

## Anti-Gay Legislation in St.Petersburg:

### Back to the Fires of Inquisition



*HIV/AIDS Civil Society Forum  
4-5 June 2012  
Pavel Aksenov, ESVERO, Russia*

## Assumptions

- “To protect not only the interests of different minorities, but also the rights of majority”;
- “The wave of popularity of sexual diversions produces negative impact to children”;
- “No one is going to restrict any gay communities or LGBT. We are just telling them, please, do not do that in schools and promote that way of living among adolescents”

Vitaly Milonov,  
The “United Russia” Fraction  
of the St.Petersburg City Parliament.

**Goal:** To guarantee the rights of children in the Russian Federation, in particular the right for the protection from factors producing negative impact at their physical, intellectual, mental, spiritual and moral development”

Justification note  
to the draft Law  
by the “United Russia” fraction.

## The Law

- The Law of the City of St.Petersburg of 31 May 2010 No. 273-70 “On Administrative Offences in St.Petersburg”
- The Law of the City of St.Petersburg of 7 March 2012 No. 108-18 “On Amendments to the 2010 Law “On Administrative Offences in St.Petersburg”

Introducing the two articles.

## The Law

**Article 7-1.** Public actions aimed at propaganda of sex between men, lesbian relations, bisexuality, transgendership among adolescents.

**Sanctions:** Administrative fine of RUB 5,000 for individuals (EUR 125);  
Administrative fine of RUB 50,000 for officials; (EUR 1,250)  
Administrative fine of RUB 250,000-500,000 for organizations (EUR 6,250-12,500).

**Disposition (under the Note to the Article):**

**The public actions aimed at propaganda of sex between men, lesbian relations, bisexuality, transgendership among adolescents shall imply for the purpose of this article the actions of uncontrolled distribution through the commonly accessible means of the information able to produce harm to health, moral and cultural wealth development of adolescents, as well as to create the distorted views on social equality of traditional and non-traditional conjugal relations.**

## The Law

**Article 7-1.** Public actions aimed at propaganda of pedophilia.

**Sanctions:** Administrative fine of RUB 5,000 for individuals (EUR 125);  
Administrative fine of RUB 50,000 for officials (EUR 1,250);  
Administrative fine of RUB 500,000-1,000,000 for organizations (EUR 12,500-25,000).

**Disposition (under the Note to the Article):**

**The public actions aimed at propaganda of pedophilia shall imply for the purpose of this article the actions on targeted and uncontrolled dissemination through the commonly accessible means of information with the purpose of creation in the community of distorted views on sexual relations between adults and adolescents as those commensurable to the social norms.**

## Reactions

### Domestic:

“The City Law in fact restricts any activities of LGBT organizations, as any place where an adolescent may theoretically enter, any newspaper or article, an adolescent may theoretically read – is prohibited”

*LGBT Community in St.Petersburg*

“None of the definitions used in this Law are clear. What is propaganda? How is going to identify that? In case we talk about calls for sexual actions towards children (pedophilia), this is separate criminal offence. And the parliamentarians suggest replacing the criminal sanction by the administrative fine, which make the criminals free to act ... The Law does not have any scientific evidence behind and is based on prejudice. The Law comes to contradiction to the Federal legislation and international standards and instruments ratified by our country. It limits the right to information”

*Grigory Yavlinsky, The “Yabloko” Political Party.*

“Homosexuality is characteristics of the personality, which, in difference to ideology, is not possible to propagate”

*Nikolay Alekseev, The “Gay Pride” Movement founder and activist.*

## Reactions

### International:

“This Law is a badly covered attempt to legalize discrimination of gay, lesbian, bisexual and transsexual communities in the second large city of the country. Assumptions on LGBT communities, who pervert the youth through “propaganda”, would have been funny unless the anticipated effect of this law would have not been so dangerous and scaled.”

*Amnesty International*

Expressed concerns on linking the sexual orientation to pedophilia, willingness to raise the issue within the EC-Russia consultations.

*UK Foreign Office*

## Response

- April 2012: Appeal of the “Vykhod” LGBT Organization to the St.Petersburg City Court to suspend the Law (declined)
- Video address to the Governor of St.Petersburg at [www.allout.org](http://www.allout.org): 70,000 signatures worldwide
- 16 May 2012: Appeal of Nikolay Alexeev to the Statute Court of St.Petersburg to assess the Law’s compatibility to the City Statute.

## Reactions

### The European Parliament:

#### **14 December 2011 Resolution on Russia.**

"22. Condemns the recent proposals to criminalise public information about sexual orientation and gender identity in various Russian regions and at federal level"

#### **14 February 2012: Resolution on political situation in Russia.**

"15. Strongly condemns the adoption by the Legislative Assembly of St Petersburg of a law against propaganda on sexual orientation; equally condemns similar laws adopted in the Ryazan, Arkhangelsk and Kostroma regions; calls on all Russian authorities to stop restricting freedom of expression in relation to sexual orientation or gender identity, in line with the European Convention on Human Rights and the International Covenant on Civil and Political Rights; calls on the Vice-President of the Commission/High Representative to convey the European Union's opposition to these laws"

## Current Status

### The similar Laws:

*Adopted in:*

Arkhangelsk

St.Petersburg;

Ryazan'

Novosibirsk

*Being discussed:*

Kaliningrad;

Moscow;

Kostroma

In May 2012 the draft Federal Law was blocked in its first reading at the Federal Parliament (State Duma)

## Considerations: Political

- Manifestation of zero tolerance;
- Bad signal to the marginal movements (nazi, nationalists, Orthodox and other confessions' fanatics, etc.);
- One more instrument for censorship and violation of the rights to information ("Hey Slavics!", rainbow symbols and titles);
- Vague legal formulations permitting abuse of powers and unjustified enforcement

## Considerations: HIV

- Estimated 2.7 mln MSM in Russia (Federal AIDS Centre, 2007);
- HIV prevalence among MSM\*:
  - 2005: 0.4%
  - 2010: 4% small cities; up to 12% big cities
  - About 6-9% of MSM may be HIV+
  - HBV, HCV, STI data: not available.
- HIV Prevention services coverage: 20-70K, or 3% of the estimated gay/MSM population.
- Moscow and St.Petersburg are the biggest gay attractions
- In case all the mentioned regions adopt Laws, 1/6 of all MSM popul. will be deprived access to prevention and care\*\*

\* National UNGASS Report of the Russian Federation, 2010  
Shmykova E. Results of European Internet Survey among MSM (FEMP 2010): situation in Russia, Moscow, 2010

\*\* Secretariat of the Eurasian Men's Health Coalition, December 2011.

## Considerations: HIV

**Programme risks:**  
Information materials.



## Considerations: HIV

**Programme risks:**

- Outreach work  
*(communication of safe sex; networking and contacts; dissemination of information materials)*
- Clubs  
*(afraid of taking information materials and support networking/communication);*
- Websites  
*(risk of suppression)*

## Conclusions

- The Law is mostly of declarative and political nature reflecting the general zero tolerance policy
- The Law has very vague formulations entailing risks of power abuse from the authorities
- There is no enforcement practice at this stage (except of one case)
- The Law contains tangible risks for HIV prevention activities and may affect HIV situation

## Conclusions

"Lesbianism, homosexuality, masochism, sadism - are not perversions. There are in fact only two perversions: field hockey and ice dance".

*Faina Ranevskaya,  
Famous Soviet movie and theatre actress,  
(1896-1984)*



**THANK YOU FOR YOUR ATTENTION!**