

**Committee:** Social Cultural and Humanitarian Committee

**Issue:** Discrimination against LGBT communities in the Russian Federation

**Student Officer:** Christos Mavroeidis

**Position:** Chair

## INTRODUCTION

Separatistic attitudes at the expense of many lesbian, gay, bisexual and transgender people (LGBT), often combined with a lack of adequate legal protection, are witnessed nowadays all over the Globe, and particularly in the Russian Federation. Discrimination within the labour market and educational places, mistreatment and dissonance by their social

surrounding and acts of open aggression are just some case examples that depict the violation of human rights these people are exposed to. Members of the LGBT community in the Russian Federation are not only unable to freely express their sexual orientation but, also, are the targets of multiple and recurring incidents, such as violent attacks, sexual



assaults, imprisonment, torture and even death. The events on February of 2017 in the Russian Chechen, where many LGBT individuals were abducted, held prisoners, tortured and killed by the authorities without any solid legal basis, provides us with a clearer understanding of the severity of the situation and highlights the necessity to take action as a committee.

## DEFINITION OF KEY TERMS

### LGBT

Lesbian, gay, bisexual, and transgender (often used to encompass any sexual orientations or gender identities that do not correspond to heterosexual norms).

### Human rights

The basic rights and freedoms that belong to every person from birth until death, based on the shared values of dignity, fairness, equality, respect and independence. These values are defined and protected by law.

### **Gender identity**

Gender identity refers to each person's internal and individual experience of gender, which may or may not correspond with the sex assigned at birth. That includes the personal sense of the body (which may involve, if freely chosen, modification of bodily appearance or function by medical, surgical or other means) and other expressions of gender, including dress, speech and mannerisms.

### **Sexual orientation**

Sexual orientation refers to each person's capacity for profound emotional, affectional and sexual attraction to, and intimate and sexual relations with, individuals of different or same gender.

### **Gender bending**

A term used to describe the practice of playing with or blurring of binary gender roles.

### **Homophobia**

The fear and hatred of, or the discomfort around, those who identify as gay, lesbian, homosexual, or queer.

### **Queer**

An umbrella word for all those who diverge from hetero- and homonormative genders and sexualities.

### **Rainbow flag**

The official multicolour flag of the LGBT community.

### **Sex reassignment surgery**

The medical term to describe these surgical procedures of altering gender.

### **Hate crime**

A crime, typically one involving violence, that is motivated by prejudice on the basis of race, religion, sexual orientation, or other grounds.

### **Employment discrimination**

The unjust or prejudicial treatment of different categories of people in the labour market, especially on the grounds of race, age, sex or sexual orientation.

## Chechnya

Chechen Republic is officially a federal subject (a republic) of the Russian Federation. It is located in the North Caucasus, situated in the southernmost tip of Eastern Europe, and within 100 kilometers of the Caspian Sea. The capital of the republic is the city of Grozny. As a part of the Russian Federation, Russia's LGBT laws formally apply. In reality, there are only a few protections for LGBT citizens, and the government unofficially endorses the killings of such people by their families.

## BACKGROUND INFORMATION

After the Russian Revolution, in 1917, and the foundation of the Soviet Union, in 1922, the new Communist Party government, under Vladimir Lenin's leadership, eradicated the previously-existing laws regarding sexual relations, effectively legalizing homosexual and transgender activity within Russia. However, in 1933, Joseph Stalin's administration repunitized the homosexual activities, imposing harsh penalties. Despite the general liberalisation on sexual issues in the Soviet Union that followed Stalin's death, these laws remained in effect until the late 1980s, when Mikhail Gorbachev's government implemented the glasnost policy. In 1993, Boris Yeltsin, the president of the newly founded Russian Federation (1991), legalised same-sex sexual activities between consenting adults, being pressured by the Council of Europe. Nowadays, public opinion in the realms of the Russian state is deeply against the acceptance of homosexuality, as the majority of Russians do not take a favorable stance on the LGBT rights. The communist refutation, in combination with a decades-long ideological struggle against the imperialistic model, have exhausted the Russian society, which turns out to be dangerously approaching the perceptions of the past.

