

HOMOPHOBIC LEGISLATIVE POLITICS IN RUSSIA AND ITS CONSEQUENCES: SYSTEMATIC AND WIDESPREAD

discrimination and violence
against LGBTQ People

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МЕМОРИАЛ
ЦЕНТР ЗАЩИТЫ
ПРАВ ЧЕЛОВЕКА

Summary

In recent years, the Russian authorities have been waging a consistent campaign to restrict the rights of the LGBTQ community, fueling increased discrimination and violence against this social group. Two significant milestones in this campaign were the 2013 law banning so-called “gay propaganda”¹ and the 2023 Supreme Court decision that designated the “International LGBTQ Movement” as extremist. The vague and broad language of these legal norms allows for arbitrary enforcement and complicates consistent legal regulation. Any neutral to positive expression related to LGBTQ, even in the slightest, can be considered “gay propaganda,” such as publication of dating profiles, wearing rainbow-colored clothing, conducting an interview with an openly gay person, etc. Between 2013 and 2023, the authorities initiated 312 “gay propaganda” cases, resulting in 158 individuals and organizations being punished. In 2023, the convictions skyrocketed: the number of fines increased 13-fold, totaling 26 million rubles (for comparison, fines during the entire 2013–2022 period amounted to just over 7 million rubles).²

Homophobic³ laws not only restrict the rights of LGBTQ people, but they also impact society as a whole. Unlike many other repressive laws, anti-LGBTQ laws are especially dangerous because they serve as tools of scapegoating, discriminating against and marginalizing a clearly identifiable group. As a result, attitudes toward LGBTQ people become more negative. Each time a new homophobic law is passed, there is a surge in hate crimes against LGBTQ people. While there are no official statistics — since government agencies often classify these crimes as ordinary despite the obvious motive of hatred — the independent analysis conducted for this Report shows a significant increase in such crimes.

By using case law databases that include murders, robberies, property destruction and other crimes, more than 1,200 offenses committed between 2010 and 2023 were identified that coincide with two noticeable spikes in crime. One occurred in 2014, following the enactment of the law banning “gay propaganda.” Another occurred in 2023, after the law was expanded in December 2022 and the decision to designate the LGBTQ community as extremist was handed down in November 2023.

1 As used herein, the “gay propaganda” law refers to the Code of the Russian Federation on Administrative Offenses Article 6.21

2 All case law statistics here and below are taken from annual reports of the Judicial Department of the Russian Supreme Court. Available at: <http://www.cdep.ru/?id=79>

3 For terms and definitions used in this Report, see the Section “Some Important Notes”.

**THE AIM OF THIS REPORT IS TO SHOW THE
DAMAGE THAT ANTI-LGBTQ LEGISLATIVE POLITICS
HAS CAUSED TO RUSSIAN SOCIETY.**

AS USED IN THIS REPORT, DAMAGE REFERS
TO TWO ASPECTS:

**1. Direct
discrimination**

Since the law itself is discriminatory, any instance of its enforcement constitutes direct discrimination. This includes fines and other penalties for “gay propaganda.”

**2. Indirect
consequences**

(not directly related to the application of laws): This includes the increased number of hate crimes against LGBTQ people throughout Russia. After the law was passed, such crimes tripled, and the database compiled for this research contains over 1,200 cases between 2010 and 2023.

This Report is divided into two parts: the first discusses direct discrimination—examining anti-LGBTQ laws and their enforcement, while the second looks at the indirect consequences—specifically the increase in hate crimes. Additionally, this Report contains suggestions for legal reforms that could improve the situation surrounding LGBTQ rights in Russia, along with recommendations for the international community.

Relevance of the publication

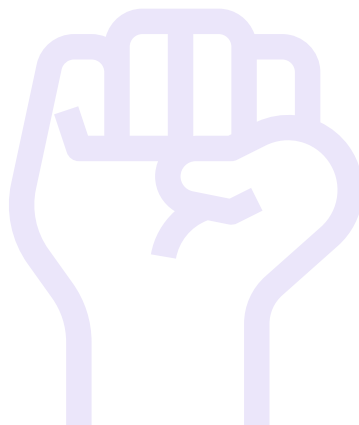
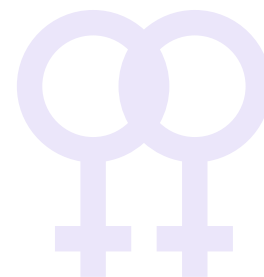
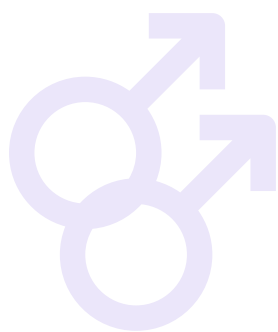
Legislative initiatives targeting LGBTQ people have negative consequences for Russian society. These initiatives need to be analyzed and discussed so that in the future, these government practices can be re-evaluated and condemned. After the decriminalization of male homosexuality in 1993, such a discussion did not take place, which is a reason why attitudes toward the LGBTQ community have not significantly changed. We hope that the data collected in this study will not only illustrate the discriminatory and damaging nature of anti-LGBTQ laws but also contribute to future changes.

Most of the cases described in this Report have not been covered by media and are only accessible through case law database

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SOME IMPORTANT NOTES

This Report is based on documents from open sources, including court decisions in “gay propaganda” cases and hate crimes. All materials used in this Report are published on the project's website and can be accessed at <https://greyrainbow.dataout.org/>. The anonymity of individuals and organizations has been preserved for their safety where possible.

The author expresses sincere gratitude to the reviewers and staff of the Memorial Human Rights Center for their support and confidence in the importance of this study. Their expert opinion, valuable feedback and recommendations shared during the preparation of the Report enhanced the quality of the research and had a significant impact on the final result, helping make it more meaningful. I am also thankful to the editors of both the Russian and English versions of this Report for making the language clearer and more precise and to the designer for creating a very engaging and interesting design for this publication.

This Report uses the acronym LGBTQ, which covers lesbian, gay, bisexual and transgender people. The author acknowledges that there are broader and more inclusive terms, such as LGBTQ+ and LGBTIA+, which include people with different gender identities and sexual orientations. The use of the shorter acronym in this Report is solely for narrative convenience and in no way implies the exclusion of other groups.

The terms “homophobic legislative politics” and “homophobic laws” as used in this Report refer to legal norms and practices that target members of the LGBTQ community, including people with other queer identities beyond gays and lesbians. As we recognize that using the term “homophobia” may be debatable—since it specifically refers to bias against homosexual men and women and does not include other LGBTQ identities—a more accurate term would be “queerphobia.” However, for the purposes of this Report, we have opted for a more widely understood and conventional definition. It is important to note that this choice does not exclude other queer identities from the discussion.

This Report contains terms such as “homosexuality,” “gender reassignment” and “non-traditional sexual relations,” which are commonly used by Russian authorities in both official documents and public discourse. These terms are not neutral, carrying a stigmatizing and negative connotation, and are used in this Report to accurately reproduce the official terminology. However, the author and the Memorial Human Rights Center do not endorse such terminology and condemn its use.

The terms “homophobic” and “anti-LGBTQ” are used interchangeably in this Report to refer to negative attitudes toward the LGBTQ community and its rights.

By a decision of the Supreme Court of the Russian Federation, the non-existent organization “International LGBTQ Public Movement” was officially designated as extremist. As a result, this Report refers to the extremist status of the LGBTQ community. It should be noted that at the time of writing, no case law related to that decision of the Supreme Court had been developed and it remains unclear what consequences it will have.

This Report contains descriptions of violence that may be distressing to some readers.

INTRODUCTION

For over 10 years in Russia, there has been institutional discrimination against LGBTQ people. Discriminatory laws and their biased application limit the rights of LGBTQ people and serve to create an “enemy.” Two key legal norms contribute to this: the “gay propaganda” law and the expansion of anti-extremist legislation to include the so-called “International LGBTQ Movement,” which the Supreme Court designated as extremist in 2023.

The above law, the Supreme Court decision and their application are unlawful and should not exist in a democratic society. The vague language in these norms allows authorities to enforce them arbitrarily. Dozens of people have been fined for “gay propaganda”—an offense that cannot be defined with precision, is unforeseeable and open to arbitrary interpretation. In March 2024, just a few months after the “International LGBTQ Movement” was designated as extremist, three people were arrested on suspicion of organizing the activities of an extremist community.

Anti-LGBTQ laws, like other repressive laws, are enacted by the Russian authoritarian regime for its own political purposes—to create an image of an “enemy” and to distract the population from its negative social agenda. However, unlike many other repressive mechanisms, anti-LGBTQ laws target a specific group of people defined by their gender identity or sexual orientation. A direct consequence of anti-LGBTQ laws is the punishment for sharing any positive or even neutral information about LGBTQ people. Such punishments include fines for both individuals and organizations, as well as bans on LGBTQ-related content unless such content portrays LGBTQ negatively.

Anti-LGBTQ laws also have an indirect negative impact. Official propaganda portrays LGBTQ people as internal enemies threatening the traditional values of the Russian state, fueling growing hatred and hostility toward them. As a result, negative attitudes—characterized by disgust or fear—toward LGBTQ people have risen significantly.⁴ Since the enactment of anti-LGBTQ laws, the number of hate crimes against this group has increased threefold.⁵

Below are excerpts from two documents that demonstrate the extent to which the violation of LGBTQ people's rights has progressed over the past 10 years. The first document is an excerpt from parliamentary hearings on the 2013 “gay propaganda” law, and the second is an excerpt from a 2023 judgment concerning a crime committed against an LGBTQ individual.

4 Levada Center. “Russians’ Attitudes Toward LGBTQ People”, 10/15/2021 // <https://www.levada.ru/2021/10/15/otnoshenie-rossiyan-k-lgbt-lyudyam/>

5 Sergey Katsuba. The Decade of Violence: A Comprehensive Analysis of Hate Crimes Against LGBTQ in Russia in the Era of the “Gay Propaganda Law” (2010–2020) // Victims & Offenders. — 2023. №19 (7).

Excerpt 1:
2013

Deputy Dorofeev (United Russia): "Propaganda of homosexuality has become widespread in modern Russia. <...> In this regard, it is crucial to protect, above all, the younger generation, and this is the goal pursued by this bill. **Family, motherhood, and childhood — understood in their traditional sense, as passed down by previous generations — represent the values that ensure the continuity of generations and are essential for the preservation and development of the diverse people of the Russian Federation. Therefore, these values require special protection from the state.**" [emphasis added]

*Transcript of the State Duma
meeting of January 25, 2013.⁶*

Deputy Dorofeev, in defending the introduction of restrictions on LGBTQ people, refers to the need to protect family values, since they maintain the existence of the state. According to the logic of Russian authorities, LGBTQ people undermine these values and by doing so threaten the institution of the family, resulting in the destruction of the country.

⁶ State Duma. Transcript of January 25, 2013 meeting // <http://transcript.duma.gov.ru/node/3789/>

The anti-LGBTQ narrative eventually materialized in discriminatory legislation, affecting many individuals who were fined for "gay propaganda," along with thousands of others who became victims of a surge in hate crimes triggered by these legal changes. One such victim is illustrated in the following example.

Excerpt 2:
2023

*"During the conversation, he [the accused] began to accuse Victim No. 1 of being of non-traditional orientation, calling him a disgrace to their people as **this type of sexual minority is not welcomed at the government level, and even their President has repeatedly stated that there will never be an LGBTQ movement in the Russian Federation and that family values must be protected.** During the conversation, the accused also struck the victim in the face with the palm of his right hand. He then demanded 30,000 rubles from the victim, threatening to reveal his non-traditional orientation unless the victim paid."* [emphasis added]

Judgment of the Nizhnevartovsk City Court of July 26, 2023 in case 1–865/2023.

This is an excerpt from a judgment in one of at least 1,200 hate crimes committed against LGBTQ people in Russia between 2010 and 2023. A criminal group in Nizhnevartovsk specifically “hunted” for homosexual men in order to rob them. In their testimony, the defendants cited government statements on LGBTQ issues, claiming that such statements partly justified their actions, since LGBTQ people are “not welcomed at the government level.” This illustrates how government rhetoric seeps into everyday life through homophobic laws. It’s important to note that although the criminals openly displayed prejudice when selecting their victims, the court was not convinced that there was a hate motive and treated the case as a standard armed robbery. Unfortunately, this is not the only example of such injustice, highlighting the systemic discrimination perpetuated by the state.

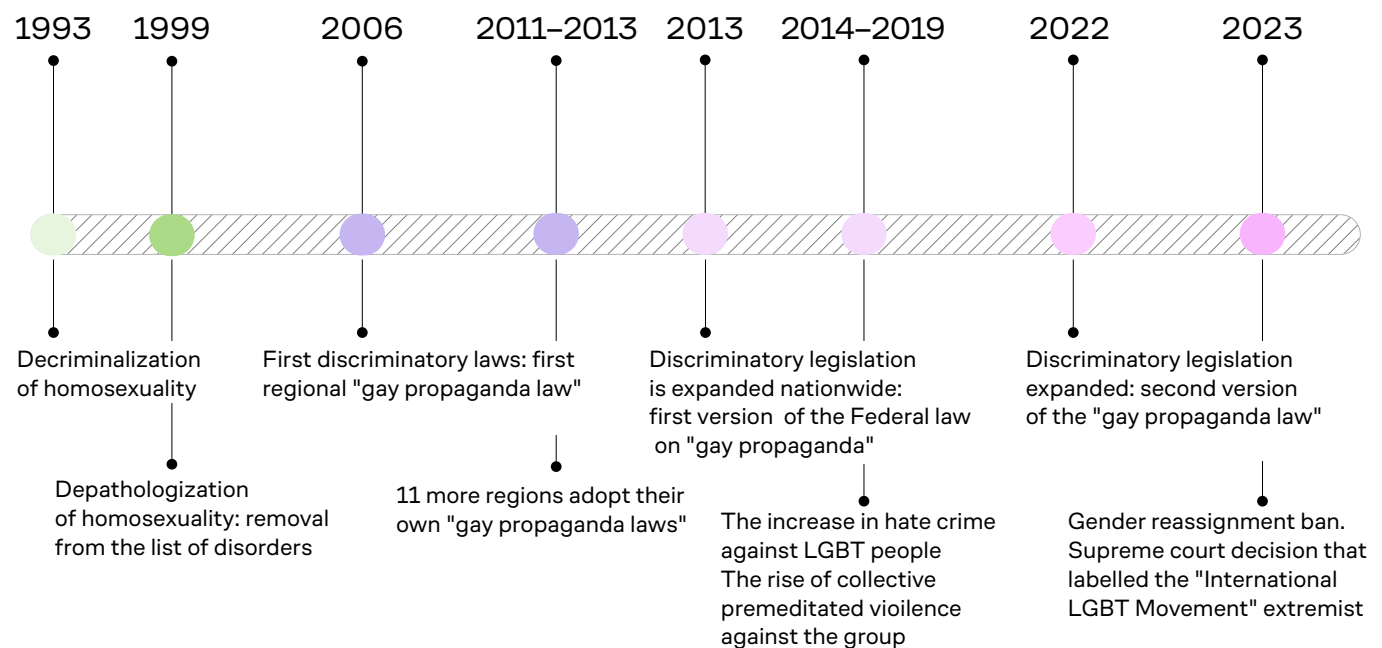
CONTEXT OF THE STUDY: THE HISTORY OF THE DEVELOPMENT OF HOMOPHOBIC POLICIES BY RUSSIAN AUTHORITIES

Key Stages

The 30-year trajectory of the anti-LGBTQ narrative in Russia can be traced through three key moments: the decriminalization of homosexuality in 1993, the passage of the federal law on “gay propaganda” in 2013, and the designation of the LGBTQ “movement” as an extremist organization in 2023. It can be argued that this trajectory has effectively brought back criminal penalties for voluntary actions related to homosexuality — though, rather than criminalizing the act itself, the focus is now on participation in, or any association with, the “LGBTQ movement,” which can be characterized as participating in, or organizing, an extremist organization. In addition, the government’s homophobic narrative has resulted in the increased level of violence against LGBTQ people.

