



human rights *first*

American ideals. Universal values.

BLUEPRINT

# How to Stop Russia from Exporting Homophobia

BLUEPRINT FOR ADMINISTRATION AND CONGRESS

JANUARY 2015

## Human Rights First

### American ideals. Universal values.

On human rights, the United States must be a beacon. Activists fighting for freedom around the globe continue to look to us for inspiration and count on us for support. Upholding human rights is not only a moral obligation; it's a vital national interest. America is strongest when our policies and actions match our values.

Human Rights First is an independent advocacy and action organization that challenges America to live up to its ideals. We believe American leadership is essential in the struggle for human rights so we press the U.S. government and private companies to respect human rights and the rule of law. When they don't, we step in to demand reform, accountability and justice. Around the world, we work where we can best harness American influence to secure core freedoms.

We know that it is not enough to expose and protest injustice, so we create the political environment and policy solutions necessary to ensure consistent respect for human rights. Whether we are protecting refugees, combating torture, or defending persecuted minorities, we focus not on making a point, but on making a difference. For over 30 years, we've built bipartisan coalitions and teamed up with frontline activists and lawyers to tackle issues that demand American leadership.

*Human Rights First is a nonprofit, nonpartisan international human rights organization based in New York and Washington D.C. To maintain our independence, we accept no government funding.*

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*“I have no patience for countries that try to treat gays or lesbians or transgender persons in ways that intimidate them or are harmful to them...One of the things I think is very important for me to speak out on is making sure that people are treated fairly and justly because that’s what we stand for, and I believe that that’s a precept that’s not unique to America. That’s just something that should apply everywhere.”*

President Obama,  
August 5, 2013.

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## Overview

### RUSSIA'S BRAND OF LEGISLATIVE HOMOPHOBIA

In June 2013 Russian President Vladimir Putin signed a law outlawing propaganda of “nontraditional sexual relations,” thus enacting a federal ban that violates the constitutionally guaranteed rights of a community he is sworn to protect. Twenty years after decriminalization of homosexuality, the propaganda law marks a significant regression in terms of human rights for Russia and a disappointing contribution to an environment of discrimination and prejudice for the Russian lesbian, gay, bisexual, and transgender (LGBT) community.

The law is based on regional legislation first implemented in Ryazan in 2006 before being enacted into law in 11 separate regions in 2011. A federal law banning “homosexual propaganda” was unsuccessfully pursued by members of the Russian Duma multiple times, the first instance of which occurred in 2004. The current enacted law purportedly is designed to protect minors, but has largely been implemented in a way that does not take into account whether any minors actually were exposed to the information or whether it was pitched towards minors. A recent Constitutional Court case did address this issue, finding the law constitutional provided it was actually limited to the protection of minors. As stated, the law prohibits the portrayal of LGBT relationships as equal to heterosexual relationships or in a positive light in a public manner.

Proponents of the law have deemed the international criticism as an overreaction, citing the low number of prosecutions under it, but the mere existence of the law provides an air of legitimacy for homophobic rhetoric and a

cultural tolerance for hate crimes against the LGBT community. In practice, the law now levies administrative sanctions and fines against those found to have violated the law. Foreign citizens found in violation of the law face a harsher sentence of up to 15 days of detention and possible deportation.

- One of the representatives of the Russian LGBT community to be prosecuted under the law, Yelena Klimova, has now been targeted twice. In January 2014, Klimova was charged with violating the propaganda law for founding an online group, “Children-404.” The aim of the group is to offer a refuge to LGBT teens afraid to reveal their sexual orientation and gender identity in public. As the group was a closed one, and therefore not disseminating information, prosecutors eventually dropped the charges. Ten months later, however, Russian authorities again filed charges, targeting Klimova for the group's presence on the Russian social media network Vkontakte. Klimova fears that without Children-404 Russian LGBT teens will have nowhere to turn. The charges in the new case are pending.
- Numerous arrests under the law involve a small number of individuals holding signs saying that being gay is normal, that there is no such thing as gay propaganda, or that beating LGBT individuals is wrong.
- During Human Rights First's work in Russia around the Sochi Winter Olympics, four of our partnering human rights defenders were detained merely hours after meeting with us in St. Petersburg. Ostensibly for violating the propaganda law, Russian security officers took action during an attempt on the part of the activists to have their photographs taken prior to the Opening

Ceremonies of the Games holding a banner which read, “Any form of discrimination is incompatible with the Olympics.”