## CURRENT SITUATION

### Legislation in the Russian Federation

The Constitution guarantees the human rights of every citizen according to the universally accepted principles and the norm of international law and affirms that the listing of the fundamental rights and freedoms in the Constitution of the Russian Federation shall not be interpreted as a rejection and derogation of other globally secured human rights. Nevertheless, despite the fact that the Russian Constitution recognises the right of peaceful association, the authorities refuse to register LGBT organisations.



As far as same-sex marriage is concerned, neither the marriage nor the civil union are allowed in Russia. Only single individuals are entitled to adopt children, regardless their sexual orientation. Additionally, Russian children can be adopted by a single homosexual who lives in a foreign country, provided that the country does not recognize same-sex marriage. On the contrary, same-sex couples cannot adopt children, as a couple.

As far as transexual and transgender people are concerned, corresponding medical procedures were introduced in 1997, providing this social group with the ability to alter their legal gender status. However, on December 2014, the Russian parliament passed a road-safety law, allowing the state to deny driver's licenses to people with several classes of mental disorders, including "F64 Transsexualism". Russian and foreign critics interpreted the law as an intentional ban on transgender drivers, questioning the relevance of a person's transgender identity to their driving competence. On January 2015, Russia's Health Ministry clarified the law, stating that it would only deny licenses to those with serious disorders, so that their ability to drive safely is impaired, and explicitly stated that one's sexual orientation would not be considered a factor of denial under the law, as long as it is not considered a psychiatric disorder. Concerning homosexuality, it was removed from the Russian list of mental illnesses in 1999.

The federal law on the protection of children from information harmful to their health and development was amended in 2013, punishing with fines and administrative sanctions the promotion of 'non-traditional sexual relations' to minors. This law led to the closure of "Children 404" website, which was the only public source of counselling and support for LGBT children in the country. The United Nations Committee on the Rights of the Child recommended that the law shall be repealed, on the grounds that it "encourages the stigmatization of and discrimination against lesbian, gay, bisexual, transgender and intersex (LGBTI) persons, including children, and children from LGBTI families".

In reference to the criminal status of the "hate crimes" in the Russian Federation, the LGBT community is protected neither by specific legal acts, nor by the existing law enforcement mechanisms. Although enforcement services that the LGBT community needs are under its jurisdiction, Human Rights Watch claims that "authorities deliberately ignore such crimes". Even when these crimes are prosecuted, the fact that they are motivated by sexual discrimination is not taken into consideration by the court. The state has largely ignored the issue, which is being propelled by the population's tougher attitude towards these minorities. A notable fact is that the homosexuality is not considered either a crime, or a reason to be excluded from the military service duty, as early as 1993. Still, the process of instilling these contemporary beliefs seems to very slow.

According to the Ministry of Defense, the new statute about military and medical expertise follows international law practice. Therefore, the reasons for evaluating the ability to serve for homosexuals are the same with the heterosexuals: physical and mental health. However, homosexuals are advised not to reveal their sexual orientation to other soldiers in order to avoid controversies that could lead to violent situations. In 2013, the Defense Ministry issued a guideline

on assessment of new recruits' mental health that recommends recruits be asked about their sexual history, thus contradicting the right of LGBT people to be recruited.



Besides the absence of protection from the hate acts, this social group is also exposed to employment discrimination as well as

any other form of discriminatory behavior, as it is often the case with most marginalized social groups. One should not also ignore the fact that gay pride events are seldom allowed to take place in several Russian cities, and most prominently in Moscow, where the permission has never been granted by the authorities.