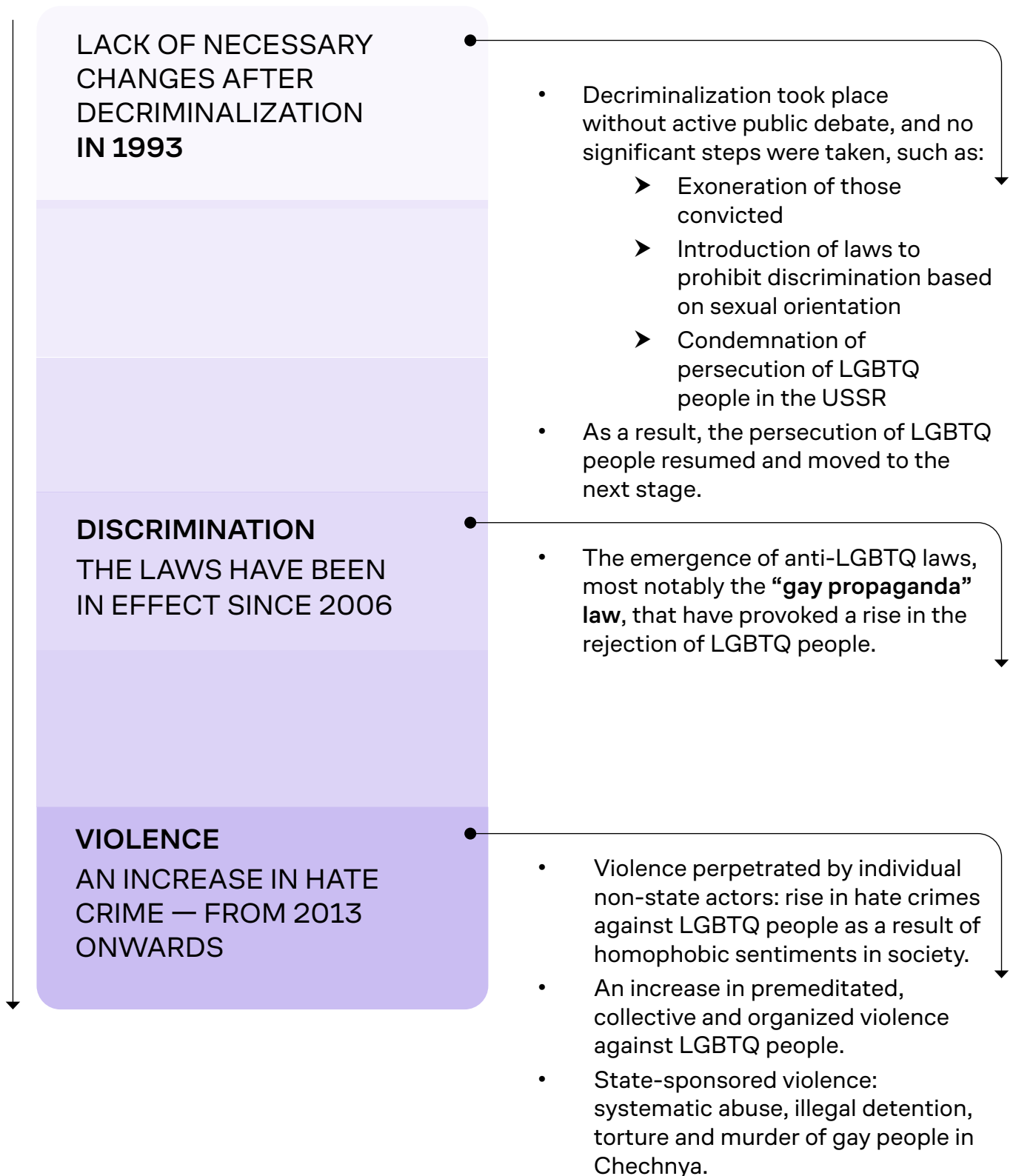
Figure 1.
Persecution of LGBTQ in Russia: Key Dates

KEY DATES:



The history of LGBTQ persecution in modern Russia is an example of how the government has steadily intensified its pressure on a salient social group, violating its rights. This process can be broken down into 3 stages.

Table 1.
Persecution of LGBTQ people in Russia: key events



The idea that persecution of minorities can follow a specific trajectory is not new.⁷ The initial stages of such persecution are always due to political and legal aspects and originate from state actors (e.g. discriminatory laws). The final stage — violence — represents the social consequences of political and legal discourse.

How does one stage lead to the next? Why did anti-LGBTQ laws emerge? How do they increase hatred in society? What steps should be taken to address them in the future? This report answers these questions. The first part focuses on laws and enforcement, along with the direct consequences of such enforcement. The second part discusses indirect consequences, particularly the rise in hate crimes against LGBTQ individuals. The conclusion provides recommendations for the international community, human rights organizations, and Russian authorities to overcome the negative consequences of homophobic legislative politics in Russia.

Before delving into the analysis of the application of anti-LGBTQ laws and their consequences, it is important to briefly examine the first stage of LGBTQ persecution—the lack of significant changes in society after the decriminalization of homosexuality in 1993. This is a crucial experience that must be considered in order to address the negative effects of Russia’s homophobic legislative politics moving forward.

Prerequisites for the Crisis: Lack of Necessary Changes in the 1990s

The 1960 Criminal Code of the RSFSR, which remained in force until the current Criminal Code was adopted in 1996, included Article 121 “Sodomy”. Between the early 1960s and the early 1990s, over 22,000 people were convicted under this article (records for other periods are unavailable but rough estimates suggest around 60,000 convictions for the entire period).⁸ In May 1993, the voluntary sexual intercourse between men was decriminalized.⁹ This decision was the result of both internal processes (the Supreme Soviet of the RSFSR condemned the prosecution of “voluntary homosexuality” in 1991¹⁰) and external pressure, such as preparations for joining the Council of Europe.¹¹ However, the decriminalization itself occurred without widespread public debate, being a formal measure that was not aimed at significant changes. There was not even a formal decree to release prisoners, and activists had to personally call the correctional facilities to report the need to release people convicted of what was no longer considered a crime.¹² Article 121 itself was actively used until the very end — 538 people were convicted in 1989, 497 in 1990, 462 in 1991, 227 in the first half of 1992.¹³

⁷ For example, see the Allport’s Scale (1954) developed to describe the behavioral component of prejudice. It includes five levels: antilocution, avoidance, discrimination, physical attack, extermination.

⁸ Dan Healey. *Homosexual Desire in Revolutionary Russia: The Regulation of Sexual and Gender Dissent*. The University of Chicago Press, 2001.

⁹ Law of the Russian Federation No. 4901-I of 04/29/1993 “On Amendments and Additions to the Criminal Code of the RSFSR, the Criminal Procedure Code of the RSFSR and the Correctional Labor Code of the RSFSR.”

¹⁰ Resolution of the Supreme Soviet of the RSFSR No. 1801-1 of 10/24/1991 “On Judicial Reform Concept in the RSFSR.”

¹¹ Ben Noble. *Decriminalizing Sex between Men in the Former Soviet Union, 1991-2003: Conditionality and the Council of Europe // Building Justice in Post-Transition Europe?* Routledge, 2012. pp. 115-136.

¹² Rustam Alexander. *Red Closet: The Hidden History of Gay Oppression in the USSR*. Manchester University Press, 2023. PP. 240-246.

¹³ Igor Kon. *Faces and Masks of Same-Sex Love*. AST Publishing House, 2002.

The Soviet practice of persecuting homosexuals was never officially condemned. Persons who had criminal records were excluded from the list of victims of political repression eligible for exoneration. When the list of crimes that did not pose a public threat (such as anti-Soviet propaganda) was prepared for Law No. 1761-1 of 10/18/1991 "On Exoneration of Victims of Political Repression," sodomy was not included.

The authorities also failed to make another important decision: an express legislative ban on discrimination based on sexual orientation and gender identity. Such a ban could have emerged from public debate about Soviet-era practices and might have included provisions to prevent the introduction of new anti-LGBTQ laws. The lack of specific legislative initiatives aimed at improving attitudes toward LGBTQ people contributed to setback, followed by resumed persecution.

The de-pathologisation of homosexuality also took place in a formalistic manner. In 1998, Russia adopted a new classification of diseases, ICD-10, which came into effect on January 1, 1999. It did not consider homosexuality a condition that required treatment. However, while in other countries such an understanding was the result of many years of research and debate, "health care professionals in Russia were simply confronted with an established fact. The reasons why such a terrible 'sexual deviation' suddenly became the norm were never clearly explained to anyone, not even to doctors."¹⁴

Thus, homophobia continued to exist in both the legal and medical spheres, and the authorities did not develop or adopt instruments to address it. Moreover, the first attempts to legislate the criminalization of the "propaganda of homosexuality"¹⁵ emerged in the early 2000s. These legislative initiatives did not gain support or approval at the time. However, in the 2010s, as the political situation in the country began to shift, they became more relevant to the regime.

14 Igor Kon. Homophobia as a Litmus Test of Russian Democracy // *Russian Social Science Review* — 2010, 51 (3). — PP. 16–37.

15 "Alexander Chuev Introduced a Bill to the Duma to ban the Propaganda of Homosexuality. SOVA Research Center, 05/03/2006 // www.sova-center.ru/democracy/news/ideology/freedom-speech/2006/05/d8085/

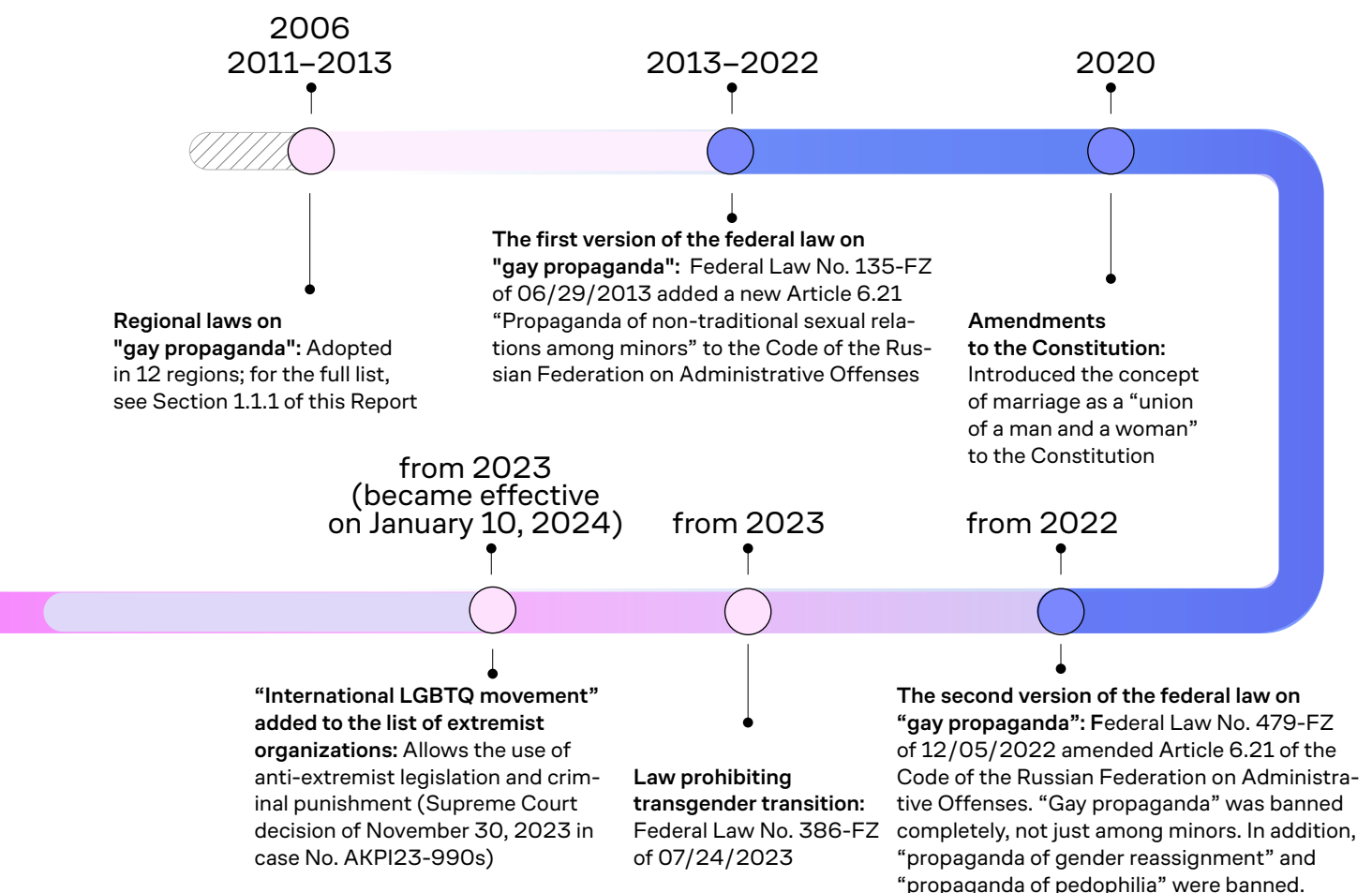
PART 1: DISCRIMINATION: WHAT ARE ANTI-LGBTQ LAWS AND HOW ARE THEY ENFORCED?

In the early 2010s, Russia saw a shift toward institutional discrimination against LGBTQ people. This change unfolded gradually over 17 years, starting with anti-LGBTQ laws at the regional level before spreading nationwide (see Table 2). Over time, not only did the scope of these laws expand, but their severity also increased.

This list does not cover all of Russia's homophobic laws. Other discriminatory practices are also used against LGBTQ people. For instance, same-sex couples are denied the right to legalize their relationship, adopt children, and make decisions regarding their partner's health in emergencies. But unlike those discriminatory practices, the laws and decisions referred to in the table provide for liability and express prohibitions.

In this Report, we will mainly discuss the “gay propaganda” law in its two iterations. What kind of regulation is this? How actively is it enforced? What qualifies as “gay propaganda”? What does case law look like, and how many people have been affected by it?

Table 2. *Main anti-LGBTQ laws in Russia in the 21st century*



1.1 ANTI-LGBTQ LAWS: DESCRIPTION, STATISTICS AND CASE LAW

This section of the report provides an overview of homophobic laws and case law. But we would like to begin with an example—one of the most notable cases of “gay propaganda.”

In 2023, 27-year-old Darya Rashevskaya, a supermarket clerk from Slavyansk-on-Kuban, was fined for nine violations of the “gay propaganda” law. Rashevskaya’s case was initiated by the Regional Department for Combating Extremism, whose employees were engaged in monitoring VKontakte pages of local residents “to identify and prevent the spread of non-traditional relationships.” On Rashevskaya’s page, they found images of people of the same sex that she had published between 2019 and 2020, including a screenshot from Hozier’s video *Take me to Church* and a poster for the film *Tell It to the Bees*. For these images, she was fined a total of 900,000 rubles—an extremely harsh punishment, given that the median salary in Slavyansk-on-Kuban was 40,000 rubles in 2023.¹⁶

Rashevskaya denied the accusations. She said she had simply saved screenshots from her favorite films and music videos. However, the court was not convinced, stating that “by posting photographs in the public domain, Rashevskaya was promoting non-traditional relationships and preferences, presenting non-traditional sexual relationships as attractive, creating a distorted view of the social equivalence of traditional and non-traditional sexual relationships, and arousing interest in such relationships.”¹⁷

Rashevskaya’s case is just one of more than 300 cases in which the “gay propaganda” law has been invoked since it was passed in 2013. While the cases vary widely, together they paint a clear picture: any neutral or positive statement on LGBTQ issues is effectively banned in Russia.



Figure 1. Poster for *Tell It to the Bees*, for which Darya Rashevskaya was fined

¹⁶ Salary statistics in Slavyansk-na-Kubani. GorodRabot.ru // <https://gorodrabot.ru/salary?l=%D1%81%D0%BB%D0%B0%D0%B2%D1%8F%D0%BD%D1%81%D0%BA-%D0%BD%D0%B0-%D0%BA%D1%83%D0%B1%D0%B0%D0%BD%D0%B8> [accessed on July 5, 2024]

¹⁷ The judgments made in Rashevskaya’s cases are publicly available: 9 judgments handed down by the justice of the peace of Judicial District 86 of Slavyansk-on-Kuban of October 23, 2023 (number 5-308-5-317).