## OTHER LEGAL TOOLS

While the propaganda law is the marquee law in the persecution of the Russian LGBT community, there are several more broadly applied laws that have come to bear on the vulnerable group.

- Foreign Agent Law: mandates that any organization engaging in “political activity” while receiving aid from a foreign source must register with the Ministry of Justice as a foreign agent. The moniker carries a debilitating stigma rooted in Cold War terminology that ostracizes organizations from the public. Most pointedly, the mechanics of the law create an unduly complicated registration process that makes operation for many NGOs impossible. Despite the largely administrative effects of the law, authorities have detained both foreign and domestic citizens under its guidelines. In 2014, under amendments to the law, the Ministry of Justice was given sweeping powers to place on the registry any nonprofit organization that they simply *believed* to have accepted foreign funding while simultaneously engaging in political activity. The expansion in authority relieves the Ministry of providing the burden of proof.
  - A St. Petersburg LGBT organization, “Coming Out,” was investigated in early 2013 under the Foreign Agent Law, the charges being based on an advocacy brochure, a rally for inclusion, and a campaign against the propaganda law. The director was personally fined 300,000 rubles, about \$9,000 USD, and the organization itself was fined 500,000 rubles, about \$15,000 USD. The organization continues to contest accusations that they are operating on behalf of foreign countries, noting that a Ministry of Justice victory in the case would further entrench the notion that the protection of the human rights of LGBT persons is a foreign concept, and therefore damaging to Russia's interests.
  - In mid-2013, Side by Side, Russia's first LGBT film festival, was also found to be a foreign agent and fined 500,000 rubles. The organization had been in existence since 2008.
- Treason Law: expands definitions of treason within the country's Criminal Code to, in practice, criminalize engaging in human rights work with international organizations. The law brings within the definition of treason the act of providing consultative assistance to a foreign state in a manner that could be considered as against the interests of Russia. Left to interpretation, the vaguely-worded law could be applied to include work on behalf of human rights, including LGBT rights, or simply for having a relationship with foreigners, international NGOs, or foreign states. As of now the law has yet to be applied and thus is another tool to encourage self-censorship.
- Dima Yakovlev Law: also known as the Anti-Magnitsky Law, this law mirrors action taken by the United States to punish Russian citizens complicit in gross violations of human rights. Under the Yakovlev law, visa bans and asset freezes are mandated against those that have violated the human rights and freedoms of the Russian people. Additionally, it forbids adoption of Russian

children by American citizens. More pointedly for the Russian LGBT community, the law allows Russian officials to suspend the activity of any politically active nongovernmental organization that receives funds from foreign organizations or individuals.

- Anti-Extremism Laws: misuse of anti-extremism laws to target human rights advocates and other non-violent critics of the Russian government is not uncommon. Extremism is defined broadly in Russian law and this latitude has been exploited by authorities to restrict freedom of expression and to prosecute peaceful dissidents. The law on combating extremism has not been effective in countering the many extreme nationalist or neo-Nazi groups that openly espouse and engage in bias-motivated violence, the ostensible purpose of these laws. In 2014, amendments were introduced making it a criminal offense to repost “extremist literature” on social media. This has resulted in the arrest of a number of LGBT citizens of Russia who have commented on hate crimes committed against LGBT people. If convicted under these amendments, a citizen can be punished with up to five years in prison.

- In 2012, during the preparations for the Winter Olympiad in Sochi, Russia, a court in the Krasnodar region of southern Russia denied registration to Pride House, the temporary location dedicated to hosting LGBT athletes and volunteers. The court’s ruling cited the propaganda law but more pointedly ruled that the activities of Pride House would incite social and religious hatred, and therefore were extremist in nature.