### **The situation in Chechnya**

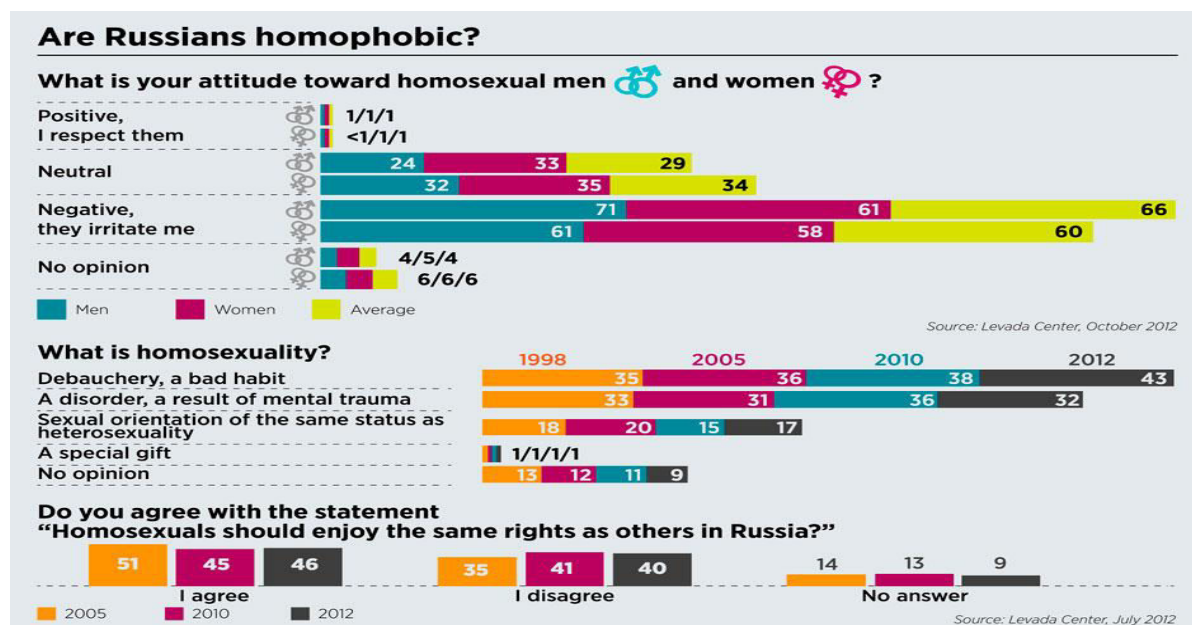
In Chechnya, as in other southern Russia regions, Russian President Vladimir Putin "has empowered local leaders to enforce their interpretation of traditional Muslim values." Despite the fact that Chechnya returned to Russian direct rule in 2000, with homosexuality being legal under the laws of the Russian Federation, it retains some autonomy, and current leader Ramzan Kadyrov "has brought Islam to the fore of Chechnya's daily life, and gay people who reveal their sexuality are often discriminated against and shunned by their families.". In this area, LGBT people not only face persecution by the authorities, but also fall victim to "honour killings" by their own families.

Abominable acts of violence and discrimination were reported in February of 2017, in which more than 100 members of the local LGBT community were physically and verbally assaulted by the authorities, and an unknown number of the victims were killed, provoking an outrageous violation of fundamental human rights.



## Public opinion

The Russian society has traditionally been conservative and hostile against the LGBT rights. As a 2013 survey indicates, the intolerance rate has risen to 74% of the population, while there is a 5% that supports even the “liquidation” of the homosexuals. Additionally, in spite of the removal of homosexuality from the nomenclature of mental disorders in 1999, 62.5% of 450 surveyed psychiatrists in the Rostov Region view it as an illness, and up to three quarters of them view it as immoral behavior. The polarization of the Russian society on the issue is obvious; for instance, in a survey conducted in 2005, while almost half of the population was in favour of legally banning the discrimination based on sexual preference, the other 44% considered that homosexual acts should be criminalised, again. Furthermore, the vast majority of the population, and particularly the Russian Orthodox Church, openly opposes homosexual marriage and the adoption of children by same-sex couples. In conclusion, the anti-gay sentiment inside the country is profound, deep-rooted and infringes on irreplaceable human rights.