1.1.1 Before “Gay Propaganda” Law

The first proposals to limit “homosexual propaganda” emerged in the State Duma in the mid-2000s, but they led to nothing. In the Russian regions, the initiative was more successful. The first region to adopt its own “gay propaganda” law was Ryazan Oblast in 2006. By 2013, 11 more regions had joined it: Arkhangelsk (2011), Kostroma (2011), Magadan (2012), Novosibirsk (2012), Samara (2012), Vladimir (2012), Kaliningrad (2013), Irkutsk (2013) regions, St. Petersburg (2012), Krasnodar Krai (2012) and the Republic of Bashkortostan (2012).¹⁸

The practice was noticed—in 2011, the Chairperson of the Federation Council Valentina Matviyenko recommended expanding it to the federal level. In 2012, the bill was introduced to the State Duma and was supported by the Committee on Family, Women and Children, which was then headed by Elena Mizulina, a deputy from the A Just Russia political party. She also gave reports during the first and second Duma readings of the bill, where she referred to research on the impact of “homosexual propaganda”:

¹⁸ Paul Johnson. Homosexual Propaganda Laws in the Russian Federation: Are They in Violation of the European Convention on Human Rights? // Russian Law Journal. — 2015.

“Deputy Kuzin:

Do you seriously think that it is possible to cultivate (in quotes) homosexuality through propaganda?

Deputy Mizulina:

Dear Sergey Pavlovich, there are studies on this subject which show that the propaganda of homosexuality leads to the disruption of a child's sexual self-identification. I'm using the terminology from the ruling issued by the Judicial Panel for Administrative Cases of the Supreme Court of the Russian Federation on August 15 of last year, which recognized the negative consequences of such propaganda. Furthermore, even if a child does not experience such attractions due to physiological characteristics, obsessive propaganda about homosexuality arouses their interest. And at that age, the child is not capable of critically evaluating this kind of information.”

*Transcript of the State Duma meeting of January 25, 2013.*¹⁹

In the above passage, Deputy Mizulina shares information that is inaccurate. There are no references to any studies in the Supreme Court ruling she mentioned. Moreover, there are studies with findings directly contradicting Mizulina's words: it cannot be definitively stated that social factors and the public environment influence a child's sexual self-identification, but it is well-established that biological factors play a significant role in this process.²⁰ Thus, the alleged social significance of the “gay propaganda” law (to limit the influence of propaganda on the formation of minors' sexuality) essentially involves attempting to regulate something that cannot be regulated—human nature.

¹⁹ State Duma. Transcript of the meeting of January 25, 2013 // <http://transcript.duma.gov.ru/node/3789/>

²⁰ Igor Kon. Faces and Masks of Same-Sex Love. AST Publishing House, 2002. Chapters 1–6.

1.1.2 The First Version of “Gay Propaganda” Law (between 2013 and December 2022)

The pretext for the introduction of the “gay propaganda” law was the protection of minors “from information that could convey a positive image of homosexuality.” It was framed as “a precautionary measure against their transition to a homosexual lifestyle.”²¹ The law added Article 6.21 to the Code on Administrative Offenses, establishing administrative penalties for “propaganda of non-traditional sexual relations among minors.”

²¹ European Court of Human Rights. Judgment in Baev and others v Russia, 2017.

Let's examine how the law defines “non-traditional sexual relations,” “propaganda,” and how liability for “gay propaganda” is enforced in practice.

What are “non-traditional sexual relations?”

The basic concepts used by the law, including “non-traditional sexual relations” and “propaganda,” were formulated by the Constitutional Court of the Russian Federation in Resolution No. 24-P of September 23, 2014.²² In particular, there is a paragraph that was subsequently cited by lower courts to define “non-traditional relations” (paragraph 3 of the Resolution):

²² Resolution of the Constitutional Court of the Russian Federation No. 24-P of 09/23/2014 “On the Constitutionality of Article 6.21(1) of the Code of the Russian Federation on Administrative Offenses upon Complaints Brought by N.A. Alekseev, Y.N. Yevtushenko and D.A. Isakov” (hereinafter in the footnotes, the Resolution).

“Family, motherhood and childhood in their traditional understanding, as passed down by ancestors, represent those values that ensure the continuous change of generations, are a condition for the preservation and development of the multinational people of the Russian Federation, and therefore require special protection from the state.”

This understanding supposedly comes from the constitutional provisions regarding the protection of family, motherhood and childhood, as outlined in Article 38 of the Constitution. In this sense, “traditional” means that “it is related to family and childbirth since this is ‘a condition for the survival of the nation.’” In other words, “tradition” is necessary for the future existence of the nation and requires protection by the state.

Proceeding from this provision, the Constitutional Court derives the definition of “non-traditional sexual relations” as anything that deviates from the given understanding of family and does not contribute to childbearing. It can be assumed that the definition of “non-traditional” includes not only LGBTQ practices, but also many others, such as so-called childfree movement. However, as we will see later, the overwhelming majority of “gay propaganda” cases involved same-sex relationships.

What is “propaganda?”

The court provided guidance that to qualify as “propaganda,” it must be “aggressive, intrusive, offensive in nature” and “capable of causing harm to the rights and legitimate interests of minors.” According to the Constitutional Court, such information “impedes the establishment of family relations as they are traditionally understood in Russia and as expressed in the Constitution of the Russian Federation.”²³

²³ Paragraph 3.2 of the Resolution.

The court introduced the concept of “presumption of danger,”²⁴ meaning that any information that minors receive is considered dangerous until proven otherwise. This effectively grants lower courts broad discretion and increases arbitrary application of the “gay propaganda” law.

²⁴ Ibid.

However, the Constitutional Court initially stated that the law “does not exclude the presentation of information about LGBTQ in a neutral (educational, artistic, historical) context.” In theory, if the information is presented in a neutral manner, it will not be considered “gay propaganda.”

THUS, WITH THE HELP OF THE CONSTITUTIONAL COURT’S RESOLUTION, WE CAN IDENTIFY THE FOLLOWING ELEMENTS OF “GAY PROPAGANDA:”



How has the “gay propaganda” law been applied?

What has happened to the law in practice? As shown in Table 3 below, courts have categorized a wide range of completely different actions as “gay propaganda.” Many of these cases were not even directed at minors, such as publications on private social media profiles or film screenings at closed events. Many also lacked any elements of “aggressive, intrusive, offensive” content, such as cases where people were fined for wearing rainbow prints on clothing.

The law has been applied inconsistently and unpredictably. The broad interpretations by the courts show the arbitrary application and legal uncertainty—virtually anything can be deemed “gay propaganda.”

Case law review relating to the first version of the “gay propaganda” law

The overview of the case law related to the first iteration of the law (2013–2022) includes excerpts from court decisions that highlight the absurdity and flawed reasoning that often characterize these trials—they frequently evoke the works of Franz Kafka. The justification for accusations is often based on subjective and vague interpretations by court-appointed “experts,” with some of these opinions referenced in the overview below.

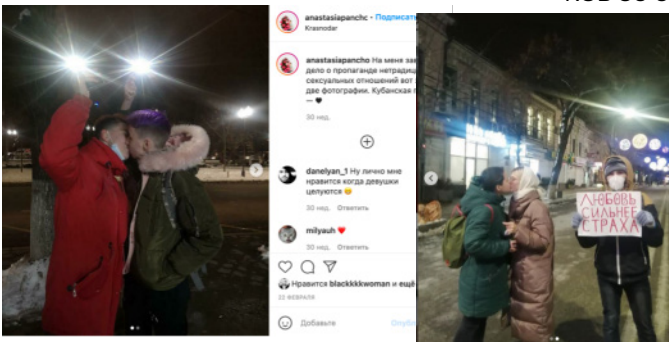
To clarify, this section focuses on cases in which the first version of the “gay propaganda” law was applied. Cases involving the current version of the law are discussed in the next section of this Report. All documents mentioned in this Report are available at:

<https://greyrainbow.dataout.org/6-21-ru/>

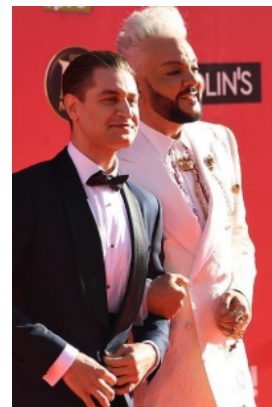
25 Russian law includes three types of offenders: an individual, an official acting on behalf of organization and a legal entity. Here, the type of offender is specified.

26 In the Russian version of the report, the spelling and punctuation in the excerpts from case records and judgments have been preserved. This translation is attempting to preserve the narratives of the sources; therefore, the excerpts may sound a bit excessively legalistic and unnatural in English. These are original court documents of Russian lower-level courts.

Table 3.
The first version of “gay propaganda” law. Case law

CASE NUMBER	REGION	OFFENDER AND CASE SUMMARY ²⁵	EXCERPTS FROM JUDGMENTS AND CASE RECORDS, IF AVAILABLE ²⁶	PUNISHMENT
5-177/2022	Moscow	An official, school principal. A school student drew a poster dedicated to the day of tolerance. The case was brought upon a report by one of the parents	From the court ruling: “As part of the week of combating extremism, a competition was organized, during which the class teacher of the 6D class gathered the students of her class and gave them the task of making a poster dedicated to tolerance, but did not monitor the execution of the task, did not familiarize herself with the content of the poster, and subsequently this poster was hung in the hall of the school. A few days later, <...> unknown persons reported this poster and expressed concern about its content.”	undisclosed
5-315/2022	Yugra	Wildberries, an online marketplace. Sale of rainbow flags and other LGBTQ related items.		Fine RUB 1 000 000
12-396/21	Krasnodar	An individual. Posting two photos of same-sex kisses on a private Instagram profile.	Published photos: 	Fine RUB 50 000

CASE NUMBER	REGION	OFFENDER AND CASE SUMMARY ²⁵	EXCERPTS FROM JUDGMENTS AND CASE RECORDS, IF AVAILABLE ²⁶	PUNISHMENT
5-1881/21	Moscow	Muz-TV channel. Broadcasting an event attended by Philipp Kirkorov, Dava, Alexey Zhidkovsky and Danya Milokhin.	From the court ruling: “Filipp Kirkorov is dressed in a white suit, Dava is dressed in a black suit with a bow tie, several men are walking behind the car — shirtless with roses in their hands. The host [of the show] Nagiev several times, psychologically focusing the viewer’s attention on the association of the video sequence being shown with a wedding, draws positive attention to men with relationships that have significant signs of interpersonal relationships, culturally non-traditional in Russia for men among themselves. Confetti is thrown at the men, they laugh and demonstrate signs of closeness.”	Fine RUB 1 000 000
5-830/20	Yugra	An official. Screening a film about LGBTQ at the Spirit of Fire film festival.		Fine RUB 50 000
5-41/20	Yaroslavl	An individual. Waving a rainbow flag on the street.		undisclosed
16-2896/2020	Khabarovsk	Activist and artist Yulia Tsvetkova. Social media publications.	One of the posts referred to by the court:  Translation of the text on the image: We want to express our support to our young followers. We know that you exist. We know that you experience love and breakups. We know that you are discovering yourself and your sexuality. We know that it's not easy and scary for you in a homophobic society. We know that sometimes you are afraid that your parents will reject you, or that your peers will bully you. Know that all these feelings are normal! And know that you are not alone! Be brave, be yourself, and never give up. Everything will be alright ❤️	Fine RUB 50 000



CASE NUMBER	REGION	OFFENDER AND CASE SUMMARY ²⁵	EXCERPTS FROM JUDGMENTS AND CASE RECORDS, IF AVAILABLE ²⁶	PUNISHMENT
5-307/20	Khabarovsk	An individual. Posting erotic videos on Vkontakte social media (hereinafter, VK).		undisclosed
5-57/19	Saint Petersburg	An individual. A street protest with rainbow flag.		Fine RUB 4 000
5-880/19	Moscow	An individual. A street protest wearing clothes with a rainbow print.	From the court ruling: “[the offender] took part in a solo picket in front of a large crowd of people, including minors, in the city center, while she was wearing rainbow-colored LGBTQ knee socks and holding a poster in her hands.”	Fine RUB 4 000
12-114/18	Omsk	An individual. Posting images of shirtless men on VK page.	From the court ruling: “[the offender] draws attention to the fact that his actions lack the objective aspect of the alleged administrative offense, since he posted photographs of men with well-developed muscles, and no comments were made about their sexuality.”	Fine RUB 25 000
5-612/17	Samara	An individual, a political activist at Navalny’s organization. Reposting the Guardian article on social media.	From the court ruling (testimony of the officer who discovered the offense): “He saw the website and began to study it, using Google Translate <...> this is a Guardian article. Perhaps Google Translate will not translate some words, but the meaning is clear, these were letters from boys, girls aged 17, 15, 14, who express their protest against their parents, who allegedly do not understand them, they believe that their parents are wrong.”	Fine RUB 50 000
5-6234/17	Omsk	An individual. Posting respective images on social media.	It is unknown what images were published, but in this case, there is also an accusation of offending the feelings of believers.	Fine RUB 25 000
4a-74/2016	Saint Petersburg	A foreign national. Discussing homosexuality in personal correspondence with a minor.		Fine RUB 50 000 and administrative expulsion
4a-2446/2016	Moscow	Hearst Shkulev Media LLC. Publication of an article about lesbian experience.		Fine RUB 1 000 000
12-182/16	Murmansk	An official. Workflow management for the Center for Social and Psychological Assistance and Legal Support for Victims of Discrimination and Homophobia "Maximum."	The court ruling referred to the organization’s VK page: “At the same time, the case records confirm that this group has more than 300 members, including 8 minors living in the Murmansk region.”	Fine RUB 100 000
5-123/16	Tambov	An individual. Posting pictures of same-sex love, corresponding quotes and discussions on the VK page. She was a teacher, quitting the same day when the report was filed.		Fine RUB 50 000
12-4105/15	Moscow	An official, owner of the newspaper. Publishing articles about lesbian sex.		Fine RUB 100 000

CASE NUMBER	REGION	OFFENDER AND CASE SUMMARY ²⁵	EXCERPTS FROM JUDGMENTS AND CASE RECORDS, IF AVAILABLE ²⁶	PUNISHMENT
5-251/15	Vladivostok	Oblomoff Publishing house. Publishing articles in the men's magazine "Oblomoff."	 The court found that the girls' stories about their experiences of lesbian relationships create "an image of the attractiveness of non-traditional (lesbian) relationships through the author's personal assessment and the quoted statements of the women."	Fine RUB 1 000 000
5-1003/15	Samara	An individual. Publishing two posts "Love one another" and "Love conquers all things" on VK.		Fine RUB 50 000
5-7/15	Nizhny Tagil	Elena Klimova, a journalist. Website management for web-site "Children 404", where letters from LGBTQ teenagers were anonymously published.	This was based on the expert opinion issued by Lidiya Mikhailovna Matveeva, Doctor of Psychology, lecturer at Moscow State University: homosexuality was called a "sin" and even "mortal sin" on one occasion; the New Testament was found in the list of references; the author wrote: "In Russia, the disabled, the sick and the wretched have always been treated with sympathy and pity, considering them victims of fate. But this does not mean that it is necessary to equate pathological forms of sexual relations with the normal type of relations between a man and a woman, intended for the continuation of the human race." ²⁷	Fine RUB 50 000
12-109/14	Tatarstan	An individual. A solo protest with a banner that said "Being gay is normal, killing gays is a crime."		Fine RUB 4000
12-145/14	Khabarovsk	An official, editor-in-chief of the newspaper "Young Far Easternner". An interview about the forced dismissal of gay teacher Alexander Ermoshkin from a Khabarovsk school.	The court considered Ermoshkin's words to be propaganda: "My very existence is effective proof of the normality of homosexuality." ²⁸	Fine RUB 50 000
7-901/14	Krasnodar	An individual. Selling T-shirts with a rainbow print.	From the court ruling: "individual FULL NAME sold children's summer clothing in the store in the amount of 4 T-shirts containing graphic information reflecting the attractiveness of non-traditional sexual relations."	Fine RUB 4 000
7-149/14	Smolensk	Kometa Plus LLC. Sale of a board game in which participants were asked to pretend to be a same-sex couple on a date.	From the court ruling: "It can be seen from the conclusion of the comprehensive psychological and sexological examination of the children's game 'Forfeits' that the main typical associations that arise regardless of age are connected with arousal, humor, sex, and love. Individual elements of the game 'Forfeits' directly and indirectly promote homosexuality. The game 'Forfeits' played by minors stimulates their premature psychosexual development, which is the main background for the formation of various pathologies of the psychosexual sphere in humans."	Fine RUB 200 000

The examples above show that the law has been applied broadly and arbitrarily by courts. Lower courts often failed to use the criteria contained in the Constitutional Court's Resolution to determine what constitutes propaganda. These criteria, along with the claim of protecting minors, appeared to be a facade masking the real purpose of the legal norm. According to the Chairman of the Constitutional Court, Valery Zorkin, the true purpose is:

“The legal meaning of this ban is not so much to address the problem of homosexual propaganda among minors—frankly, this issue is not yet a major concern in Russia—but to signal an understanding of the deviant nature of this behavior. It is, therefore, a statement of the legislator’s stance on the boundaries of tolerance regarding social deviations in this area.”

