priest. They pelted us with eggs. The priest approached me and he punched me on the face ...

I grabbed him by his arm and asked the police to come and arrest him for the attack, but they wouldn't move. Then my colleagues from Free Radicals helped me take the priest inside the police station. I told the police what happened ... The police didn't know how to handle the case, but the priest was still inside when I left the station.²³

Around 10 of these nationalists followed a small group of LGBT rights supporters, including a Human Rights Watch representative, along Bolshaya Dmitrovka Street as they left the police station. The band of extremists grew, summoning others by mobile phone, but the rights activists were able to find a taxi and get away. The extremists also followed an ILGA-Europe representative who had departed the police station with a few LGBT people; the LGBT supporters pointed out the menacing nationalist group to a traffic policeman and asked him to call other police for help. He refused. They hailed cars; as they got in, the extremists pounded on the window, made Nazi salutes, and cried, "We are watching you!"

²² One woman arrested at Presnenskaya police station told Human Rights Watch that members of her group had tried to file complaints but had been denied. UK activist Peter Tatchell was given free medical assistance after police brought an ambulance to carry him to Dolgoruky Hopsital. Police also summoned a senior police investigator specifically to take his official complaint. Statement by Peter Tatchell on the Euro-Queer email listserv, May 27, 2007. An ILGA-Europe representative accompanied and translated for him in both instances.

²³ ILGA-Europe interview with Seva Chernozub, Moscow, May 27, 2007. Chernozub had visible bruises from the blows.

IV. “The Just Position of the Moscow Government”

According to a statement by the Moscow mayor’s deputy press spokesman, Mikhail Solomentsev, 30 Russians were arrested in the May 27 violence “for different offenses,” of whom 18 were “gay rights activists.”²⁴ All but three of the latter were released that evening, charged with participating in an unsanctioned demonstration, an administrative offense carrying a fine.

Three co-organizers of Moscow Pride—Nikolay Alexeyev, Nikolay Khramov, and Sergey Konstantinov—were charged with the more serious offense of disobeying the orders of police, in violation of Article 19.3.1 of the Administrative Offenses Code,²⁵ as well as with walking on the street (as opposed to the sidewalk). However an ILGA-Europe representative, who had been at City Hall, had seen all three clearly on the sidewalk as they attempted to hand in a petition. The representative also observed all three follow OMON police to the truck immediately after they were arrested, offering no resistance.

The three were held overnight at Tverskaya police station, while international pressure mobilized on their behalf. Police brought Alexeyev, Khramov, and Konstantinov to a Moscow administrative court for a hearing on the morning of May 28. Representatives of Human Rights Watch and ILGA-Europe attended. MEP Marco Cappato and MP Volker Beck testified in the first case heard, that of Khramov.

All three cases were postponed. The court released all three defendants after they undertook not to leave the country before a verdict. At successive hearings on June 8 and 9, Nikolay Khramov and Nikolay Alexeyev were convicted and fined 1,000 roubles (about US\$40). The judge refused to admit as evidence photographs submitted in the men’s defense; she reportedly called the earlier testimony of

²⁴ “Gays did not succeed in creating public disorder,” *Rossiiskaya Gazeta*, May 28, 2007. Police thus arrested a significantly higher number of LGBT rights supporters than of their attackers. More LGBT rights supporters were arrested in 2007 than during the attacks on Moscow Pride in 2006: Then, six LGBT rights supporters were arrested; three were charged with participating in an unsanctioned demonstration, and three—including Nikolay Alexeyev—were charged with organizing an unsanctioned demonstration, an administrative offense carrying a 2,000-ruble (about US\$80) fine.

²⁵ This offense could incur 15 days in jail.

European parliamentarians “frivolous.”²⁶ Alexeyev announced his intent to appeal the verdict. Sergey Konstantinov’s case was scheduled to be heard by the same judge on June 22.

Mayor Luzhkov’s representative Solomentsev used the violence to justify banning all demonstrations for LGBT people’s human rights:

We have to note here the accurate, coordinated, and respectful work by the police, who acted strictly within the law. Attempted attacks against gay rights activists prove yet again the just position of the Moscow government, which does not allow holding such manifestations, so that they do not end with serious conflicts between antagonists—of which we have many in our country—and supporters of sexual minorities ... The Moscow government will continue to suppress such illegal actions organized by anyone, including representatives of the gay movement.²⁷

²⁶ “One of Moscow Gay Pride Organizers Found Guilty,” *Gayrussia.ru*, June 8, 2007, and “Leader of Moscow Gay Pride Nikolai Alekseev Also Guilty,” *Gayrussia.ru*, June 9, 2007, <http://www.gayrussia.ru/en/> (accessed June 9, 2007).

