



Mr Thomas Hammarberg
Commissioner for Human Rights
Council of Europe
67075 Strasbourg Cedex
FRANCE

Sent by email: commissioner@coe.int; isil.gachet@coe.int

9 December 2011

Dear Commissioner,

Your Assistance in Condemning Russia's Anti-LGBT Laws

The International Publishers Association (IPA) is writing to condemn the adoption by the Ryazan and Arkhangelsk Oblasts (regions), respectively in 2006 and September 2011, of discriminatory anti-lesbian, gay, bisexual, and transgender (LGBT) advocacy pieces of legislation, which are in blatant breach of, in particular, Article 19 of the International Covenant on Civil and Political Rights (ICCPR), and Article 10 of the European Convention on Human Rights (ECHR). The Arkhangelsk Oblast adopted a decree on 28 September 2011 amending its 2009 Law "on the measures to protect the morals and health of the Children of the Arkhangelsk region" banning "public actions promoting homosexuality among minors". The law, as amended, came into force on 11 October 2011. The text of the decree is annexed to the present letter.

IPA is therefore urging your office to take a strong public stance against these two laws, to call for these pieces of legislation to be repealed, and for similar laws not to be adopted by other Russian regions, or even by federal level. We fear that if nothing was done, St Petersburg and Moscow would be the next parts of Russia to adopt similar anti-LGBT advocacy legislation. The St. Petersburg legislative assembly did consider such a bill on several occasions in November 2011. A final vote on the bill was to take place on 30 November, but thanks to worldwide pressure, the vote did not take place. However, as the text was not formally withdrawn, we fear that this bill might be back on the agenda of the St Petersburg legislative assembly soon. The Moscow city council would also be working on a similar draft law.

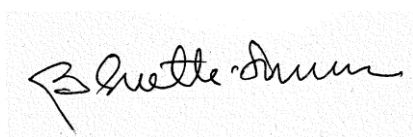
Following the Ryazan and Arkhangelsk examples, the St Petersburg bill would have denied freedom of expression to the local LGBT community, and others like journalists, writers, researchers, or publishers, imposing penalties for "public activities to promote sodomy, lesbianism, bisexuality and transsexuality." Those promoting the bill have claimed that it was designed to protect minors from LGBT "propaganda". The bill would have introduced two amendments to the St. Petersburg Law on Administrative Offenses. In addition to the amendment banning LGBT "propaganda," the bill would have banned propaganda promoting

paedophilia. The attempt to conflate paedophilia, which is a crime, with homosexuality is simply shameful.

Individuals found responsible would have faced fines up to 5,000 rubles (USD 160), and organisations would face fines up to 50,000 rubles (USD 1,600). The content of the bill was so vague (as is the case with the Arkhangelsk Oblast law which uses the vague term “public actions”) and broad that it could have led to a ban on displaying a rainbow flag or wearing a gay-friendly T-shirt, or even on LGBT-themed rallies in the city. It could have also been illegal for any person to write or publish a book or an article or speak in public about being gay, lesbian, bi or transgender.

In April 2009, a Ryazan court found Nikolai Baev and Irina Fet, two human and gay rights activists, guilty of “popularising homosexuality” and fined them 1,500 rubles. It is our understanding that they have lodged a case with the European Court of Human Rights and the UN Human Rights Committee. The latter will examine their individual complaint in its July 2012 session in Geneva.

As you know, Russia is bound by the European Convention on Human Rights (ECHR) and the International Covenant on Civil and Political Rights to guarantee freedom of expression, freedom to publish, and freedom of assembly.



Bjørn Smith-Simonsen
Chair
IPA's Freedom to Publish Committee

CC: Dunja Mijatović, OSCE Representative on Freedom of the Media
Frank La Rue, UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression

More about IPA:

The International Publishers Association (IPA) is the global non-governmental organisation representing all aspects of book and journal publishing worldwide. Established in 1896, IPA's mission is to promote and protect publishing and to raise awareness for publishing as a force for cultural and political advancement worldwide. IPA currently has 65 member associations in 53 countries. IPA is an industry association with a human rights mandate.

Annex: Decree of 28 September 2011 amending the 2009 Law “on the measures to protect the morals and health of the Children of Arkhangelsk”

30 сентября 2011 года N 336-24-ОЗ

АРХАНГЕЛЬСКАЯ ОБЛАСТЬ

ОБЛАСТНОЙ ЗАКОН

О ВНЕСЕНИИ ИЗМЕНЕНИЙ И ДОПОЛНЕНИЯ В ОБЛАСТНОЙ ЗАКОН
"ОБ ОТДЕЛЬНЫХ МЕРАХ ПО ЗАЩИТЕ НРАВСТВЕННОСТИ И ЗДОРОВЬЯ
ДЕТЕЙ В АРХАНГЕЛЬСКОЙ ОБЛАСТИ"

Принят
Архангельским областным
Собранием депутатов
(Постановление от 28 сентября 2011 года № 955)

Статья 1

Внести в областной закон от 15 декабря 2009 года № 113-9-ОЗ "Об отдельных мерах по защите нравственности и здоровья детей в Архангельской области" ("Ведомости Архангельского областного Собрания депутатов", 2009, № 9) следующие изменения и дополнение:

1. Наименование главы II изложить в следующей редакции:

"Глава II. МЕРЫ ПО НЕДОПУЩЕНИЮ ПРИЧИНЕНИЯ ВРЕДА ЗДОРОВЬЮ,
ФИЗИЧЕСКОМУ, ИНТЕЛЛЕКТУАЛЬНОМУ, ПСИХИЧЕСКОМУ, ДУХОВНОМУ
И НРАВСТВЕННОМУ РАЗВИТИЮ ДЕТЕЙ".

2. Дополнить статьей 10 следующего содержания:

"Статья 10. Меры по недопущению публичных действий, направленных на пропаганду гомосексуализма среди несовершеннолетних

Публичные действия, направленные на пропаганду гомосексуализма среди несовершеннолетних, не допускаются."

3. Статьи 10 - 12 считать соответственно статьями 11 - 13.

Статья 2

Настоящий закон вступает в силу через десять дней со дня его официального опубликования.

Губернатор
Архангельской области
И.Ф.МИХАЛЬЧУК
г. Архангельск
30 сентября 2011 года
№ 336-24-ОЗ

"Волна", № 44, 11.10.2011,
"Ведомости Архангельского областного Собрания депутатов пятого созыва", № 24, 2011

Вступает в силу через десять дней со дня официального опубликования (статья 2
данного документа).

Закон Архангельской области от 30.09.2011 № 336-24-ОЗ
"О внесении изменений и дополнения в областной закон "Об отдельных мерах по защите
нравственности и здоровья детей в Архангельской области"
(принят Архангельским областным Собранием депутатов 28.09.2011)

Статья 1
Статья 2