Chairman of the Constitutional Court of the Russian Federation V.D. Zorkin, 2014²⁹

²⁹ Zorkin Proposed to Change the Fundamental Documents of the UN // Fontanka.ru, September 30, 2014 // <https://www.fontanka.ru/2014/09/29/230/>

In other words, according to Valery Zorkin, the “gay propaganda” law has a symbolic function—its goal is to officially declare at the state level that LGBTQ people are deviants.

Nine years after the initial version of the “gay propaganda” law was passed, the Russian authorities amended it. The new version of the law now more effectively serves its intended purpose and better reflects its symbolic meaning.

1.1.3 The Second Version of “Gay Propaganda” Law (from December 2022 to the Present)

The law that amended and expanded the “gay propaganda” law appeared in 2022, shortly after the full-scale invasion of Ukraine began and the authoritarian regime in Russia became even more aggressive towards its own citizens. Legislators stopped pretending to protect the rights of minors, and the law now punishes “gay propaganda” among the entire population. In addition, the Code on Administrative Offenses was supplemented with “propaganda of pedophilia” (Article 6.21.1 of the Code) and dissemination of information among minors that either demonstrates non-traditional sexual relations or is capable of encouraging them to change gender (Article 6.21.2 of the Code). Thus, sharing information about LGBTQ with minors is punishable under a separate article of the Code on Administrative Offenses. To be punished, you do not even need to “propagandize” anything—simply displaying anything related to LGBTQ issues is enough.

The discussion surrounding the bill was accompanied by an anti-Western narrative:

“State Duma Chairman Volodin:

Today, the US Secretary of State paid attention to the State Duma, yes, yes, and asked Russian legislators to withdraw the bill, <...> The vote is roll-call, open. Blinken is watching us vote, so let's give Blinken an answer to him addressing us on this issue. For—397, against—none, no abstentions. Colleagues, congratulations. (Applause.) And this is the best answer to Mr. Secretary of State Blinken. Do not impose foreign values on us, you have destroyed your own and let's see how it all ends, but it is definitely sad, because this is Sodom, there is no other way to put it. The United States has become the center of this Sodom in the world. Let them live there, but do not bother us with your values, because they cannot even be called values.”

*Transcript of the State Duma meeting
of November 24, 2022³⁰*

The new version of the article has significantly raised the fines. For “gay propaganda,” an administrative fine is now between 50,000 rubles and 100,000 rubles for individuals (between 4,000 and 5,000 rubles under the previous version), and between 800,000 rubles and 1,000,000 rubles for organizations under Article 6.21(1) of the Code on Administrative Offenses (this remains unchanged for organizations). If the offense is committed using the media or even online, the maximum fines are 4 times higher: for a social media post, the fine is between 200,000 rubles and 400,000 rubles for individuals and between 1,000,000 rubles and 4,000,000 rubles for organizations. The penalties are even tougher for foreign nationals committing “gay propaganda” offenses, with offenders potentially facing up to 15 days of administrative detention followed by expulsion. According to case law statistics, at least ten such orders were issued by courts between 2013 and 2023 (see Fig. 5).

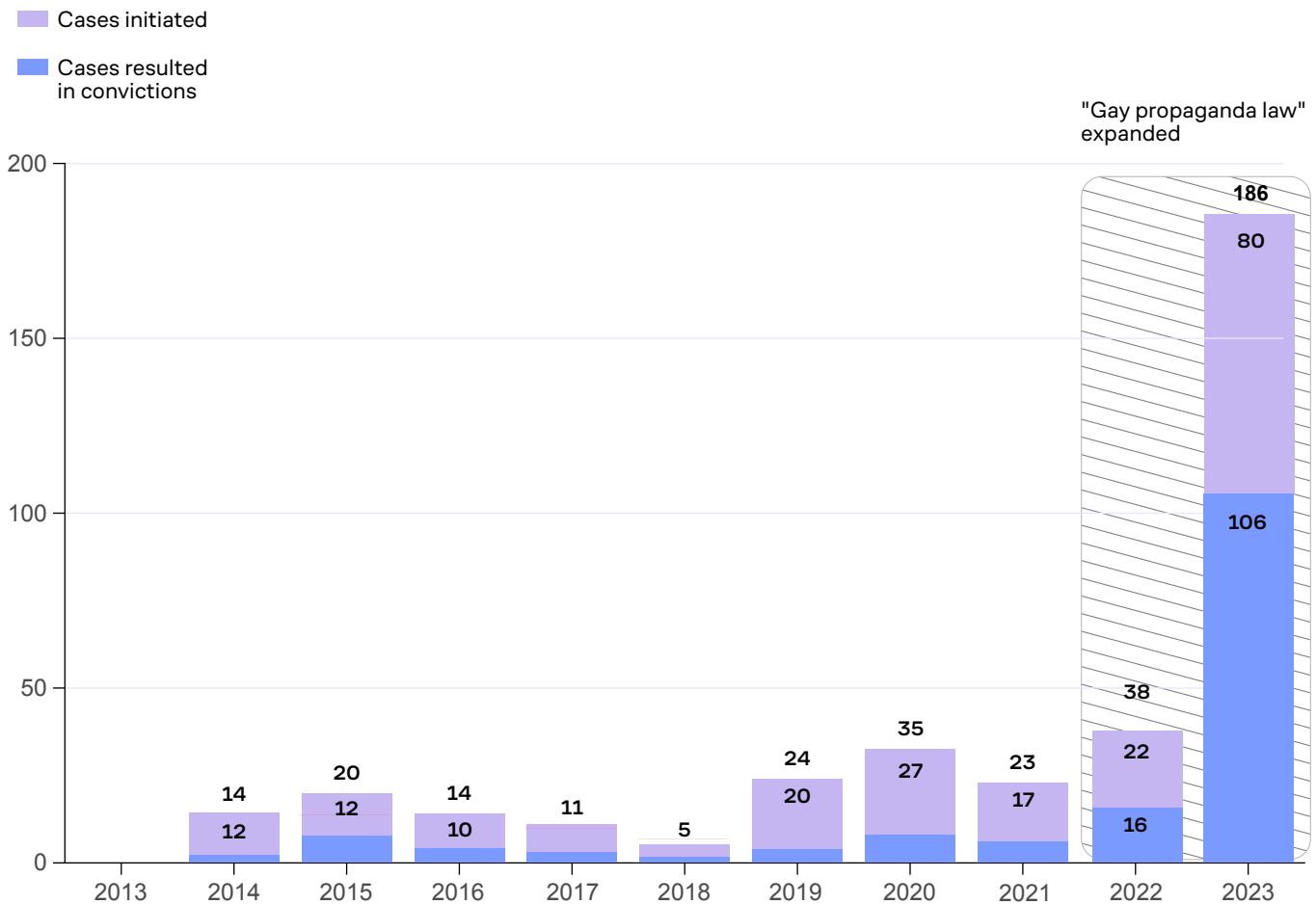
The 2022 amendments had a serious impact on case law, provoking a wave of prosecutions. While only **52** individuals and entities were penalized for “gay propaganda” between 2013 and 2022 under the previous version of the law, that number jumped to **106** in 2023 alone.³¹

In many ways, the previous version of the law was a “dormant provision” and was rarely used. The 2022 amendments significantly shifted how law enforcement and the courts approach this law, resulting in a massive spike in enforcement. In 2023, there were nearly five times as many cases as in 2022, and the percentage of cases resulting in punishment increased from **39%** to **56%**.

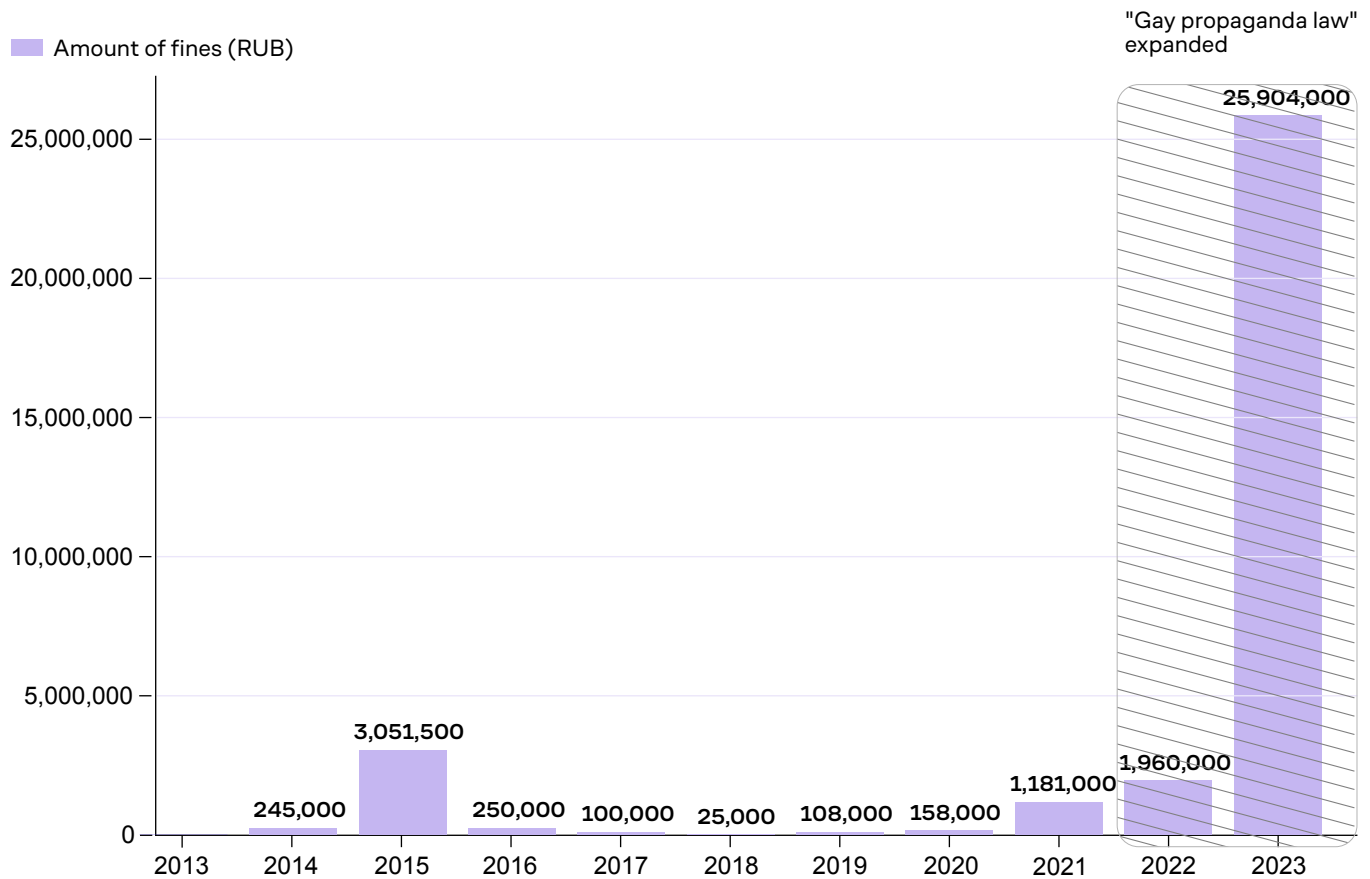
³⁰ State Duma. Transcript of the meeting of November 24, 2022 // <http://transcript.duma.gov.ru/node/5958/>

³¹ All case law statistics here and below are taken from the annual reports of the Judicial Department of the Supreme Court. Available at: <http://www.cdep.ru/?id=79>

Figure 2.
Statistics on the application of “gay propaganda” law



Along with the increase in punishments for “gay propaganda,” the total amount of fines has also risen sharply. Between 2013 and 2022, fines totaled just over **7 million rubles**. In 2023 alone, courts imposed nearly **26 million rubles** in fines. Such a huge difference in amounts is due to the expanded scope of the rule itself, the increased number of offenses included in the law, and the fact that the authorities have started enforcing the new law more consistently. While the first version of that law mainly targeted individuals, social media posts and sole protesters, the 2022 amendments have led to more frequent prosecutions of legal entities, organizations, media outlets, and content distributors. Many entertainment TV channels and online cinemas, such as Kinopoisk, TNT, Tricolor, More.tv, Ivi, Premier and others, were ordered to pay large fines for airing films featuring same-sex kissing and similar scenes. The total amount of fines in 2023 was 13 times higher than in 2022 and more than three times the total fines imposed over the previous nine years.

Figure 3. Amounts of fines

After the authorities began to actively prosecute various media outlets for showing any LGBTQ-related content, organizations and bloggers began to self-censor. They began to remove anything that law enforcement agencies could classify as LGBTQ content. In this image, for example, the TNT channel corrected a music video of a K-Pop band. While the original video features the band dancing under a rainbow, TNT changed the rainbow to gray.

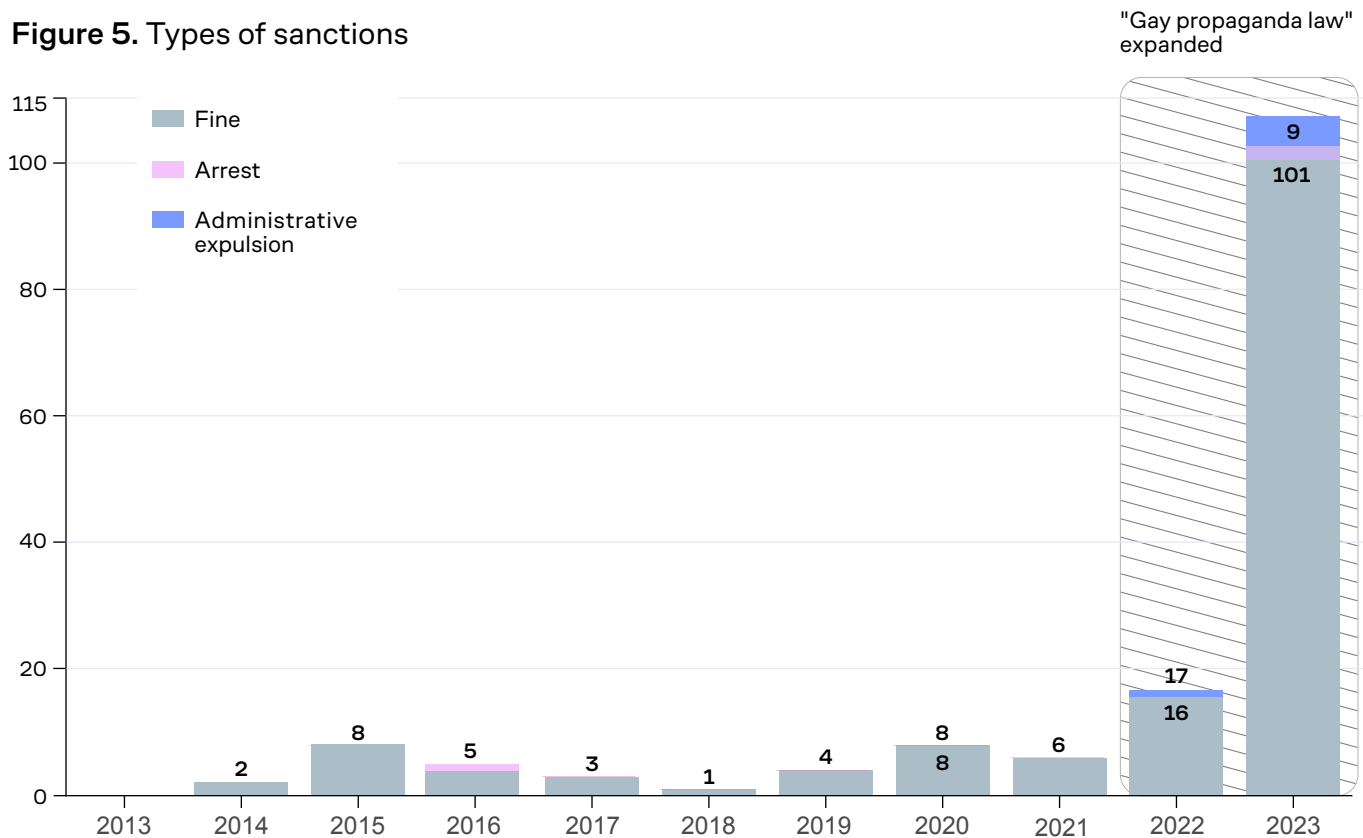
Figure 4. Self-censorship: gray rainbow on TNT³²

³² Video: Seventeen — God of Music



The new version of the “gay propaganda” law resulted in more arrests and administrative expulsions. In previous years, these punishments were rarely ordered—there were only 2 expulsions and no arrests over 9 years (see Figure 5). In 2023, 9 foreign citizens were expelled from the Russian Federation for “gay propaganda” and 4 administrative arrests were ordered (lasting between 5 and 15 days).