²⁷ “Gays did not succeed in creating public disorder,” *Rossiyskaya Gazeta*.

V. Background: Hatred Encouraged, Silence Enforced

Homosexual conduct between men was a criminal act in Russia for over 50 years, beginning in 1934.²⁸ Nikolay Krylenko, Stalin’s chief prosecutor in the then Russian Soviet Federated Socialist Republic, said the law was introduced to eliminate “classless hoodlums” who “take to pederasty,” explaining further, “Under this excuse, in stinky secretive little bordellos, another kind of activity takes place as well—counter-revolutionary work.”²⁹

In 1992 Russia’s then-President Boris Yeltsin issued a decree repealing the “sodomy law” inherited from the Soviet era. Today, however, the rights of Russia’s lesbian, gay, bisexual, and transgender people are jeopardized by encroaching restrictions on civic freedoms. With civil society hampered by law in its ability to function, the media censored, and dissenters harassed, the space for open discussion of homosexuality has similarly shrunk. The attacks on Moscow Pride in 2007 were a symptom of both the rise in hatred and the rollback of human rights.

Multiple forms of hate, including anti-Semitism and racism, are prevalent in Russian politics.³⁰

Nationalist politicians and state officials include homosexuality regularly when inveighing against domestic and foreign abominations—underpinning animosity and undermining protections. In 2005 parliamentary deputy Alexander Chuev proposed

²⁸ Punishing “men lying with men,” the law was published as the “Law of March 7, 1934,” and was codified in 1960 as Article 121 of the Soviet Criminal Code. Although the law punished only men, sex between women was widely regarded as symptomatic of both moral corruption and disease, and reports were widespread of forced and abusive psychiatric “treatment” of lesbians.

²⁹ Quoted in Vladimir Kozlovsky, *Argo russkoy gomoseksualnoy subkultury: Source Materials* (Benson, Vermont, 1986), p. 154; cited in Masha Gessen, *The Rights of Lesbians and Gay Men in the Russian Federation*, a report by the International Gay and Lesbian Human Rights Commission, 1994, p. 9.

³⁰ For instance, in 2005, on the 60th anniversary of the liberation of the Auschwitz death camp, the newspaper *Orthodox Rus* published an open letter signed by 500 people, including 19 members of the Duma, accusing Jews of ritual murders. The letter has since attracted over 15,000 signatures. Politicians regularly engage in verbal attacks on Chechens, Russian Muslims, and foreigners living in Russia. See *Minorities Under Siege: Hate Crimes and Intolerance in the Russian Federation*, Human Rights First, June 2006.

a bill denying teaching positions or other rights in public life to anyone engaging in “propaganda for homosexuality,” whether through “a public speech, work displayed in public, or mass media, in particular including public demonstrations.” Although the bill ultimately failed, it gained the support of over one-fifth of the 450-member Duma (the lower house of Russia’s parliament). Chuev explained that “At the present time propaganda for homosexuality in Russia has developed in full range.... It is necessary to protect the nation.”³¹ In early 2007 Duma deputy Nikolay Kurianovich, who had recently been expelled from Vladimir Zhirinovskiy’s far-right Liberal Democratic Party, introduced a bill to re-criminalize homosexual conduct, with penalties similar to those of the Stalin era. Kurianovich had harangued nationalist demonstrators and encouraged them to violence at Moscow Pride in 2006, leading crowds in shouting, “Gays and lesbians to Kolyma”—the Stalin-era Gulag camp.

Reflecting on these developments, a network of Russian LGBT groups and other human rights activists declared in 2007 that “the concept of ‘propaganda for homosexuality’ has not only entered the daily vocabulary of right-wing politicians but is applied in practice in violation of existing laws.” It noted that under bills proposed both nationally and regionally,

...[P]ublication of Oscar Wilde’s works, Plato’s dialogues, some of Shakespeare’s sonnets, etc. could be considered a crime. Moreover, it would be impossible to circulate any information that is necessary for the full life activities of male and female homosexuals. We consider that the attempted prohibition of the free expression of homosexual beliefs, and the relevant administrative practice, threatens civil security, rights and liberties, contrary to the Constitution and international obligations of the Russian Federation.³²

³¹ Proposed bill and explanation on file with Human Rights Watch and ILGA-Europe.