- In the summer of 2012, Russia created a federal registry where it can blacklist any website or web domain for hosting content deemed to be harmful to minors. In early 2014, the Prosecutor General’s office gained the right to add to the registry extra-judicially any website guilty of encouraging extremism. As a result, over 500 websites have been blocked, many simply because they represent opposition views or are associated with opposition figures. In particular, because of the focus on information harmful to minors, the websites of LGBT organizations, and websites that provide information for LGBT persons, are under threat.

In addition to the laws described above, in September 2013, Deputy Alexey Zhuravlev introduced a draft bill in the Duma to make “nontraditional sexual orientation” a cause for denying custody to LGBT parents. The bill also urged an amendment to the Family Code to authorize termination of parental rights of individuals raising children with same-sex partners and even of individuals suspected of engaging in homosexual behavior. He eventually withdrew the bill, stating that he would revise it and introduce it at a later date.

## CREEP OF PROPAGANDA LAWS

Russia’s brand of homophobic legislation has become a major export. As many as nine Eastern European, Baltic, and Central Asian states have had movements calling for legislation emulating the Russian law. Several jurisdictions have adopted such measures and others have ongoing public campaigns aimed at the introduction of such legislation.

- **Armenia:** In August 2013, Armenian authorities briefly introduced a bill aimed at protecting Armenian family values from public promotion of “non-traditional sexual relationships.” The law would have included fines of \$4,000.00 against violators. Mere days after the introduction, officials removed the bill from consideration, insisting that international pressure played no part in its removal, and that it was shelved solely for its shortcomings.
- **Belarus:** In July 2013, the Belarusian parliament included a propaganda law on a list of upcoming initiatives. The Liberal Democratic Party claimed that “under the guise of protecting the rights of sexual minorities, is the promotion and advocacy of homosexuality, especially among minors, thus destroying the family and public morality.” As of now there has been no formal introduction of a propaganda law. However, new legislation introduced in January 2015 has urged a ban on information that would “discredit the institution of the family.” This legislation may be a precursor to further laws on propaganda.
- **Kazakhstan:** Kazakh lawmakers have begun in earnest to introduce a propaganda law in the country's parliament. Extremist rhetoric has accompanied demands for such a law, in some instances calling for blood tests to identify gay men. Calls for reinforced bans to public office and military service for members of the Kazakh LGBT community have been issued.
- **Kyrgyzstan:** Kyrgyz lawmakers have passed in the first reading a broader and harsher version of the Russian propaganda law. Additionally, the human rights body of the Kyrgyz parliament has given approval to the legislation despite the fact that the current text would clearly violate the country's human rights commitments. Under the Kyrgyz propaganda law, violators would face jail time of up to one year and severe administrative fines. The law would target a wider spectrum of acts than its Russian counterpart, applying to all public sharing of information that portrays the LGBT community in a positive light or of equal societal value with the heterosexual community, regardless of the presence or targeting of minors.
- **Latvia:** In December 2014, political forces attempting to initiate a referendum proposing a bill that would emulate the Russian propaganda bill failed to gain the necessary signatures for introduction. However, homophobia remains a problem in Latvia and there is no certainty that additional attempts will not be made to get such legislation enacted.
- **Lithuania:** Lithuania is the only country in the region that already has a law similar to Russia's in place although it has been used very sparingly. Several other amendments threatening the rights of the country's LGBT community have either been approved or are under consideration in the Lithuanian parliament. In recent months, several draft amendments were submitted as part of efforts to reinforce “traditional” views of the family in the country's legal framework. The Lithuanian Parliament has already passed in the first reading an amendment establishing that criticism on the grounds of sexual orientation or gender identity cannot be considered discrimination.
- **Moldova:** In June 2013, Moldovan lawmakers passed a bill banning the promotion of “relationships other than those

linked to marriage and the family.” Only four months later the clause was removed, despite strong objections from the Orthodox Church and officials in Moscow. The removal was likely due to a desire on the part of leadership to gain membership in the European Union. Some municipal laws, however, are still in effect.