Figure 5. Types of sanctions

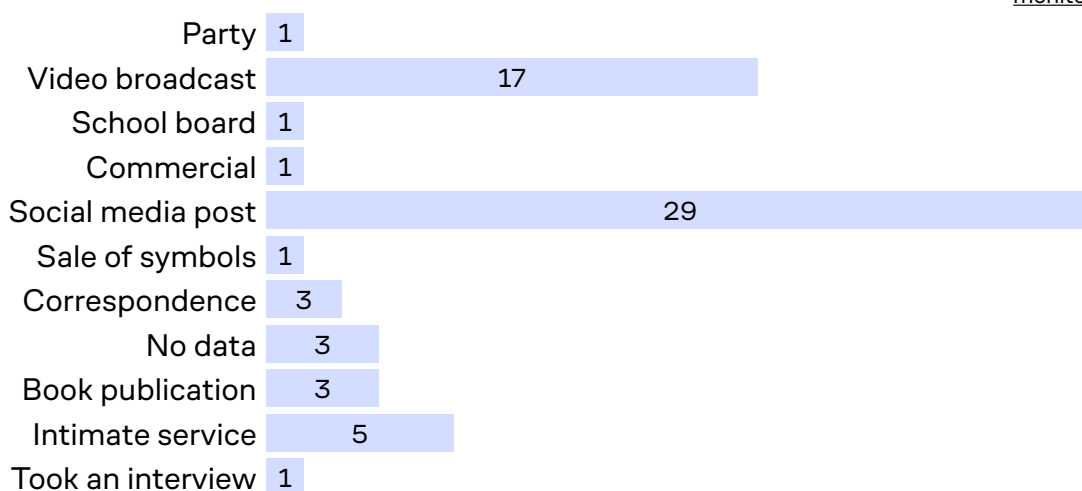


Overview of case law related to the second version of the “gay propaganda” law

The human rights organizations “Citizens’ Watch” and “Sphere” analyzed the case law related to the second version of the law. Below is a chart from their report showing the key types of offenses.³³

³³ The Report “Administrative Prosecution for Propaganda of Non-Traditional Sexual Relations in Russia: Case Law and Other Practices” // Citizens’ Watch, August 22, 2024 // <https://citwatch.org/administrativnoe-presledovanie-za-propagandu-netradiczionnyh-seksualnyh-otnoshenij-v-rossii-pravoprimenitelnaya-praktika/>

Figure 6. Statistics on the application of the second version of the law: data by “Citizens’ Watch” and “Sphere”



In their report, Citizens' Watch and Sphere point out that online content is mostly treated as "gay propaganda." They conclude that "any mention of LGBTQ+ topics in public or even in private space, such as social media conversations, may result in liability under Article 6.21 ("propaganda" among adults) or Article 6.21.2 (dissemination of information among children) of the Code on Administrative Offenses. Even neutral publications on the Internet and social media are completely banned."³⁴

34 Ibid., 58.

The report also highlights the special role of experts in determining what constitutes "gay propaganda." Often, these are employees of an affiliated entity of Roskomnadzor, and their opinions do not comply with the legal requirements (in particular, they use so-called "summary opinions," a simplified form of expert testimony).³⁵

35 Ibid., 59.

Table 4 below provides an overview of case law related to "gay propaganda" following the 2022 amendments. The overview does not include case law under Article 6.21.2 of the Code on Administrative Offenses "Dissemination of information among minors demonstrating non-traditional sexual relations and/or preferences or capable of encouraging minors to change their gender."

All documents mentioned in the report are available at:
<https://greyrainbow.dataout.org/6-21-ru/>

Table 4.

The second version of "gay propaganda" law.
Case law (2022–2023)

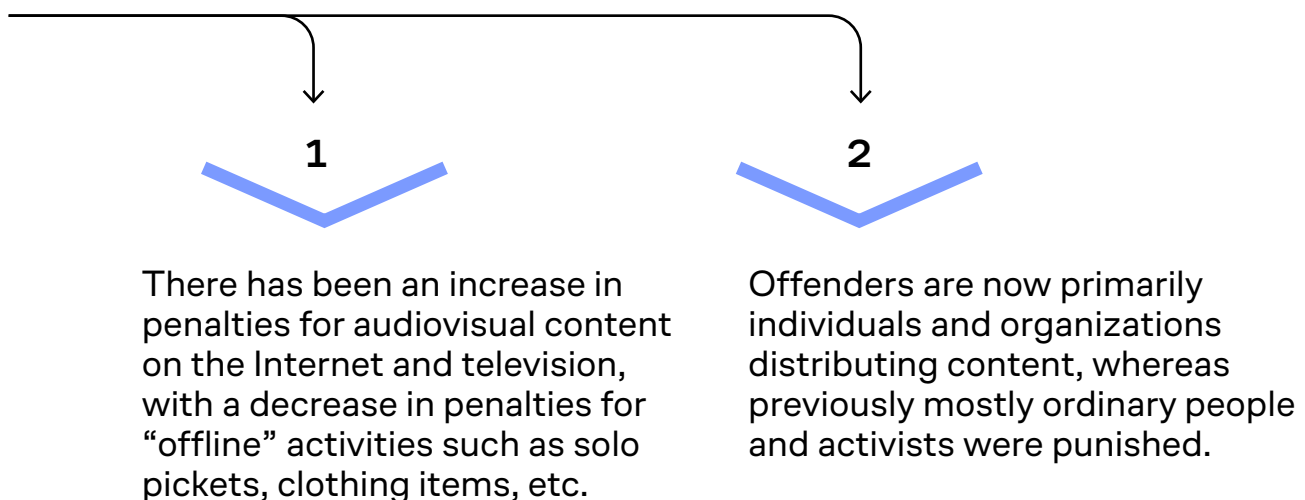
CASE NUMBER	REGION	OFFENDER AND CASE SUMMARY	EXCERPTS FROM JUDGMENTS AND CASE RECORDS	PUNISHMENT
Hidden	Moscow	Rapper VACIO. Participation in Nastya Ivleeva's "naked party" and publication of a video where he is wearing nothing but a sock on his genitals.		Undisclosed
9 different cases	Moscow	Foreign nationals. Publication of dating profiles.	From one of the court rulings: "He posted a dating profile <...>, being a male, he posts a photo in female clothes (skirt), with signs of female breasts, with long blond hair, makeup and with exposed male genitals (penis)"	Arrest and administrative expulsion from the Russian Federation
29 different cases	Москва	Online streaming services and online cinemas (Tricolor, Kinopoisk, Ivi, More.tv, Kinoliving, Eurokino, Premier, TV3, Wink, National Satellite Company, etc.). Publication of films that contain scenes with LGBTQ content. Most of the films were not directly related to the discussion of LGBTQ issues but rather contained one or two scenes with same-sex characters. List of films: "French Women," "Perfect Strangers," "Bridget Jones: The Edge of Reason," "Three Many Weddings," "Easy A," "Blow Dry," "Compartiment Number 6," "Greed," "Green Book," "The Amusement Park," "Beanpole" and others.	From one court ruling: "After examining the movie, "French Women," it was established that this video material contains information demonstrating non-traditional sexual relations and/or preferences, which is expressed by the verbal component (dialogues between two women), the visual component (the image of sensual interaction between two women, where scenes are shown containing tactile communication after sexual interaction, prolonged kisses)."	Fines between RUB 200 000 and RUB 1 000 000

CASE NUMBER	REGION	OFFENDER AND CASE SUMMARY	EXCERPTS FROM JUDGMENTS AND CASE RECORDS	PUNISHMENT
5-248/2023	Crimea (occupied by Russia)	An individual. Publishing a video on VK.	From the court ruling: "Employees of the Crimean Center for the Prevention and Monitoring of Destructive Behavior of Youth have identified a page on which an audio recording of 'Love Me Everywhere' was posted in the public domain, as well as a picture depicting two males kissing each other on the lips."	Fine 50 000
5-308-5-317/2023	Краснодар	Daria Rashevskaya. "Saved images" on VK, including screenshots from the Hozier's video Take me to church.	Details of the cases are provided in Section 1.1 of this Report "Anti-LGBTQ Laws: Description, Statistics and Case Law."	Total fines RUB 900 000
5-998/2023	Moscow	Tochka TV channel. Broadcasting Nikolay Baskov's video Wanderer. https://www.youtube.com/watch?v=CpDiQsj_NHk	From the court ruling: "After examining the music video, it was established that this video material contains information demonstrating non-traditional sexual relations and/or preferences. The totality of the scenes of the video allows to establish that the relationship of the lyrical hero (a male person) with a male person is positioned as having a special personal meaning, contains communicative signs of a romantic interpersonal relationship. The video, as a narrated story of the relationship of the lyrical hero (a male person) with a male person, occurs against the background of atmosphere of hedonism and debauchery, which is realized mainly through repeated scenes of non-verbal sensual interaction between two persons of the same biological sex in a sexual context."	Fine RUB 200 000
5-955/2023	Moscow	Zhara TV channel. Broadcasting a video by Rita Ora Girls (ft. Cardi B, Bebe Rexha & Charli XCX)		Fine RUB 100 000
5-1188/2023	Moscow	O2TV channel. Broadcasting Dezery's video Wings	From the court ruling: "The visual sequence of the material is presented primarily as a demonstration of a couple (a woman and a woman) who position themselves as a couple with an orientation different from heterosexual, but who perceive and display their relationship on an equal basis with heterosexual couples."	Fine RUB 100 000



CASE NUMBER	REGION	OFFENDER AND CASE SUMMARY	EXCERPTS FROM JUDGMENTS AND CASE RECORDS	PUNISHMENT
5-1073/2023	Moscow	La Minor TV channel. Broadcasting video by Tantsy Minus Gorod.	From the court ruling: "The depiction of kisses between two persons of the same biological sex (female)<...>When analyzing a fragment of the video containing a scene of a kiss between two persons of the same biological sex (female), the experts also proceeded from the classification of kisses, which are divided into social and sensual, the latter differing depending on the types of feelings (kisses of affection, kisses of tenderness, kisses of respect and kisses of love)."	Fine RUB 200 000
5-1072/2023	Moscow	TNT Music TV channel. Broadcasting video by Regard, Years & Years Hallucination		Fine RUB 100 000
Hidden	Kamchatka Krai	A foreign national. Discussion of homosexuality in correspondence with a resident of Kamchatka Krai.	Messages from personal correspondence identified as propaganda by the court: "It is allowed to be gay." "It is just sad that we have to separate people depending on what they do in bed ... it should be a private matter."	Fine RUB 150 000 and administrative expulsion
5-920/23	Moscow	Beauty blogger Andrey Petrov. Posting his own photos and videos in Telegram.		Undisclosed
Hidden	Moscow	TV channel. Footage about the legalization of same-sex marriages in Mexico.		Undisclosed
12-1327/2022	Moscow	Yuri Dud, journalist and YouTuber. Publication of an interview with an openly gay person, Fyodor Pavlov- Andreevich.		Fine RUB 100 000

THE ABOVE OVERVIEW OF CASE LAW RELATED TO THE SECOND VERSION OF THE LAW SHOWS THAT:



The first version of the law was more of a “dormant provision,” difficult to enforce. There are only 52 cases brought over 10 years, most of which were unrelated. The Russian government had to rely on superficial democratic mechanisms, justifying its actions by claiming to protect minors' rights and creating legalistic criteria for “gay propaganda”, supposedly for proportionate enforcement.

The second version of the law allows for much broader application. The pretext of protecting children has been dropped, and the law now focuses on safeguarding state security. As a result, case law has become both more productive and systematic. Furthermore, the new version of the law more effectively aligns with the framework proposed by Valery Zorkin, who defines LGBTQ practices as deviant, non-traditional behavior.

The shift between the two versions of the law reflects a critical turning point in Russia's transition from a “spin dictatorship” (one relying primarily on pretense and manipulation of information) to a “fear dictatorship” (characterized by open repression and intimidation), as described by Guriev and Treisman.³⁶ Thus, the 2022 amendments represent a significant shift in the government's strategy for maintaining power, moving toward more harsh and repressive methods.

³⁶ Sergei Guriev and Daniel Treisman. *Spin Dictators: The Changing Face of Tyranny in the 21st Century* // Princeton University Press. — 2022.

1.1.4 Restrictions and Prohibitions Targeting Transgender People

While the anti-gay propaganda law is designed to restrict freedom of speech and assembly, the restrictions on transgender people introduced in 2023 deny them access to essential services. This small group has effectively been stripped of their right to exist: vital medical procedures have been banned, and the possibility of legal recognition of their identity has been completely obliterated.

Until 2023, medical transition and legal gender change were permitted in Russia. Transgender people could receive a medical certificate for gender reassignment from specialized medical commissions, which allowed them to change their personal data—by applying to the registry office with the necessary medical documents. The process was complicated and involved several bureaucratic hurdles, but for those who chose to transition, the very opportunity to begin this procedure was available.³⁷

The situation changed dramatically in 2023 with the introduction of the so-called “gender reassignment ban.”³⁸ The law amended the Federal Law “On Fundamentals of Health Protection in the Russian Federation” by adding Article 45.1 “Prohibition of changing gender.” This article bans both gender-affirming surgeries and the prescription of hormone therapy. Additionally, if one spouse changes their legal gender, it becomes grounds for divorce.³⁹ Transgender people are also prohibited from becoming adoptive parents or legal guardians of children.⁴⁰

These restrictions have effectively dismantled the system that allowed transgender people to access medical care in line with international standards. A survey of over 1,000 transgender individuals revealed that 80% frequently experience suicidal thoughts.

³⁷ Article 70 of the Federal Law No. 143-FZ of November 15, 1997 “On Vital Records,” version in effect until July 24, 2023.

³⁸ Federal Law No. 386-FZ of July 24, 2023 “On Amendments to Certain Laws and Regulations of the Russian Federation.”

³⁹ Article 16 of the Family Code of the Russian Federation.

⁴⁰ Articles 127 and 146 of the Family Code of the Russian Federation.

The survey also highlights the difficult reality for transgender people in society: 40% are unemployed, and 25% cannot afford necessary medications.⁴¹

Intersex people deserve a special mention here.⁴² Estimates suggest that up to 1.5% of the population is intersex—about the same percentage as people with red hair.⁴³ Pursuant to the new law, intersex children will be “treated” by a decision of a medical commission without their consent. This means that after birth, doctors will determine his or her future through medical intervention.

1.1.5 LGBTQ Extremism

In 2023, government persecution of LGBTQ people escalated to a new level. On November 30, 2023 the Supreme Court of Russia ruled to designate the non-existent “International LGBTQ Movement” as extremist. In its ruling, the Supreme Court described it as a destructive ideological group that has allegedly been operating in Russia since 1984 and “originated in the United States in the 1960s as part of a birth control policy.”⁴⁴ The Supreme Court found that “281 individuals in Russia have been identified as promoting LGBTQ ideology and participating in the activities of the Movement.” They “are united by certain morals, customs and traditions (such as gay parades), as well as specific language (the use of femininities),”⁴⁵ The Supreme Court argued that the activities of the movement threaten the country’s demographic stability, fostering conditions for the self-destruction of society and weakening of family bonds.

In Russia, participation in an extremist organization is a criminal offense (Article 282.2(2) of the Criminal Code), and it can even result in imprisonment for a term of 2 to 6 years. It remains unclear what exactly will be considered participation in this alleged “extremist LGBTQ organization.” In theory, any expression of LGBTQ identity—such as displaying symbols or publicly declaring one’s sexual orientation—could be characterized as extremism by the authorities.