³² “Declaration on the violation of the right to freedom of expression in Russia,” March 26, 2007, signed by members and partners of the LGBT Network Russia with 29 individual signatories from Russia and five signatories from Belarus, Sweden, and Ukraine, March 26, 2007, on file with Human Rights Watch and ILGA-Europe. Among the Russian signatories of the letter—indicating the diversity of LGBT rights supporters—were representatives of such groups as Internet Portal QGuys.ru (Moscow), Rainbow Charitable Centre (Moscow), Russian National GLBT Center “Together” (Moscow), Internet Site Queerumir.ru, (St. Petersburg), Russia Nuntiare et Recreare Service of LGBT Christians (Saint Petersburg), Wings LGBT Centre (Saint Petersburg), as well as such groups as the Center for the Development of Democracy and Human Rights, the Moscow Helsinki Group, and the Youth Movement for Human Rights.

Local authorities have also cracked down on LGBT people's freedoms. In May 2006 the regional Duma of Ryazan passed a law making "[p]ublic actions aimed at propaganda for homosexuality (male or female) among minor children" illegal.³³ In March 2006, the regional public prosecutor of Rostov issued a warning to two television stations for mentioning homosexuality, stating that "propaganda for homosexuality is prohibited in Russia."³⁴

In March 2007 an amendment to the electoral code was introduced in the Saratov regional Duma to require prospective candidates to announce their sexual orientation as well as whether they were transgender. One legislator declared, "When they come to power, these pederasts don't work; they look for a partner."³⁵

In December 2006 Russian Federation Ministry of Justice officials denied registration to an LGBT group in Tyumen called "Rainbow House." The rejection letter explained, "The objectives of the organization are aimed at protecting personal rights and liberties, including persons of non-traditional sexual orientation." It held that these objectives "can undermine the security of the Russian community and state," because "they undermine spiritual public values" and "undermine the sovereignty and territorial integrity of the Russian Federation due to reduction of the population."³⁶ Nearly all nongovernmental organizations in Russia find their work subject to greater state interference in the wake of the NGO law adopted in 2006. Those that work on sensitive or unpopular issues, such as Chechnya or the case of imprisoned Yukos founder Mikhail Khodorkovsky, have faced harassment or

³³ Draft bill included as an appendix to *ibid.*

³⁴ "Declaration on the violation of the right to freedom of expression in Russia," March 26, 2007, on file with Human Rights Watch and ILGA-Europe. The stations had included messages from lesbian and gay people in running lines of SMS text-messages shown on-screen. The prosecutor's office stated that this "committed the most serious violations against current laws" by "propagandizing" for "unnatural sexual behavior."

³⁵ "Saratov deputies propose to make politicians' sexual orientation public," *Newsru.com*, March 23, 2007, <http://www.newsru.com/russia/23mar2007/popravki.html> (accessed March 23, 2007).

³⁶ Included as appendix to "Declaration on the violation of the right to freedom of expression in Russia," signed by members and partners of the LGBT Network Russia, on file with Human Rights Watch and ILGA-Europe.

rejection of registration.³⁷ In a regime of prejudice as well as pretexts, LGBT organizations also risk harassment.

Amid such hatred, it is ironic that on May 11, 2007, the openly racist politician Alexey Mitrofanov, a parliamentary deputy, became the only national political leader to endorse lesbians and gays' right to hold a pride parade. Mitrofanov is deputy leader of the ultra-nationalist and xenophobic Liberal Democrat Party.

Mitrofanov had belittled violence against other minorities in the past, mocking claims that prejudice underlay attacks on foreigners and saying that "if [the victim is] a foreigner, then [they say] it's based on nationality. If a Russian professor in [Petersburg] gets knocked on the head, it's ordinary hooliganism. That's not right."³⁸ He had also dismissed "attacks on blacks" as "mere hooliganism."³⁹ Mitrofanov's party leader Vladimir Zhirinovskiy is notorious for his vocal anti-Semitism and racism.

³⁷ A "Law on Countering Extremism," passed in 2002, has been used against organizations and individuals working on sensitive issues. Officials have labeled dissidents as "extremist" and threatened them under the law: see "Skinhead Law Being Applied to Liberals," *Moscow Times*, June 8, 2007, <http://www.themoscowtimes.com/stories/2007/06/08/002.html> (accessed June 8, 2007). In February 2006, a criminal court in Nizhny Novgorod handed Stanislav Dmitrievsky, the executive director of the Russian-Chechen Friendship Society (RCFS), a two-year suspended sentence on charges of "inciting racial hatred," for including statements from Chechen separatists in articles he had published in the organization's newspaper. In October, a court ordered the organization dissolved for failing to distance itself from Dmitrievsky within five days after his conviction. In January 2007, the Russian Supreme Court upheld the decision to liquidate RCFS. The European Union issued a public statement voicing concern about the "coercive closure," saying that the NGO law and the law on extremism "can be implemented in an arbitrary manner." See "Statement of the European Union on the Closure of the Russian Chechen Friendship Society," http://www.eu2007.de/en/News/Statements_in_International_Organisations/February/0201OSCERCFS.html (accessed June 8, 2007).