On the contrary, governments of more developed democracies and many international human rights organizations, including the UN, have condemned the existing status of LGBT rights in the Russian Federation. The situation has been characterised as a breach of the international law, of the rights of the children to receive proper information, of the freedom of expression and as explicitly homophobic behavior by many EU institutions (European Parliament, Council of Europe, European Court of Human Rights) and the Office of the United Nations High Commissioner for Human Rights. Moreover, plenty of western leaders, such as Barack Obama, Angela Merkel, David Cameron, etc. have publicly expressed their opposition to “the anti-gay and lesbian legislation” in Russia.

## **MAJOR COUNTRIES AND ORGANISATIONS INVOLVED**

### **The Russian Federation**

Both the phenomenon of discrimination against the LGBTs and the violation of their human rights are widespread in the Russian Federation. The deeply conservative character of the Russian society, along with the religious, political and cultural barriers, has plunged the country into a deep esoteric division, which provokes criminal acts, insecurity, instability, injustice, polarization and censorship. Therefore, the current crisis in the Russian Federation is not, merely, unjustifiable under the international law, but also jeopardizes the very foundations of the national and international community.

### **EU**

The European Parliament has condemned Russia due to homophobic discrimination and censorship, whereas the Council of Europe has called on Russia to protect LGBT rights properly. The European Court of Human Rights had previously fined Russia for other infringements of LGBT rights. Additionally, some EU member-states' leaders have publicly condemned the propaganda ban law and the discriminating situation in general, putting political pressure against the Russian Federation and have provided asylum to LGBT refugees.

### **UN agencies**

The UN, through its specialised agencies and organisations, has systematically monitored, and taken action against the discrimination of the LGBT communities. The OHCHR, the United Nations Development Programme (UNDP), the United Nations Children's Fund (UNICEF), the United Nations Educational, Scientific and Cultural Organization (UNESCO), the Office of the United Nations High Commissioner for Refugees (UNHCR), the International Labour Organization (ILO), the United Nations Population Fund (UNFPA) and the Joint United Nations Programme on HIV/AIDS (UNAIDS), are some of the major UN entities that have helped in the elimination of the LGBT rights violation, by publishing surveys and reports, raising awareness worldwide, promoting the "Free and Equal" campaign, etc. It is obvious that there is much space for improving the effectiveness of these agencies, but we have to acknowledge the fact that these entities have played a major role in the global awakening on the matter.

## **TIMELINE OF EVENTS**



1933	Criminalisation of homosexuality
late 1980s	Liberalisation of attitudes toward sexual issues
1991	Foundation of the Russian Federation
1993	Decriminalisation of homosexuality
1997	Transsexual and transgender people can change their legal gender after corresponding medical procedures
1999	Declassification of homosexuality as mental illness
2003	Adoption of the new statute about military and medical expertise
2011	A/HRC/17/19
2013	Amendment of the federal law on the protection of children from information harmful to their health and development (propaganda bans
2014	A/HRC/RES/27/32
2016	A/HRC/RES/32/2

## UN INVOLVEMENT: RELEVANT RESOLUTIONS

The United Nations Rights Council has adopted three resolutions concerning the LGBT rights and their violation. In 2011, the resolution A/HRC/17/19, requesting a study on discrimination and sexual orientation, was the first resolution approved by a UN body, affirming the rights of the



LGBT community. After that, the resolution A/HRC/RES/27/32 followed in 2014, concerning the human rights, sexual orientation and gender identity. The Russian Federation voted against both of



these resolutions. The third one, A/HRC/RES/32/2, which revolved around the protection against violence and discrimination based on sexual orientation and gender identity, passed in 2016.