In March 2024, the first criminal cases related to participation in the “International LGBTQ Public Movement” were reported. Three individuals running an LGBTQ-themed bar in Orenburg were imprisoned. The court determined they were members of an extremist group, “coordinating the operations of such venues and sharing photos and videos of performances promoting non-traditional sexual relationships and preferences.”⁴⁶ These three people became the first in Russia since 1993 to face criminal charges for association with the LGBTQ community by participating in an extremist organization.

41 “Census” of the Transgender Population. Research of the Transgender Community on the Example of Translyatsiya // Translyatsiya. Autumn 2023 // https://translyaciya.com/transportrait_after_law_2023.

42 Intersex people are born with sex characteristics (including chromosomes) that do not fit into the binary classification of male and female.

43 Intersex People. UN Free and Equal campaign // <https://www.unfe.org/ru/know-the-facts/challenges-solutions/intersex>

44 Decision of the Supreme Court of November 30, 2023 in case No. AKPI23-990s.

45 Ibid., pp. 4–5.

46 ISergey Katsuba. Putin's Russia: First Arrests under New Anti-LGBT Laws Mark New Era of Repression // The Conversation. — 2024. — April 8 // <http://theconversation.com/putins-russia-first-arrests-under-new-anti-lgbt-laws-mark-new-era-of-repression-226864>

1.2 INTERNATIONAL RESPONSE TO ANTI-LGBTQ LAWS

Many international organizations have strongly condemned the anti-LGBTQ legislation.⁴⁷ Even before the law was officially adopted in June 2013, the Venice Commission pointed out that such regulations do not comply with international lawmaking standards and the principles of the European Convention for the Protection of Human Rights and Fundamental Freedoms.⁴⁸ The European Court of Human Rights referred to this opinion in its 2017 decision in *Bayev and Others v Russia*. The Court ruled that the “gay propaganda” law violates the provisions of the Convention on the right to freedom of expression (Article 10) and the prohibition of discrimination (Article 14).⁴⁹

The decision to add the “International LGBTQ Movement” to the list of extremist organizations was condemned by, among others, the UN High Commissioner for Human Rights⁵⁰ and Amnesty International.⁵¹ They referred to the negative social consequences of such decisions.

47 The European Commission for Democracy through Law, an advisory body to the Council of Europe.

48 On the issue of the prohibition of so-called “Prohibition of homosexuality.” European Commission for Democracy through Law. — 2013. — 18 June. — Paragraph 82 // [https://www.venice.coe.int/webforms/documents/default.aspx?pdf-file=CDL-AD\(2013\)022-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdf-file=CDL-AD(2013)022-e)

49 European Court of Human Rights. Judgment in *Baev and others v Russia*, 2017.

50 Russia: UN Human Rights Chief Deplores Supreme Court’s Decision to Outlaw “LGBT Movement” // OHCHR. — 2023. — 30 November // <https://www.ohchr.org/en/press-releases/2023/11/russia-un-human-rights-chief-deplores-supreme-courts-decision-outlaw-lgbt>

51 Russia: Judgment Labeling “LGBT Movement” as “Extremist” Will Have Catastrophic Consequences // Amnesty International. — 2023. — 30 November // <https://www.amnesty.org/en/latest/news/2023/11/russia-judgment-labelling-lgbt-movement-as-extremist-will-have-catastrophic-consequences>

1.3 CONCLUSIONS

Over the past 20 years, the Russian authorities have been pursuing increasingly aggressive and targeted homophobic legislative politics, leading to the systematic persecution of the LGBTQ community. Regional laws in the early 2000s laid the groundwork for the federal law banning “gay propaganda,” which, at first, formally concerned only the protection of minors. However, the law was soon expanded, evolving into a tool for suppressing any information about LGBTQ people. In the early 2020s, the authorities intensified their repressive measures by imposing severe restrictions on transgender people and declaring the “International LGBTQ Movement” an extremist organization. These actions have further entrenched the discrimination and persecution of the LGBTQ community.

Several conclusions can be drawn from the analysis of court decisions in “gay propaganda” cases. First, the law is applied extremely broadly and in various contexts, reflecting its vagueness and the potential for arbitrary interpretation. Second, virtually any positive—or even neutral—reference to LGBTQ people or their culture can lead to legal sanctions, creating an atmosphere of fear and self-censorship.

PART 2: VIOLENCE: HOW DO ANTI-LGBTQ LAWS IMPACT SOCIETY?

2.1 Consequences of Anti-LGBTQ Laws: Increase in Hate Crimes

The emergence and enforcement of anti-LGBTQ legislation in Russia has had negative social consequences. One of the key consequences is the creation of an atmosphere of intolerance and fear, which fuels hostility toward the LGBTQ community and leads to an increase in violence.

Where can we see this impact? A clear example is the shift in public opinion toward LGBTQ people, which has become significantly more negative since 2013. In 2021, the Levada Center released a report on “Russians’ Attitudes Toward the LGBTQ Community,”⁵² and the most common responses were “disgust or fear” (38% in 2021, compared to 21% in 2003). At the same time, the percentage of people who are indifferent to LGBTQ has nearly halved (26% in 2015, compared to 45% in 2003). This change reflects hostility, partly driven by the “gay propaganda” law.

⁵² The Attitude of Russians to the LGBTQ Community // Levada-Center. — 2021. — 19 October // <https://www.levada.ru/en/2021/10/19/the-attitude-of-russians-to-the-lgbt-community>

Figure 5. Results of Levada Center surveys on Russians’ attitudes toward LGBTQ community

WHAT'S YOUR ATTITUDE TOWARDS HOMOSEXUAL PEOPLE

As % of respondents	June 2003	February 2013	March 2015	September 2021
Disgust of fear	1%	1%	24%	38%
I'm indifferent	45%	1%	26%	32%
Irritation	1%	20%	22%	13%
Wariness	11%	22%	19%	9%
Friendliness	1%	1%	1%	3%
Interest	1%	3%	2%	1%
Can't say	5%	6%	5%	4%

As a result, attacks on LGBTQ people, along with threats and other crimes against them, have risen significantly. This shift in statistics has been noted by organizations such as SOVA, a Russian non-governmental organization,⁵³ and the OSCE Office for Democratic Institutions and Human Rights (ODIHR).⁵⁴ In 2014, Human Rights Watch published a report based on research showing how anti-LGBTQ laws have contributed to increased violence, including collective violence.⁵⁵

The rise in hate crimes is an indirect consequence of government policies toward LGBTQ people. The official promotion of the idea that LGBTQ individuals pose a threat to traditional values has triggered a chain reaction. In various parts of the country, acts of violence against LGBTQ people have grown in number. This violence is both spontaneous and organized. Hate groups, including “gay hunters,” have emerged who believe that the extermination of LGBTQ people is a way to restore public order (as is discussed below).

Russian authorities do not track or record the rise in these crimes. Officials are dismissive of the persecution of LGBTQ people; for example, the head of the Chechen Republic, Ramzan Kadyrov, has claimed that gays do not face persecution in Chechnya because they simply don’t exist there.⁵⁶ His former press secretary, Alvi Kerimov, commenting on the Novaya Gazeta investigation into the mass murders of gays in the Chechen Republic, said: “You cannot detain or oppress someone who simply does not exist in the republic. If there were such people in Chechnya, law enforcement agencies would have no problem with them since their families would send them to a place which they never return from.”⁵⁷

2.1.1 General Description and Methodology of the Study

This section of the study contains the analysis of rising hate crimes. The data was independently collected from open sources and namely three case law databases (GAS Pravosudie, Garant and Consultant Plus), using a set of keywords⁵⁸ described by Alexander Kondakov in his research.⁵⁹ A database was created, which includes more than 1,200 crimes committed between 2010 and 2023. The key findings have been published,⁶⁰ and the database itself, along with all the collected documents, is publicly available. You can access them here:

<https://greyrainbow.dataout.org/hate-crimes-ru/>

53 Database: Acts of Violence // SOVA // <https://www.sova-center.ru/database/violence>

54 Hate Crime Report: Russian Federation // Organization for Security and Co-operation in Europe // <https://hatecrime.osce.org/russian-federation>

55 License to Harm: Violence and Harassment against LGBT People and Activists in Russia // Human Rights Watch. — 2014. — 15 December // <https://www.hrw.org/report/2014/12/15/license-harm/violence-and-harassment-against-lgbt-people-and-activists-russia>

56 Kadyrov Called Complaints about Abduction of Gays in Chechnya Fabrications of Human Rights Activists // RBC. — 2017. — 26 November // <https://www.rbc.ru/rbcfree-news/5a1b12a59a79476e31a19907>

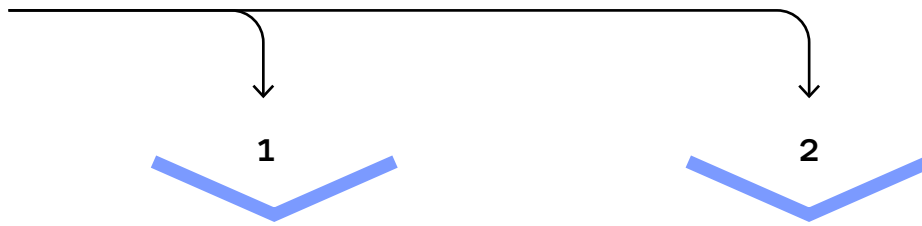
57 Kadyrov's Press Secretary: If There Were Gays in Chechnya, They Would No Longer Exist // BBC News Russian. — 2017. — 1 April // <https://www.bbc.com/russian/news-39469672>

58 Non-traditional, homosexuality, sodomy, transsexual, minority, LGBTQ.

59 Alexander Sasha Kondakov. Violent Affections: Queer Sexuality, Techniques of Power, and Law in Russia. — UCL Press, 2022 // <https://doi.org/10.14324/111.9781800082939> Alexander Sasha Kondakov. The influence of the ‘gay-propaganda’ law on violence against LGBTIQ people in Russia: Evidence from criminal court rulings // European Journal of Criminology. — 2021. — 18(6).

60 Sergey Katsuba. The Decade of Violence: A Comprehensive Analysis of Hate Crimes Against LGBTQ in Russia in the Era of the “Gay Propaganda Law” (2010–2020) // Victims & Offenders. — 2023. No. 19 (7).

TWO MAIN CONCLUSIONS:

**Rise in overall violence:**

Since the "gay propaganda" law was enacted in 2013, the number of crimes in Russia motivated by hatred toward LGBTQ people has, on average, doubled. By 2015, such crimes were three times more frequent than in 2010.⁶¹

Rise in organized violence:

Crimes have become more deliberate and targeted. After 2013, there was an increase in crimes committed by conspiring individuals. The activity of hate groups carrying out serial attacks on LGBTQ people grew significantly.⁶²

⁶¹ Ibid., p. 411.

⁶² Ibid., p. 414.

The relatively high number of such crimes persisted throughout most of the 2010s and only started to decline toward the end of the decade. However, the introduction of new anti-LGBTQ laws has sparked another surge, which we are witnessing today.

What is a hate crime?

These are crimes motivated by prejudice against a particular social group (race, ethnicity, gender, sexual orientation).⁶³ These crimes are typically not aimed at a specific individual but at the entire group. The victim's identity is less important; what matters is their perceived membership in the group, as determined by the perpetrator.

⁶³ For definitions of such crimes, see Hate Crime Laws: A Practical Guide // ODIHR. — 2009; Jennifer Schweppe. What Is a Hate Crime? // Cogent Social Sciences. — 2021. — № 7

Are courts convinced that there is a motive of hatred toward LGBTQ people?**THE SHORT ANSWER IS NO.**

Under Russian law, hatred or hostility towards any social group is considered an aggravating circumstance. There are provisions that allow hatred towards LGBTQ people to be recognized as an aggravating circumstance, which, in theory, should offer this group additional legal protection⁶⁴.

What happens in practice? Out of more than 1,200 cases collected for this study, courts identified hate motives in only 8, most of which occurred before 2013.

The European Court of Human Rights (ECtHR) highlighted the ineffectiveness of this system in *Nepomnyashchy and Others v. Russia*.⁶⁵

⁶⁴ Article 63(1)(h) of the Criminal Code of the Russian Federation treats "the commission of a crime motivated by <...> hatred or enmity towards any social group" as an aggravating circumstance. The Constitutional Court Resolution No. 24-P of 09/23/2014, paragraph 2.1 confirms that such a social group "may refer to groups of persons with a certain sexual orientation <...> Government and legal protection against discrimination, including on the basis of membership in, or exclusion from, any social group, is also ensured by administrative (Article 5.62 of the Code on Administrative Offenses) or criminal (Article 63(1)(h) and Article 136 of the Criminal Code) penalties."

⁶⁵ European Court of Human Rights. *Nepomnyashchy and Others v Russia*, 2023.

How to identify “hatred” independently: two models

The term “hatred” can be misleading, as the offender does not always have a clearly defined feeling of hatred toward the victim. The OSCE recommends using terms like “prejudice” or “bias” and emphasizes the importance of focusing on the objective facts and circumstances of the case, which might show that the offender’s actions were, in whole or in part, motivated by prejudice or hostility toward a particular social group. This can take various forms. For clarity, let’s look at two examples.

EXAMPLE 1

“From the testimony of witness FULL NAME2 <...> M. pointed a knife at him, which was covered in blood, and told him to keep quiet or he would kill him too, and also said that homosexuals should not live, using obscene language.”

*Judgment No. 1–387/2013 of 07/11/2013,
Butyrsky District Court of Moscow*

Here the indicator of prejudice is the criminal's words “homosexuals should not live,” which he said immediately after committing the crime. The OSCE refers to this as “hostility model.”

EXAMPLE 2

“During a conversation, C.R.S., suggested that FULL NAME 7 participate in an attack on people of non-traditional sexual orientation, with the aim of stealing their property. For this purpose, a page was created on the website www.gaycity.ru, where they posted a photo of an unknown young man, which they found on the Internet. They started receiving messages from people of non-traditional sexual orientation with offers to meet. S.A.A. looked through them, selecting a possible victim, while the three plotting the crime predicted that the homosexuals they would attack would not report it to law enforcement agencies since they would be ashamed to admit their sexual orientation to strangers.”

*Judgment No. 1-3/2013 of 01/16/2013,
Butyrsky District Court of Moscow*

In this case, the criminals are indifferent to the social group. Instead, they commit the crime based on the assumption that a particular social group makes a “convenient target” for them. These criminals rob and assault LGBTQ people in Russia, counting on the fact that their victims are unlikely to contact the police, fearing they would have to disclose their sexual orienta-

tion—something that carries additional risks. Despite the lack of overt hatred, the key element of the crime is the prejudice involved in choosing the victim. The OSCE refers to this as the “discriminatory selection model.”

How do anti-LGBTQ laws affect hate crimes?

The OSCE points out that one of the factors influencing the rise in hate crimes is discriminatory legislation.⁶⁶ How exactly does this happen? Anti-LGBTQ laws have a symbolic function, sending a message that LGBTQ people are a threat (even extremists), that their rights are limited, and that any violence or injustice directed at them is somehow deserved.

Homophobic sentiments always exist in society, but in the vast majority of cases they do not result in violence. Discriminatory laws remove the social safeguards that typically prevent hostile feelings from turning into violent acts against those targeted as “scapegoats.” This in turn triggers an uncontrollable and unpredictable flow of hatred that rushes at great speed.

66 Hate Crime Laws : A Practical Guide // OSCE. — 2022 (2nd edn) // <https://www.osce.org/files/f/docu-ments/1/4/523940.pdf>

2.1.2 Limitations of the Study

There are a number of limitations to consider when interpreting the results of this study. First, there is potential bias in the data due to the time lag between the crime and the court decision. This may impact the accuracy and timeliness of the information.

Second, the sample size is limited because not all judicial acts are published, and this is becoming increasingly common. It's important to note that the study only includes judicial acts that are publicly available.

Third, the study only includes cases that went to court, which further limits the sample. According to the Russian LGBTQ Network, only 2 to 7% of victims are willing to report crimes, depending on the region.⁶⁷ If this is accurate, the actual number of crimes could be 14 to 50 times higher than what is recorded in this study.

Fourth, the study may be limited by its excessive methodological reliance on temporal coincidences. One possible consequence of this is overgeneralization. While the rise in anti-LGBTQ violence after 2013 may be linked to the introduction of the “gay propaganda” law, the lack of broader data or additional corroboration leaves room for other possible explanations.