- **Ukraine and Crimea:** Despite promising steps taken by lawmakers to improve the human rights situation within Ukraine in the hopes of gaining European Union (EU) membership, several pieces of anti-LGBT legislation have gained traction within the country. A propaganda law was ultimately withdrawn under pressure from E.U. officials. The withdrawal, although promising, was followed by the excision of language protecting the LGBT community from discrimination.

A transitional period of integration of Russian laws into Crimea began following the controversial annexation of Crimea by the Russian Federation and a disputed referendum. The Russian federal law banning “propaganda of nontraditional sexual relations to minors” is considered law in Crimea. A pride march was banned and the leader of Crimea, Sergei Aksionov, has publicly stated that the region will target the LGBT population if events or protests are conducted.

While some countries within Russia's sphere of influence, such as Uzbekistan and Turkmenistan, are not pursuing propaganda laws, their LGBT communities remain under threat. Because homosexuality remains criminalized, few would risk speaking publicly in favor of LGBT rights and, if they did, they would likely face criminal charges.

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## Recommendations

### THE PRESIDENT

In the lead-up to the Olympic Games in Sochi, Russia, President Obama publicly expressed concerns about the situation of Russia's LGBT community, stating: **“Nobody's more offended than me by some of the anti-gay and lesbian legislation we've been seeing in Russia.”**

This personal leadership by the president helped to focus global attention on Russia's restrictive legislation. It followed the publication on December 6, 2011 of a Presidential Memorandum directing all federal agencies to take steps to protect the human rights of lesbian, gay, bisexual, and transgender persons abroad. The Memorandum was an historic step forward for LGBT people worldwide as well as for U.S. global leadership on human rights. It reflects a “whole of government” approach to advancing the rights of LGBT people, and calls for reporting by federal agencies on implementation of the Memorandum. The mandates of the Memorandum provide the policy framework for U.S. government efforts to halt the spread of restrictive propaganda and similar laws inspired by Russia, in particular through its directives to combat criminalization of LGBT conduct abroad and to meaningfully respond to human rights abuse of LGBT persons abroad.

The first section of the December 2011 Presidential Memorandum calls for “Combating Criminalization of LGBT Status or Conduct abroad.” This should be understood to include work against propaganda laws as these laws have the effect of criminalizing any expression of personal identity, which is indistinguishable from criminalizing LGBT status.

## Recommendations

The President should continue to seek out opportunities to publicly express concerns about the protection of the human rights of members of Russia's LGBT community as well as the spread of Russian-inspired oppression to neighboring countries.

The President should task agencies implementing the 2011 Memorandum to report specifically on the steps each agency is taking to confront the situation in Russia and stop the spread of oppression to surrounding countries.

## DEPARTMENT OF STATE

The United States Department of State has a unique capacity to influence events in these countries through its work through embassies, in bilateral negotiation and in multinational fora.

### Recommendations

The Department of State can strengthen its implementation of the 2011 Memorandum with respect to Russia and surrounding countries in the following areas:

- Developing individual country strategies
- Engaging with human rights defenders
- Mobilizing international institutions
- Working with international sports bodies
- Creating a special envoy for the human rights of LGBT people

### DEVELOPING INDIVIDUAL COUNTRY STRATEGIES

Russia is exerting a strong influence over the political and social environments of its neighbors, rooted in part in the former Soviet Union structure as well as important transnational institutions like the Russian Orthodox Church. However, each country also

has its own unique set of facts and circumstances that must be taken into account and incorporated into individual country strategies. Within each country, U.S. agencies should work closely with community-based human rights defenders to develop strategies to:

- Challenge existing criminalization and propaganda laws and proposed legislation as well as other efforts to curtail the rights of LGBT people.
- Encourage governments to protect freedom of speech for all minority communities, including the LGBT community. Such protections should extend to online discussions.
- Discourage attempts by parliaments to introduce new legislation that either seeks to criminalize homosexuality or introduces restrictions on free speech, assembly, or association for LGBT people and communities.
- Encourage debate and free speech around LGBT issues by engaging broad segments of civil society, such as faith, business, human rights, and other influential leaders.
- Provide legal and other assistance to victims of propaganda laws or other laws that violate the rights of LGBT people.
- Protect LGBT people from bias-motivated violence and ensure that such violence is condemned by public officials and investigated and prosecuted by the authorities.
- Broaden civil society coalitions advocating protections of the rights of LGBT persons by promoting inclusion of LGBT individuals and organizations in coalitions advocating other human rights protections and by identifying common causes of rights violations, e.g.

movements to protect “traditional values” that target members of religious minorities considered to be foreign or non-traditional as well as LGBT persons.

- Ensure information on violations of rights of LGBT people is being collected, particularly through U.S. embassies, and that this information is incorporated into each country’s annual Human Rights Report.

### ENGAGING WITH HUMAN RIGHTS DEFENDERS

Embassies throughout the region must be attuned to the situation of LGBT people in their respective countries. Embassy staff should develop and foster relationships with individual LGBT activists and organizations. Such relationships should not be limited to registered NGOs, as governments often make such registration impossible or create extraordinary barriers to such registration. Embassy staff should ensure that individuals and organizations from throughout the country are included and not simply focus on those in the largest cities or where embassies and consulates are maintained. Inclusion of LGBT people into larger civil society meetings can play a key role in helping those groups integrate into the civil society of each country. Outreach efforts should be carefully orchestrated to include women and transgender people who often are not as publicly known as their gay male counterparts.

- Depending on the safety and strategic nature of such events, embassies should host events that are LGBT-focused, including “Pride” events as well as events marking the International Day Against Homophobia (IDAHO) and the Transgender Day of Remembrance.
- Embassies should disseminate information about U.S. funding opportunities to human

rights defenders and NGOs in the region (Global Equality Fund, Dignity For All Fund, Human Rights and Democracy Fund, Gender-Based Violence Emergency Response and Protection Initiative, Lifeline Embattled Civil Society Organization Assistance Fund). In addition, embassies should disseminate information about exchange opportunities with the United States, such as through the International Visitors Leadership Program.

- Embassies should assist human rights defenders and NGOs in their efforts to document human rights violations committed against the LGBT community.
- The United States should remove or reduce barriers faced by those fleeing human rights abuses based on sexual orientation and/or gender identity as they apply for refugee status or for asylum in the United States.
- Embassies should post on their websites the 2013 U.S. Guidelines for Supporting Human Rights Defenders, translated into Russian and other local languages, which will help clarify what assistance LGBT and other human rights defenders can and cannot expect from the U.S. government and the embassy.

### MOBILIZING INTERNATIONAL INSTITUTIONS

One unique factor in favor of the rights of LGBT persons in Russia's neighboring countries is the presence of strong multilateral institutions that in one form or another prioritize human rights obligations as part of membership in these organizations. The United States is a member of some of these organizations, and works closely with others. The U.S. government should work with the European Union, the Council of Europe, the Organization for Security and Cooperation in Europe, and other international organizations to

negotiate advances for LGBT rights and/or prevent backwards movement with countries who are members of or are preparing for membership in these institutions.