## **POSSIBLE SOLUTIONS**

Having analyzed the current status of the LGBT rights in the Russian Federation, it is high time we provided some possible solutions to the problem. The ongoing discrimination and the violations of the group's rights clearly demonstrate that there is much space for improvement in the effectiveness of the actions taken. The collectivity of the efforts shall be crucial for their success. Thus, joint strategies of protection of the LGBT members should be constructed by both international organizations and NGOs (such as ILO, OHCHR, UNAIDS, UNDP, UNESCO, UNFPA, UNHCR, UNICEF, UNODC, UN Women, WFP, etc.) to better investigate these phenomena of prejudice. In this way, the prevention of any kind of discriminating acts will not be impossible, but a possible outcome in the years to come. In addition, political pressure could be put on the Russian authorities (e.g. via economic sanctions) because of the existing laws that lead to human rights violations. Organizations and other governments, in the context of the United Nations, have the moral obligation to intervene accordingly, on condition that the sovereignty of the Russian Federation is not breached. Furthermore, advertisements and non-profit campaigns can be mounted, so as to sensitize the public opinion, in tandem with an international movement against the status existing in Russia. Speeches can be organized, leaflets can be hand out, internet platforms can be set up, all of them aiming at raising the necessary awareness of the matter. To continue with, asylum should be given to the asylum seekers, refugees and the LGBT rights activists coming from the Russian Federation, as an endeavour of the democratic countries to safeguard the international law. By attempting this, the foreign states would express their clear opposition to the suppressive and outright racist status in the Federation. In conclusion,

## **BIBLIOGRAPHY**

1. [https://www.humanrightsfirst.org/wp-content/uploads/pdf/LGBTI\\_blueprint.pdf](https://www.humanrightsfirst.org/wp-content/uploads/pdf/LGBTI_blueprint.pdf)
2. <https://www.oxforddictionaries.com/>
3. [http://www.mid.ru/en/foreign\\_policy/official\\_documents/-/asset\\_publisher/CptICkB6BZ29/content/id/571508](http://www.mid.ru/en/foreign_policy/official_documents/-/asset_publisher/CptICkB6BZ29/content/id/571508)
4. <http://www.jafbase.fr/docEstEurope/RussianFamilyCode1995.pdf>
5. <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21501>

6. <http://www.lgbt-ep.eu/tag/russia/>
7. <https://www.independent.co.uk/news/world/americas/canada-lgbt-gay-asylum-russia-chechnya-homophobia-chrystia-freeland-ramzan-kadyrov-a7926971.html>
8. <https://www.hrw.org/news/2018/05/10/russias-gay-propaganda-censor-attacks-health-website>
9. <https://europeangreens.eu/content/stop-violation-lgbt-and-human-rights-russia-0>
10. <https://euobserver.com/opinion/141268>
11. <https://www.hrw.org/news/2017/04/04/anti-lgbt-violence-chechnya>
12. [https://www.unicef.org/videoaudio/PDFs/Current\\_Issues\\_Paper-Sexual\\_Identification\\_Gender\\_Identity.pdf](https://www.unicef.org/videoaudio/PDFs/Current_Issues_Paper-Sexual_Identification_Gender_Identity.pdf)
13. <http://www.unhcr.org/lgbti-claims.html>
14. <https://www.hrw.org/lgbt-international-resources>
15. <https://www.unfe.org/campaigns/>
16. "Screenwriter Questions Whether Tchaikovsky Was Gay, Sparking Furor in Russia". *The New York Times*. 23 August 2013
17. Nakamura, David (6 September 2013). "Obama meets with gay rights activists in Russia". *The Washington Post*.
18. "Russian army put on alert for tell-tale tattoos". *BBC News*. 25 January 2013
19. The law of International Society / K. Antonopoulos, K. Magliveras/ Nomiki Vivliothiki editions/ 2017
20. International Organisations / P. Naskou-Perraki/ Sakoulas Ekdoseis/ 2016