But even with these limitations, the study suggests important conclusions. Violence against LGBTQ people in Russia is systematic, as these are not isolated incidents. The impact of the “gay propaganda” law is indeed visible, as the number of crimes against LGBTQ people has increased since 2013 and has remained relatively high for a decade.

67 A Study of Discrimination against LGBTQ+ People in Russia: Qualitative Data // LGBTQ Network // https://lgbtqnet.org/library/reports/issledovanie_po_diskriminatsii_v_otnoshenii_lgbt_lyudey_v_rossii_kachestvennyye_dannye/ [accessed: May 25, 2022].

2.2 Increase in Crime

How many hate crimes against LGBTQ people have been identified? The study records a total of 1.228 hate crimes committed in Russia between 2010 and 2023, with 997 victims and 380 fatalities.

The key data is presented in the graph below.

The increase in hate crimes against LGBT influenced by the anti-LGBT laws

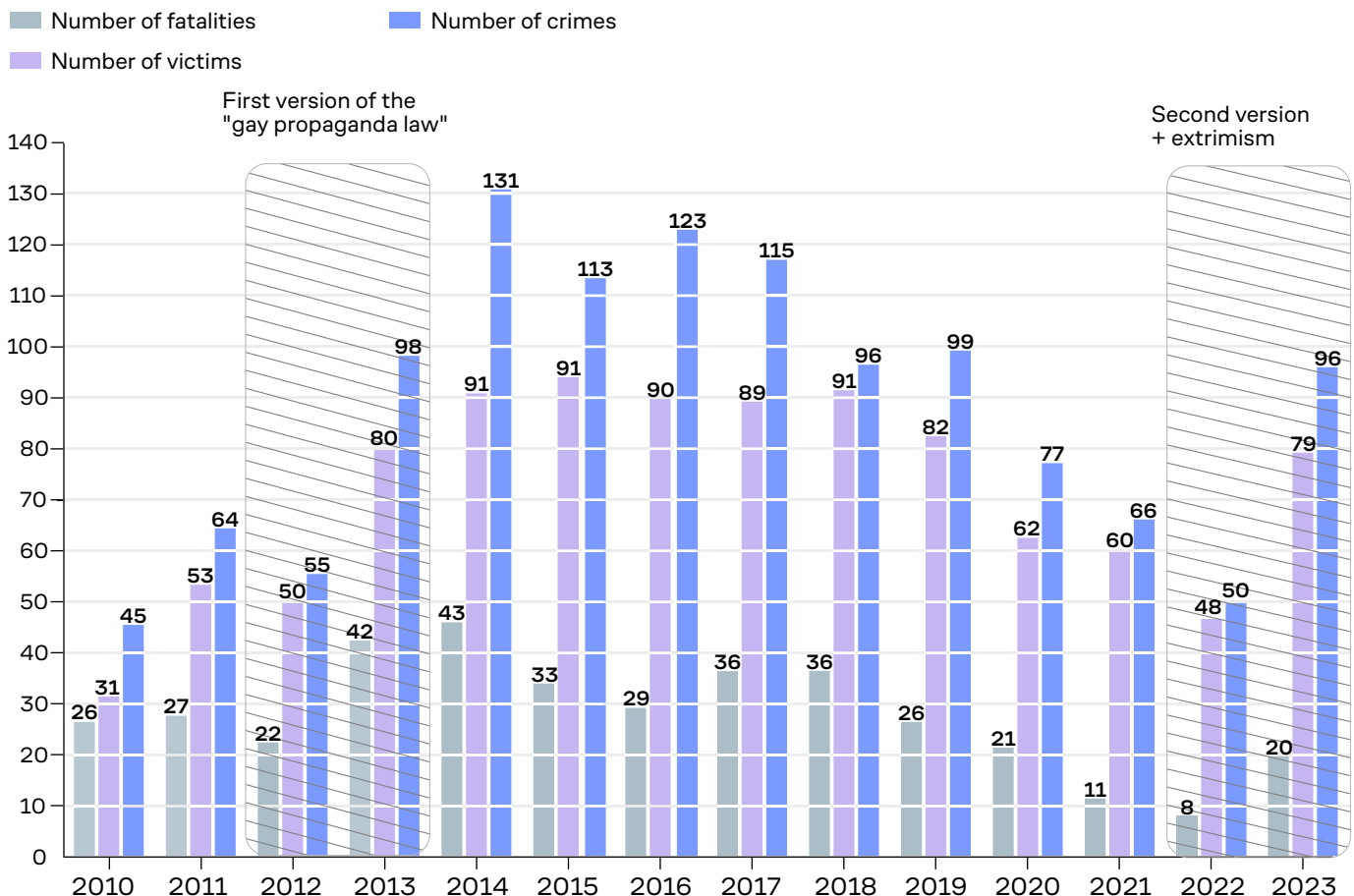


Figure 6. Number of crimes against LGBTQ in Russia

The graph shows the number of crimes, victims and fatalities. The number of victims is always lower, since several crimes are often committed against a single individual (for example, theft often occurs together with murder).

Figure 6 reveals that the number of crimes began to rise in 2013, increasing to 98 (up from 55 the previous year). The following year, the number of crimes peaked at 131, which is three times higher than, for example, in 2010. This level remained relatively stable through the end of the decade, though the number of crimes gradually decreased. By 2022, the number of crimes dropped to 50, and the number of deaths fell to 8. However, in 2023, there was a new surge—from 50 to 96 cases in a year, and the number of deaths doubled (from 8 to 20).

While the first increase (2013–2020) can be linked to the “gay propaganda” law, it is too early to say that the second surge in 2023 was caused by new anti-LGBTQ regulations. More data is needed (without data for 2024, this hypothesis cannot be confirmed).

In most cases, crimes fall under two chapters of the Criminal Code: crimes against life and health (Article 105 “Murder,” Article 111, 112 and 115 “Intentional injury,” Article 119 “Murder threat”) or crimes against property, (Article 158 “Theft,” Article 159 “Fraud,” Article 161 “Robbery,” Article 162 “Robbery with violence,” Article 163 “Extortion,” and Article 167 “Destruction of or damage to property”). A small number of cases also involved Article 244 “Abuse of corpse.” The study did not include criminal cases without a specific victim (such as crimes against public order like hooliganism).

2.3 Rise in Collective Violence and Hate Groups

What types of crimes are committed against LGBTQ people? After the “gay propaganda” law was passed, there were many ordinary crimes committed without prior planning, such as street assaults based on appearance. By the end of the decade, however, there was an increase in premeditated and collective crimes, often committed by conspiring individuals. For three consecutive years (2017, 2018, 2019), this became the most common type of crime. For more details, see the graph below:

Number of hate crimes per category (bias motive)

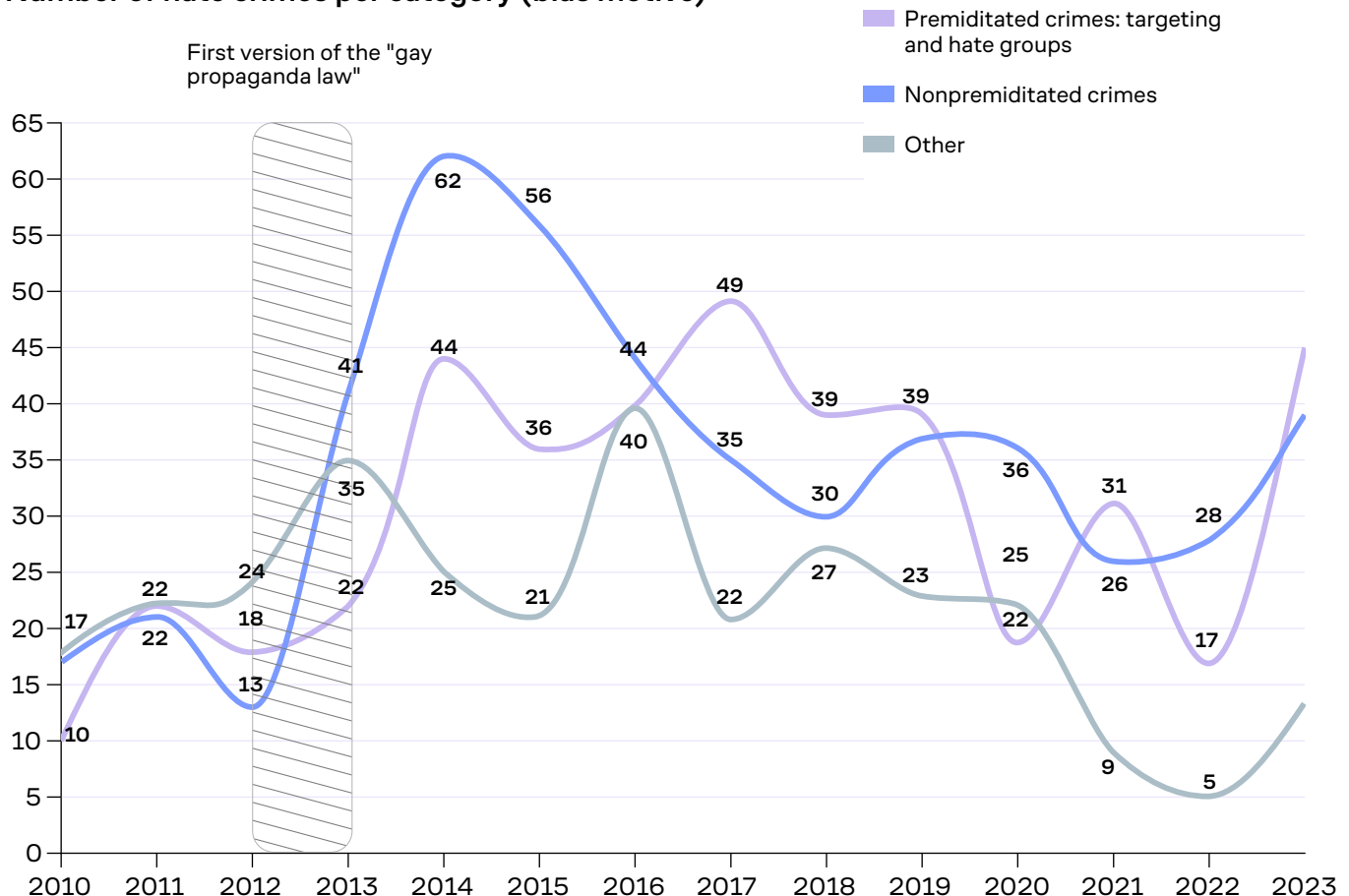


Figure 7. Crimes by category

As we can see, after 2013, Russia saw an increase in organized, collective and premeditated hate crimes committed by a group of conspiring individuals. This trend only briefly lowered at the end of the decade (Figure 7).

2.3.1 Non-premeditated crimes

Most crimes in this category occurred in Russia between 2013 and 2016 (Figure 7), right after the adoption of the “gay propaganda” law. These are ordinary individual crimes committed without prior planning, and without a targeted choice of victim (for example, a spontaneous street assault).

Very often, the crime occurs after the perpetrator interprets some information about the victim (like hairstyle, clothes, behavior) as evidence of their LGBTQ identity. Most often, we are talking about an attack based on appearance. Here are a few examples:

“They went behind the house. They saw two men he didn't know, they approached them and started a conversation. They told him that he was gay, in a rude, obscene manner. He was wearing a green cardigan, green sneakers, a white turtleneck, and had an earring in his ear. <...> They were all intoxicated, they were drunkenly aggressive. They started beating him. He fell on the grass from the blows, he laid on the grass for a minute without losing his consciousness.”

Judgment No. 1-7/2021 of 02/11/2021.
Komsomolsky District Court of Ivanovo

“There were two guys standing near the store, and when he came closer to them, he saw one holding the other's hand. He asked them if they were of the right sexual orientation, and they had a conflict. He attacked them out of the sudden hostility he felt.”

Judgment No. 1-87/2021 of 03/15/2021.
Central District Court of Kemerovo

In both cases, the criminal act was triggered by something the perpetrator believed to be indirectly related to LGBTQ identity. In the first case, it was the victim's appearance that provoked the attack. In the second case, the attack was committed against two men who were holding hands. The perpetrators acted on the assumption that the victim belonged to the LGBTQ community, and this shows a bias-driven motive.

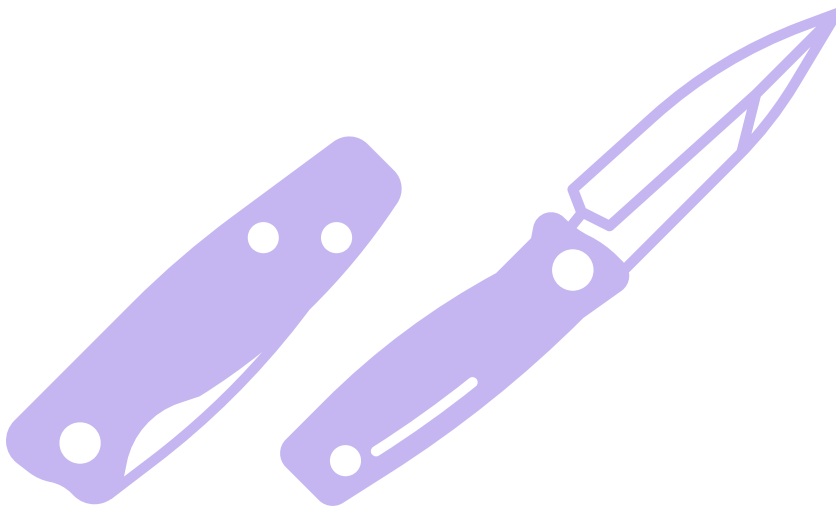
According to the data we reviewed, most crimes motivated by the victim's appearance do not result in death—they are usually robberies. However, murders were also recorded in 2021. One such incident occurred in the city of Adler in the Krasnodar Region, where a man killed his neighbor after seeing him dressed in a woman's dress and wig.

“At that moment, FULL NAME was wearing a women's wig and other items of women's clothing. Seeing this, he was shocked and called FULL NAME a rude, obscene name, namely, a person having a non-traditional sexual orientation. Then he went into the kitchen and took a kitchen knife in his right hand, returned to the hallway, threw FULL NAME onto the bed, and then stabbed him in the neck with a knife.”

Judgment No. 1-191/2021 of 04/20/2021.

Adler District Court of Krasnodar Region

The criminal then got rid of the body and tried to flee to another region of Russia. He was soon detained by the investigative authorities and sentenced to 12 years in prison in April 2021. Despite the court noting the victim's appearance as the formal reason for the attack, it did not recognize a motive of hatred.



2.3.2 Premeditated Crimes: Targeting and Hate Groups

Targeting is a planned or, in legal terms, “premeditated” crime, involving a careful selection of the victim. Pursuant to the Criminal Code Article 30, “premeditation of a crime includes searching for, preparing the means or tools for committing a crime, seeking accomplices, conspiring to commit the crime, or any other deliberate action taken to create the conditions for committing a crime”.

Crimes that involve premeditation are fundamentally different from others. This category includes crimes where the victim is specifically targeted (such as “gay hunting” through dating apps), often committed in an organized manner (typically by a group of conspiring individuals). According to our data, such crimes were most prevalent between 2017 and 2019, and they were largely due to the activities of hate groups.

Why do certain groups “hunt” gays? Often, criminals exploit the vulnerable position of LGBTQ people in their own interests as shown in the example below.

“Defendant M pleaded guilty at the hearing and testified that he met K in 2010. <...> M was experiencing financial difficulties, which K knew about, and K suggested they rob people with non-traditional sexual orientation they could find on the Internet, to which M agreed. <...> In carrying out the plan, they met P, who invited them to the apartment, where they spent some time talking. <...> M entered the bedroom and saw P lying face down on the bed, his hands and feet tied with what M thought were belts. K said that he used a chokehold on P, and he lost consciousness for some time. After this, M and K left the apartment with the stolen property, took a taxi to Komsomolskaya Square, where they sold the stolen goods for about 20 thousand rubles, which they divided equally. M had no prior agreement with K about murdering the victim; he was surprised by K’s actions, which can be considered an excessive step taken by the perpetrator.”

*Judgment No. 2-7/2014 of 02/18/2014.
Moscow City Court*

The above passage contains evidence of searching for accomplices to commit the crime (one of the criminals proposed the idea to the other), creating conditions for the crime (the criminals created a profile on a dating site with the intention of finding a potential victim), and the intentional selection of the victim.