- All countries who aspire to join the **European Union (E.U.)** must meet minimal standards on human rights protections, including for LGBT people. This requirement has recently resulted in LGBT issues being put squarely on the table in Ukraine. The E.U. initially backed down on its demand for a non-discrimination law, which it had originally called for in exchange for visa liberalization. However, a new non-discrimination bill has recently been proposed in the Ukrainian legislature. Legislators in Georgia passed a nationwide non-discrimination law that explicitly includes sexual orientation and gender identity (although there are some deficiencies in its enforcement mechanisms). The United States should partner with the E.U. to promote its use of leverage, particularly with E.U. accession states, to move states to comply with E.U. laws and standards.
- The United States should work with E.U. leadership to urge member-states to repeal homophobic legislation and reject any attempts to pass future discriminatory legislation. States such as Lithuania, a current member state that has a legally binding system in place to protect the constitutionally guaranteed right of freedom speech while simultaneously maintaining a propaganda law, should be placed under scrutiny by the European Commission. According to the framework established in March 2013, the Commission may enter into a dialogue with a Member State by issuing a “rule of law opinion” in such cases where there are “clear indications of a systemic threat to the rule of law.” As propaganda legislation clearly contravenes rights to speech and assembly, the Commission is well within its rights to engage the member state.
- Utilize **Council of Europe** influence to push for repeal of discriminatory laws and for the passage of laws that are inclusive of LGBT communities in member countries, including Russia, as well as in regards to states outside of Europe that have or are being considered for special status. As “Partner for Democracy” status is beneficial to prospective economic partners, states that are under consideration for this status, including Kazakhstan, should be required to remove laws that negatively impact the rights of the LGBT community and to refrain from passing new such laws. Countries in the Council of Europe considering laws of this nature should be referred for advisory opinions from the Venice Commission, which can provide detailed analysis of proposed legislation against international and European human rights standards and recommendations for bringing those proposed laws into compliance.
- The Obama Administration has exerted strong leadership at the **Organization for Security and Cooperation in Europe (OSCE)** on advancing the human rights of LGBT people, and inclusion of LGBT issues in the organization's efforts to promote tolerance and non-discrimination and combat hate crime. The OSCE is unique in its recognition of the inherent dignity of the individual at the “core of comprehensive security.” To that end, the U.S. mission should urge the participating states of the OSCE to meet their obligations to protect

human rights and fundamental freedoms, as well as to combat hate crimes targeting LGBT people. This should include pressing participating states to collect and publish hate crime data, train police and prosecutors, and promote interaction between law enforcement and LGBT communities to prevent and report violence and support victims. The Office of Democratic Institutions and Human Rights as well as the Special Representative on the Freedom of the Media should be encouraged to publish guidelines on the protection of freedom of expression and related rights in the context of propaganda and related laws.

- Urge the United Nations' Special Rapporteur on minority issues to conduct investigatory visits to countries that either have passed or are considering passage of similarly discriminatory legislation in order to raise awareness of rights violations committed as a result.

## WORKING WITH INTERNATIONAL SPORTS BODIES

Sports can serve as a bridge between divergent viewpoints on human rights, providing a shared experience through which human beings can see each other as equals on the field of play and where the spirit of cooperation and community can be fostered. In recent years, human rights activists have seen international sporting events as key moments for targeted advocacy efforts.

The United States, through its engagement with international sports federations, such as the Fédération Internationale de Football Association (FIFA) and the International Olympic Committee, can advance inclusion on

matters relating to gender identity and sexual orientation.

- Work with leadership of the Fédération Internationale de Football Association (FIFA), including the U.S. member of the Executive Committee, regarding Russia's selection as World Cup site for 2018. Encourage scrutiny of the selection process in the aim of excluding any candidate host country for the World Cup that maintains discriminatory legislation that targets LGBT persons.
- U.S. officials must stress to the International Olympic Committee the importance of removing from consideration any future candidate host-city that currently has or is deliberating the introduction of propaganda legislation or broader methods of criminalization. This is particularly salient as Kazakhstan is currently under consideration as a site for the 2022 Winter Olympics. Partnering with leadership of the Committee to amend Principle 6 of the Olympic Charter to include sexual orientation and gender identity as banned grounds for discrimination was successful following the Olympic in Sochi, Russia. Additionally, U.S. officials must work with the IOC to ensure that Pride House is incorporated into all future Olympics.

## CREATING A SPECIAL ENVOY FOR THE HUMAN RIGHTS OF LGBT PEOPLE

The effort to combat propaganda legislation inspired and promoted by Russia will require the concerted effort of many actors across a variety of agencies. This is an example of the type of multi-country, multi-agency effort that would greatly benefit from the appointment of a Special Envoy for the Human Rights of LGBT People.

