



YOUNG EUROPEAN SOCIALISTS

YES

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THE RUSSIAN BAN ON "HOMOSEXUAL PROPAGANDA"

As Young European Socialists were are alarmed by recent laws in Russia prohibiting "homosexual propaganda". After the adoption of several similar regional laws, the adoption on 11 June 2013 by the Russian State Duma of a federal ban on "propaganda of non-traditional sexual relationships", which was confirmed on June 25 by the Federation Council, makes it illegal to talk about LGBTI issues in the presence of minors. This bill included such legally ambiguous terms as 'non-traditional sexual attitudes' and 'distorted image of equality of traditional and non-traditional sexual relationships'. Adoption of this law means that any mentioning of sexual relationships considered 'non-traditional' by the law enforcer will be fined as the law talks about banning the spreading of information and expressing one's opinion about a 'distorted image of equality of traditional and non-traditional sexual relationships' and 'appeal of non-traditional sexual relationships'. The enforcement of this law will endanger the freedom of gathering as it allows suspension of any organization's activity and a fine up to 1 million roubles which could mean impossibility for organizations to operate. Foreigners will be punished stricter than Russian citizens, up to 15 days of arrest and expulsion from the country.

These laws violate human rights. First, they discriminate against LGBTI individuals and organizations. Second, they undermine everyone's right to freedom of expression, which includes the right to seek, receive and impart information, opinions and ideas. The "homosexual propaganda" ban is not limited to LGBTI pride parades and demonstrations. It impacts a wide range of daily activities, including public health messages, cultural events such as film festivals and book fairs, media reporting on national and international issues, education on sexual and reproductive health, and even commercial advertising. It is an official statement of discrimination and legitimizes homophobia and transphobia at every level.

The homophobic rhetoric which accompanied the adoption of this law at the regional and federal level for the last few years already significantly contributed toward a climate of hatred and physical violence against LGBTI people which recently resulted in a number of murders. This institutionalized form of homophobia and transphobia creates an atmosphere in which LGBTI people and their allies are unprotected and subjected to extreme right wing and fascist violence.

The European Court of Human Rights has made clear in rulings against Russia, Poland and Moldova that the right to freedom of expression encompasses the right to freely express one's sexual orientation or gender identity, as well as the freedom to seek, receive and impart information on issues related to sexual orientation or gender identity. The UN Human Rights Committee found in a decision against Russia that the prohibition on "homosexual propaganda" violates Article 19(2) and Article 26 of the International Covenant on Civil and Political Rights. The principles of this decision and those from the European Court of Human Rights' judgments have been affirmed in the 18 June 2013 opinion of the Venice Commission, which considered that bans on "homosexual propaganda" are incompatible with the ECHR and international human rights standards.

The above-mentioned judgments of the European Court of Human Rights and the decision by the UN Human Rights Committee, in addition to the conclusions of the Venice Commission, have rejected attempts made by States to justify bans on "homosexual propaganda" on the basis of protecting the rights of children or protecting public morals, and reiterated that homosexuality is a variation of sexual orientation and as such protected under international human rights law. They have found that these bans stigmatize LGBT people, exclude them from public debates and legitimize violence and discrimination against them. They create a climate of self-censorship that deprives all people, in particular the young, of access to vital information and ideas, including in areas of critical importance such as health and education.

We, as Young European Socialists, therefore demand:

- the Russian federal and regional governments to revoke the bans on "homosexual propaganda"
- the Russian government to abide by international human rights law
- the Russian government to put a stop to homophobic and transphobic violence
- the Russian government to protect all of its citizens from violence and harassment
- the EU and EU member states to condemn the Russian ban on "homosexual propaganda"
- the EU and EU member states to address the LGBTI rights violations in Russia with every encounter with Russian government officials.

*Done at Vilnius, Lithuania, on 19th October 2013.
Thomas Maes, Secretary General.*