However, it’s not just profit-driven motives that fuel the “hunters,” There are also those who are motivated by ideological beliefs

“[the facts established by the court] NAME1 went to the web page ‘Gays of Krasnogorsk’ and found NAME2 there, and during the conversation learned from the latter that he was looking for a meeting with a young man to enter into an intimate relationship. Being an ardent opponent of sexual minorities, NAME1 decided to punish NAME2 for these actions.”

*Judgment No. 1-200/2017 of 05/26/2017.
Krasnogorsk City Court of Moscow Region*

“While exchanging messages with him, he realized that Victim #1 was of non-traditional sexual orientation. During their conversation, they agreed to meet <...> he came to Victim #1’s place, entered the apartment, and began to explain to him that one cannot engage in non-traditional activities in Dagestan and that he could be punished for this. He threatened Victim #1, saying that he would punish him, demanded money and the phone, and then left the apartment.”

*Judgment No. 1-162/2021 dated 02/11/2021.
Leninsky District Court of Dagestan*

These crimes are premeditated, but unlike crimes committed for profit, the victim is targeted out of hostility—such as being an “opponent of sexual minorities” or wanting to “punish” the victim for their homosexuality.

Hate groups

Premeditated crimes committed by groups who conspired to do so are particularly dangerous. These often involve the activities of so-called hate groups.

What are hate groups? They are groups whose beliefs or actions are directed against a specific group of people, usually defined by particular characteristics.⁶⁸ Perpetrators who commit serial hate crimes against LGBTQ people are often members of these hate groups.

⁶⁸ Matt Ryan and Peter Leeson. Hate Groups and Hate Crime // International Review of Law and Economics. — 2011. — Vol. 31.

Most of these groups emerged between 2012 and 2013 and operate in more or less the same way. They lure gay men under the pretext of a fake date, humiliate them, and often physically abuse them. A typical incident is described in the following example.

“[from the accused’s testimony] his acquaintance FULL NAME told him about the possibility of earning money in an unusual way, by ‘catching’ people of non-traditional sexual orientation. Since he liked the idea of easy money, he agreed to the offer <...> [The victim] showed up to meet them <...>. He hit [the victim] in the eye and in the ribs. The others joined him and started beating [the victim]. At some point, seeing that [the victim] was already being beaten hard, he stopped everyone. He gave [the victim] some water to drink and to wash his face, and then started filming a video <...> In the video [the victim] admitted to being of non-traditional sexual orientation. Then [the victim] began to lose consciousness. Thinking that the victim was pretending, he walked away. One of the guys dragged [the victim] into the bushes. He learned about the death [of the victim] on August 3, 2017.”

*Appellate ruling of the Criminal Panel
of the Moscow City Court
of May 29, 2019 in case No. 10-7869/2019.*

Here, the court described the formation of an organized hate group with the purpose of attacking a homosexual victim. In some cases, hate groups were created for one specific crime and disbanded afterward while in others, there were serial hate groups. For example, a hate group that operated in Moscow between 2013 and 2014 committed crimes against eight victims, all of which were selected through dating apps, robbed, beaten, and at least three of them were killed. In total, five hate groups were identified, each committing crimes against more than five victims.⁶⁹

⁶⁹ Sergei Katsuba. Premeditated, Organized and Impactful: Dating Violence as a Method of Committing Hate Crimes Against LGBTQ People in Russia // Journal of Family Violence, 2023 // <https://doi.org/10.1007/s10896-023-00638-z>

⁷⁰ Ibid.

The most active of these was Occupy Pedophilia, launched by Maksim Martsinkevich, also known as Tesak, in 2012. At its peak, Occupy Pedophilia had branches in 22 cities in Russia and Ukraine, and many imitators operated in 40 regions of Russia.⁷⁰

The goal of Occupy Pedophilia was to attack the LGBTQ community under the guise of combating pedophilia. Tesak created an ideology he called “sotsial-tutovism.” It was based on nationalist and far-right political views. In his book titled “Restrukt” (listed as extremist material and banned in Russia), which largely became the movement’s manifesto, Tesak discusses homosexuality. He argues that since homosexuality “cannot be cured,” it must be eliminated.

“Restrukt is a heterosexual. He relies on the laws of nature in all his actions, expressing no tolerance for homosexuals. He hates them, like all other vices. Only this one, unlike most others, cannot be cured. If, for example, there are former smokers and former alcoholics, there can be no former faggots!”

*Maxim Martsinkevich. Restrukt (2012)
(the book is added to the list of extremist materials and is banned in Russia).*

The Occupy Pedophilia project was developed on the basis of that moral code. Tesak developed a scenario for attacks on alleged pedophiles. (Tesak did not differentiate between pedophiles and homosexuals.) These attacks were filmed and distributed online. They were copied by dozens of imitators. A typical attack is described below:

“The presumed pedophile is subjected to a filmed interrogation in which the microphone is replaced by a dildo or a toilet brush. Tesak asks him to identify himself, to hold his passport up to the screen, to indicate his address, to say whether or not he is married and if he has children. After the naming and shaming stage, the questions are then aimed at making the presumed pedophile admit his intentions in going to the date and, more generally, his sexual preferences: ‘are you a pedophile or a pederast?’ [...] ‘Congratulations, you have just completely ruined your life,’ jokes Tesak while filming another of his prey lying motionless in his bathtub and being subjected to this pretense of an investigation. The presumed pedophile must often call close people in his life — his wife, children, brother or employer — and has to confess his guilt in front of the camera. His head is sometimes shaved or his hair dyed green. Homophobic and defamatory inscriptions are written on his forehead (‘Fuck LGBTQ’, or a rainbow flag). He is made to simulate fellatio with a dildo, and to prance around and sing silly songs. Sometimes he is filmed without any clothes on. He is slapped, shouted at and roughed up. The punishment known as ‘urotherapy’ is a common practice in all of Occupy Pedophilia’s videos and a hallmark of neo-Nazi vigilantes. It involves throwing urine in the prey’s face or making them drink it.”⁷¹

⁷¹ Gilles Favarel-Garrigues. Digital Vigilantism and Anti-Paedophile Activism in Russia. Between Civic Involvement in Law Enforcement, Moral Policing and Business Venture // Global Crime, Taylor & Francis Journals. — 2020. — October. — vol. 21(3-4).

How many crimes did Tesak and his followers commit? In 2014, there were 600 VK pages associated with the project, with a total of 200,000 subscribers. More than 150 videos documenting attacks on LGBTQ people were found, though the actual number of such videos could be much higher.⁷²

⁷² Dinara Podgornova. Gay-banishing and slut-shaming online: examining digital moral activism of «Occupy pedophilia» and «Check you» // Central European University. — 2014.

2.4 State-Sponsored Violence

Anti-LGBTQ legislation legitimizes violence by the authorities. This is especially evident in the North Caucasus regions. The persecution of LGBTQ people in Chechnya is one of the most brutal and consistent campaigns against the LGBTQ community. Since 2017, independent media outlets and human rights organizations have reported mass arrests, torture and murders of suspected homosexuals. This happens with the tacit approval or even direct involvement of local authorities. The victims of persecution are mainly men suspected of homosexuality. Families of detainees are often forced to commit “honor killings.” The Chechen authorities consistently deny these accusations, claiming that LGBTQ people “do not exist” in the region. However, numerous testimonies of survivors and leaks from the region show the systematic nature of human rights violations and create an atmosphere of fear and impunity. The international community has condemned what is happening, but so far no one has taken effective measures to stop the persecution of LGBTQ people in Chechnya.

These crimes are not included in the report because they are not reflected in the case law databases. You can refer to other publications to learn more about the situation in Chechnya.⁷³ However, it is important to mention these crimes as they contribute to a pattern of brutal and large-scale violence. These acts are not isolated incidents of prejudice or the work of hate groups, but part of a systematic campaign of persecution, often organized or endorsed by the authorities.

⁷³ Elena Milashina. Murder of Honor // Novaya Gazeta. — 2017. — 3 April // <https://novayagazeta.ru/articles/2017/04/01/71983-ubiystvo-chesti>

CONCLUSIONS

The situation surrounding LGBTQ rights in Russia has been steadily deteriorating, largely due to government policies that restrict the rights and freedoms of the LGBTQ community. Anti-LGBTQ laws and case law, from the 2013 "gay propaganda" law to the Supreme Court's 2023 ruling designating the "International LGBTQ Movement" as extremist, have fostered an environment of fear and intolerance, resulting in increased discrimination and violence.

KEY FINDINGS OF THE REPORT:

- 1 Tightening of anti-LGBTQ repressive legislation:** Over the past 10 years, Russia has developed a legal framework that institutionalizes discrimination against LGBTQ people. Broad, vaguely worded laws give authorities the power to arbitrarily prosecute individuals for expressing sexual orientation or gender identity that doesn't align with "traditional" views, or for sharing information about or supporting LGBTQ people.
- 2 Rise in hate crimes:** Since Russia passed and then expanded the anti-LGBTQ laws, hate crimes against the LGBTQ community have increased significantly. The dramatic surge in crimes following the adoption of the "gay propaganda" law in 2013 shows that there is a direct connection between the law and the surge in violence. Over 1,200 hate crimes against LGBTQ people have been reported since the laws became effective.
- 3 Lack of government statistics and recognition of the problem:** Despite obvious signs of growing violence, Russian authorities generally do not classify such offenses as "hate crimes" and do not keep records of them. As a result, law enforcement agencies do not respond adequately to these crimes.
- 4 Negative consequences for Russian society:** Discrimination and marginalization of LGBTQ people damages not only this group, but also the entire Russian society, fostering an atmosphere of intolerance that undermines the foundations of civil liberties and human rights. This policy also contributes to the isolation of Russia internationally and damages its reputation—Russia has become a state that does not respect human rights.
- 5 Need for a legal reform:** The current state of affairs requires urgent changes in legislation and case law. Concrete steps are needed to stop the damage that anti-LGBTQ laws are causing to Russian society. In the recommendations section, we propose legislative initiatives that can improve the situation of the LGBTQ community in Russia and contribute to a more just society.

RECOMMENDATIONS

For Russian authorities

It is essential to bring Russian law in line with international human rights standards by implementing the recommendations of the UN Human Rights Council, which advocates for the protection of LGBTQ rights and the elimination of discrimination. This means repealing the current anti-LGBTQ laws and focusing on addressing the damage these laws have done to society.

HOW CAN THIS DAMAGE BE REPAIRED AND HOW CAN POSITIVE CHANGE BE BROUGHT ABOUT IN A SOCIETY FACING A DIFFICULT SITUATION REGARDING LGBTQ RIGHTS? THERE IS A LEGAL INFRASTRUCTURE THAT CAN HELP DRIVE THIS TRANSFORMATION. IT INCLUDES THE FOLLOWING LEGISLATIVE STEPS:

- To end the persecution and exonerate those convicted for participating in the “International LGBTQ Movement”
- To end the persecution and exonerate individuals and organizations punished for “gay propaganda” administrative offenses under Articles 6.21 and 6.21.2 of the Code on Administrative Offenses
- To enact laws prohibiting discrimination on the basis of sexual orientation and gender identity
- To provide protection against hate crimes motivated by sexual orientation or gender identity
- To introduce legislative initiatives to develop educational programs that promote social change

Let's take a closer look at how lawmakers can use these measures to guide their future efforts.

Recommended legislative initiatives for exoneration of victims of homophobic politics in the Russian Federation

The purpose of legislative changes

Homophobic politics aimed at discrimination and persecution of people based on sexual orientation and gender identity has caused massive violations of citizens' rights and freedoms, with severe consequences for their lives, health and dignity. The aim of legislative changes is to restore justice, legally recognize and condemn homophobic government politics, eliminate its consequences and create conditions that prevent similar violations in the future.

Exonerate those convicted of extremism and sodomy

The first step is the full exoneration of all persons convicted of participating in or organizing the activities of the so-called extremist organization "International LGBTQ Movement". The Supreme Court's decision designating the movement as extremist should be overturned and prosecutions for "LGBTQ extremism" should be ended. Those who have been convicted must be released from liability, their right to exoneration recognized, and they should receive compensation and a formal apology for their wrongful convictions, in order to restore their rights.

In addition, the Law on Exoneration of Victims of Political Repressions should be amended to grant the right to exoneration to all those convicted of sodomy, regardless of how well-founded the accusation was.

Remove the "gay propaganda" provisions from the Code on Administrative Offenses and declaration that these acts do not pose a public danger

Articles 6.21 and 6.21.2 of the Code on Administrative Offenses should be repealed, as the offenses they define are unnecessary in a democratic society and lack a sufficient legal foundation. Additionally, individuals who were subjected to administrative penalties under these articles should be recognized as having the right to compensation for both material damages (such as fines paid) and moral damages.

Include protection against hate crimes

There is a framework in the Russian legal field that allows for the recognition of a motive of hatred toward the LGBTQ community as an aggravating circumstance.⁷⁴ In theory, this should provide additional legal protection. In reality, out of more than 1,200 crimes examined in this Report, only 8 cases were characterized as motivated by hatred, and most of those occurred before 2013.

⁷⁴ Article 63 of the Criminal Code of the Russian Federation, Resolution of the Constitutional Court of the Russian Federation No. 24-P of 09/23/14, which states that "a social group can also be understood as a group of persons with a certain sexual orientation."

Article 63 of the Criminal Code should be amended to explicitly include hatred based on sexual orientation and gender identity as an aggravating factor. In addition, this element can be used as a qualifying circumstance (i.e. increasing the punishment) in specific provisions of the Special Part of the Criminal Code of the Russian Federation describing punishments, and in particular, for murder, injury, rape and sexual violence, theft, robbery and robbery with violence.

Furthermore, the Supreme Court of the Russian Federation must formally acknowledge that Russian courts have been systematically disregarding these legal norms in cases where there was clear evidence of hatred based on sexual orientation. This oversight has contributed to a lack of proper protection and justice for the affected individuals.

In this regard, it is essential to develop provisions for a ruling by the Plenum of the Supreme Court of the Russian Federation that condemn such judicial practice and contain recommendations on how to classify and punish crimes committed out of hatred or hostility toward LGBTQ individuals. Furthermore, the Supreme Court should conduct an analysis of the existing case law for handling such cases and examine the mistakes made by lower courts in their rulings.

Prohibit discrimination based on sexual orientation and gender identity

Legislation should be amended to ensure equal rights and opportunities for all citizens, regardless of their sexual orientation by adding sexual orientation and gender identity to the list of grounds on which discrimination shall be prohibited in key laws and regulations. A comprehensive law on equal rights should be developed and passed, offering protection against discrimination for LGBTQ people in areas such as employment, education, healthcare and access to public services.

Invest in educational initiatives

To change public attitudes and increase tolerance, it is crucial to invest in educational programs. This should include mandatory training on sexual diversity and inclusion, along with support and funding for educational programs and training for teachers, government officials and law enforcement officers that will be aimed at raising awareness of LGBTQ rights and combating bias.

For the international community

- 1. Highlight the systematic persecution of LGBTQ people** in Russia on a regular basis to ensure that international organizations such as the UN and the Council of Europe condemn anti-LGBTQ laws and practices in Russia and take active measures. It is necessary to promote resolutions that condemn anti-LGBTQ laws and call for their repeal. The names of lawmakers, judges, employees of Roskomnadzor and the Ministry of Internal Affairs and court-appointed experts participating in “gay propaganda” cases should be disclosed and publicly condemned.
- 2. Support LGBTQ activists and NGOs:** International foundations and organizations are encouraged to increase funding and legal assistance to Russian human rights defenders who work with the LGBTQ community to support their activities in the context of increasing repression.
- 3. Provide asylum and protection:** The international community is encouraged to provide simplified asylum procedures for LGBTQ people who are persecuted in Russia, as well as to offer resettlement programs. Immigration authorities should consider this Report as evidence of systematic persecution and grounds for granting political asylum.

For human rights organizations

- 1. Monitor the situation regarding LGBTQ rights in Russia:** International human rights organizations should intensify their monitoring efforts and regularly report on the state of LGBTQ rights in Russia. This will help raise awareness and put pressure on the authorities. Ongoing and expanded efforts to collect data on violations of LGBTQ rights, including discrimination and hate crimes, are essential. This data should be used in international forums and when filing complaints with international bodies.
- 2. Increase advocacy and education:** NGOs and activists are encouraged to focus on raising public awareness of LGBTQ rights and the consequences of discrimination using media coverage.