- A Special Envoy would coordinate continued U.S. leadership on the global stage, upholding the focus within the U.S. government on issues affecting LGBT people—namely discrimination, persecution, and criminalization—by participating in inter-agency policy planning and elevating issues before appropriate officials as needed. Russia and the region should be an early focus of a Special Envoy as there are numerous countries at risk of moving backwards in the protection of their LGBT citizens.
- The appointment of a Special Envoy would signify to foreign governments a long-term commitment by the United States to the protection of the human rights of LGBT people. The Special Envoy would organize U.S. activity with other governments in multilateral meetings and in specific instances of crisis. The Special Envoy would also navigate the extensive network of U.S. embassies and missions, providing expertise to staff as they interact with vulnerable groups.
- A Special Envoy would work to ascertain how U.S. foreign policy may best help vulnerable LGBT communities. Working in partnership with human rights defenders on the ground leads to more effective U.S. strategies to encourage foreign governments to decriminalize homosexuality and protect the rights of their LGBT citizens. A Special Envoy would provide the leadership to seek out and cultivate those partnerships, in conjunction with embassies.
- Even in the direst of situations and the most tumultuous of times, human rights remains a core commitment of U.S. foreign policy. In Ukraine, there were calls even from allies to the LGBT community to overlook LGBT issues during the resolution of the crisis. A Special Envoy would provide a consistent voice advocating for the safety and dignity of LGBT persons in all cases.
- The most homophobic nations dismiss homosexuality as a lifestyle foreign to their cultural heritage and this is certainly true in the region. A Special Envoy should develop a strategy of working with other nations to undermine this narrative, which politicizes and legitimizes homophobia.
- The Sergei Magnitsky Rule of Law Accountability Act of 2012 directs the President to report to Congress, publish, and update a list of individuals, among others, responsible for human rights violations committed within Russia against individuals seeking to promote human rights. The Special Envoy should lead the State Department in monitoring conditions in Russia and ensure that those responsible for human rights violations against those seeking to promote the rights of LGBT people are included on the list. Those included would be subject to visa bans and asset freezes.

## DEPARTMENT OF JUSTICE

The Department of Justice provides technical assistance to governments around the world including on efforts to address hate crimes and bias-motivated violence, to promote institutional change within the prosecution, police, and judiciary and to encourage cooperation among those institutions and civil society. This ongoing work should be LGBT-inclusive and DOJ should seek out opportunities to partner with LGBT groups and individuals who often face the brunt of homophobic sentiment.

## Recommendations

- Increase and expand international training programs through the **International Criminal Investigative Training Assistance Program (ICITAP)**. Kazakhstan, Armenia, and Moldova, which have had ICITAP programs in the past, and Ukraine and Kyrgyzstan, countries that have current ICITAP programs, are countries that have considered propaganda legislation in the past, are currently considering such legislation, or have movements calling for such legislation. When hate crime training is the focus of a relationship, it is imperative that LGBT issues be incorporated as an area of concern. While ICITAP's focus in a specific country might be on issues such as anti-corruption, there remain many opportunities to utilize these bilateral relationships to reassert universal values such as protection of marginalized communities.
- Expand efforts of the **Office of Overseas Prosecutorial Development, Assistance, and Training (OPDAT)** to include regular hate crime training initiatives tailored for foreign criminal justice personnel to incorporate concerns about the treatment of LGBT people victimized by anti-LGBT violence.

## USAID

As the lead United States government agency working in communities around the world to alleviate extreme poverty, USAID has “democracy, human rights and governance” projects in several countries in this region, making it well-positioned to impact the lives of LGBT people in each community in which it works. Inclusive development benefits the host country as well as marginalized communities.

## Recommendations

- USAID has adopted hortatory language regarding nondiscrimination in the provision of services. This is a welcome step but more needs to be done on this front. USAID should develop better mechanisms to review service provision policies of subgrantees and should move towards adding nondiscrimination language to its employment policies.
- USAID's recently-launched LGBT Global Development Partnership is designed to provide for needs assessments, leadership development, and coordination and integration. It is imperative that this work move forward in the region and that there is sufficient funding for it to accomplish its goals.