At this writing the Moscow Bar Association is hearing disbarment proceedings against Karina Moskalenko, a Russian human rights lawyer. The proceedings were initiated by the office of the Russian Prosecutor General, and relate to her representation of imprisoned businessman Mikhail Khodorkovskiy. See International Commission of Jurists, "Russian Federation: End Harassment of Leading Human Rights Lawyer," June 7, 2007, http://www.icj.org/news.php3?id_article=4169&lang=en (accessed June 7, 2007).

³⁸ See <http://xeno.sova-center.ru/45A29F2/4674A8B> (accessed May 28, 2007).

³⁹ Ye. Dobryukha, M. Romanov, Ye. Deeva, "Skinhead factory," *Moskovskiy Komsomolets*, November 24, 2005, cited in "Racism, xenophobia, anti-Semitism and ethnic discrimination in the Russian Federation in 2005," *Review of the Moscow Bureau for Human Rights*, http://www.antirasizm.ru/english_rep_020.doc (accessed May 28, 2007). Mitrofanov is best known, though, for his virulent verbal assaults on Chechens and Russian Muslims. In 2004 he ran for governor of the Pskov region under the slogan "Criminal southerners out!" See <http://xeno.sova-center.ru/29481C8/4DCF65B> (accessed May 28, 2007).

In 2004, he called for the death penalty for homosexual conduct, saying, “We can put an end to this perversion, this influence of the Western civilization.”⁴⁰

Moscow Pride gave Mitrofanov (and, through him, his party) a unique moment of respectability, the chance to appear onstage with European politicians. At the same time, his prominent role—which many supporters of LGBT human rights rejected—did not prevent nationalist violence or police arrests.⁴¹ Meanwhile, other Russian political figures with a contrasting record of supporting rather than slandering minorities nonetheless remained silent on Moscow Pride.

In conversations with Human Rights Watch and ILGA-Europe, several Russian LGBT activists stressed that lesbian, gay, bisexual, and transgender people’s rights can only advance in coalition with movements combating hatred, racism, and xenophobia.

⁴⁰ “Criminal responsibility for homosexual activities likely to be introduced in Russia,” *Pravda*, October 5, 2004, at http://english.pravda.ru/main/18/90/361/14379_homosexual.html (accessed May 30, 2007). Liberal Democrat Duma deputy Nikolay Kurianovich exhorted nationalist demonstrators at Tverskaya Square during Moscow Pride in 2006 while they physically attacked LGBT rights supporters.

⁴¹ Pride organizers publicized Mitrofanov’s endorsement, and prohibited his critics from attending the pre-Pride conference. Despite criticizing Mitrofanov’s involvement, the Moscow Helsinki Group hosted a press conference on May 28 to review the violence and condemn the ban on Pride. Members of Green Alternative—although barred by Pride organizers from participating in the conference or demonstration because they opposed Mitrofanov’s central role—spent hours at police stations on May 27 getting information to and from arrested LGBT activists and supporters, as well as trying to secure legal help.

VI. Conclusion and Recommendations

Amid the swirling violence on Tverskaya Street on May 27, a lesbian told Human Rights Watch, “Words can hurt more than eggs or stones. They can enter your mind.” As with other groups facing abuse, vilifying LGBT people contributes to denying their freedoms. Another lesbian arrested that day said, “We want to be legalized”—suggesting how the 1992 repeal of the law against homosexual conduct has not, in fifteen years, translated into real rights or equality.

Yet despite violence and division, others felt the day’s events as, however improbably, a victory. Another lesbian, just freed from jail, told us,

We did what we wanted. We wanted to attract the world’s attention to the discrimination we face, and show that we weren’t going to be killed by the hatred of society. And we did that. Homosexual people are suffering violence—and not just homosexual people, but all those in this society who are different. But we will show this society that violence and racism are not everything, that there is another way.

And she added, “I love my girlfriend, and I want to be allowed to say that in my own country.”⁴²

Human Rights Watch and ILGA-Europe make the following recommendations:

To the Russian government

- Freedom of assembly, as guaranteed under Article 11 of the European Convention on Human Rights and Fundamental Freedoms, must be respected. Peaceful demonstrations should be treated as permissible, regardless of their political or other purposes, without discrimination—in line with the Guidelines on Freedom of Peaceful Assembly of the Organization for Security and Co-operation in Europe (OSCE), which state that “Anything not expressly

⁴² Human Rights Watch interview with Fernanda von Manstein, Moscow, May 27, 2007.

- forbidden in law should be presumed to be permissible, and those wishing to assemble should not be required to obtain permission to do so.” Police have a duty to protect peaceful demonstrators from violence and should cease harassment and detentions of demonstrators who do not violate public order. Violent attempts to interfere with demonstrations should be appropriately investigated and punished.
- Comprehensive anti-discrimination legislation should be enacted, including protections against unequal treatment based on sexual orientation and gender identity. Russia should ratify Protocol 12 of the European Convention on Human Rights and Fundamental Freedoms, on the prohibition of discrimination.
 - All state officials should receive training in human rights, including issues of sexual orientation and gender identity.

To the European Union and member states

- Human rights concerns, including freedoms of expression, association, and assembly, as well as issues of sexual orientation and gender identity, should be raised in all meetings with Russian officials at the highest levels. The European Union and member states should press Russia to restore freedom of expression and end media censorship; amend the Law on Nongovernmental Organizations of 2006 to remove its most restrictive elements; and ensure freedom of assembly for all.
- The European Parliament’s delegation to Russia should raise human rights concerns, including the violations committed during Moscow Pride 2007, in bilateral dialogue and urge legislative changes to protect basic freedoms.
- European Commission delegations to third countries, including to Russia, should provide financial and technical assistance to civil society groups working for human rights, including groups working on issues of sexual orientation and gender identity.
- The European Commission should include lesbian, gay, bisexual, and transgender people as a specific target group in implementation of the European Initiative for Democracy and Human Rights (a program to support human rights, democratization and conflict prevention worldwide, in particular through partnership with and support of civil society).

To the Council of Europe

- The Human Rights Directorate should include issues of sexual orientation and gender identity in their trainings for police, including protection of participants in public demonstrations such as pride parades.
- The Parliamentary Assembly of the Council of Europe should include references to human rights abuses based on sexual orientation and gender identity in its next monitoring report on Russia.
- The Commissioner on Human Rights should raise violations of the freedom of assembly vigorously with Russian authorities.
- The Parliamentary Assembly of the Council of Europe should write a report and endorse a recommendation to the Committee of Ministers on protecting and promoting the freedom of assembly throughout Europe for lesbian, gay, bisexual, and transgender people.

To the Organization for Security and Co-operation in Europe

- The Office of Democratic Institutions and Human Rights (OSCE/ODIHR) should monitor respect for and fulfillment of the right to freedom of assembly, in particular in difficult environments, in all OSCE participating States.
- The OSCE should, in all its work, recognize sexual orientation and gender identity as grounds protected from discrimination, including in enjoying freedom of assembly.
- The OSCE should include protection of LGBT public demonstrations in difficult environments as a special topic in police trainings for participating states, along with addressing crimes motivated by hate on the grounds of sexual orientation and gender identity.
- All OSCE participating States should raise human rights violations in Russia in bilateral dialogue, including violations based on sexual orientation and gender identity, and call for legislative and policy change to protect democratic freedoms.

Acknowledgements

This briefing paper was written by Maxim Anmeghichean, programmes director of the European Region of the International Lesbian and Gay Association (ILGA-Europe) and Scott Long, director of the Lesbian, Gay, Bisexual, and Transgender Rights Program at Human Rights Watch. It is based on research by Maxim Anmeghichean, Boris Dittrich (advocacy director of the Lesbian, Gay, Bisexual, and Transgender Rights Program at Human Rights Watch) and Scott Long between May 25-29, 2007, in Moscow. In Moscow, Alexey Davidov of LGBT Rights, Eleonora Davidyan, and Alexey Kozlov of Green Alternative provided research assistance. At Human Rights Watch, Inara Gulpe-Laganovska and Eugene Sokoloff also provided research assistance. For Human Rights Watch, it was edited by Rachel Denber, deputy director of the Europe and Central Asia division; Aisling Reidy, senior legal advisor; and Ian Gorvin, consultant to the program office. For ILGA-Europe, it was edited by Nigel Warner, ILGA-Europe's adviser on the Council of Europe.