## CONGRESS

In the 113th Congress, two bills were introduced to further global protection of the human rights of LGBT people. The Global Respect Act would allow for visa bans for individuals found to have violated the human rights of LGBT people and was inspired in large part by the visa ban language of the Magnitsky Act. The International Human Rights Defense Act would, among other things, call for the creation of a Special Envoy for the Human Rights of LGBT people.

## Recommendations

- The Global Respect Act and the International Human Rights Defense Act should be reintroduced in the 114th Congress and the leaders of these bills should make every effort to ensure that they are introduced in a bi-partisan fashion.
- Members sitting on caucuses influential in the region should invite engagement from

human rights defenders to better inform policy decisions. These bodies, including the Baltics Caucus, Ukraine Caucus, Azerbaijan Caucus, Duma Congress Study Group, Human Rights Caucus, Lantos Commission, Helsinki Commission, informal Russia (Sochi) Working Group, should work with activists and defenders to develop strategies to raise awareness of LGBT rights issues in their respective area of interest. In addition, the Equality Caucus should continue its engagement on the concerns of LGBT people in Russia and should broaden that area of interest to the entire region.

- Individual members who have an interest in the region should pursue additional opportunities to elevate issues of LGBT rights through resolutions, letters, meetings, etc.
- Members of Congress should organize Congressional Delegations to the region and work with US-based NGOs to identify key NGOs, activists and government officials for in-country meetings.
- NGOs should create opportunities for international human rights defenders and LGBT leaders to meet with members of Congress when they are in the United States.

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## Conclusion

Concerns about the deterioration of the human rights situation in Russia have been a dominant discussion in recent years and an important part of this discussion has always been the country's influence in the region. Russia's recent crackdown on the human rights of LGBT people is not an exception and we are witnessing an alarming spread of this sentiment and indeed even cut-and-paste versions of the propaganda law. Although the United States may have limited influence in Russia itself, there are countries in the region where that is not the case and where American influence can play an important role. It is important that the U.S. keeps its attention on the region and maintains LGBT issues as a central element of its foreign policy. Countries such as Georgia and Moldova show that positive developments are possible, and it is incumbent upon the United States to ensure that the already-marginalized LGBT communities across the region are not left behind.

## Summary of Human Rights First's Work in the Region

Human Rights First has a proven track record of raising awareness of the rising tide of homophobia in Eastern Europe, Central Asia, and Russia. This includes confronting the spread of propaganda laws in Russia's sphere of influence through public awareness campaigns, advocacy, and creating and maintaining relationships with representatives of vulnerable LGBT communities.

- Sending a delegation to Russia in February 2014 to meet with human rights defenders in Moscow and St. Petersburg before engaging with athletes, activists, and members of the media at the Winter Olympics in Sochi.
- Hosting a contingent of Russian LGBT human rights defenders in the United States in regional settings as well as in the nation's capital for meetings with Congress, the State Department, and the White House, including a congressional briefing with Greg Louganis.
- Bringing together members of the Russian, Kyrgyz, and Latvian LGBT communities at Human Rights First annual Human Rights Summits to speak about the situation in their home countries and what the United States can do to address their vulnerabilities.
- Maintaining close partnerships with LGBT human rights defenders from Russia, Ukraine, Latvia, Lithuania, Belarus, Kyrgyzstan, Georgia, among others.
- Aiding human rights defenders in Lithuania, helping to delay the introduction of new propaganda legislation in the country.
- Publishing an Op-Ed in The Hill and organizing State Department meetings to prepare for engagement with Belarusian leadership in advance of the International Ice Hockey Federation World Championship in Minsk.
- Engaging in work with Kyrgyz human rights defenders to advocate for tabling propaganda legislation in the build up to Kyrgyzstan Independence Day.
- Communicating directly to President Obama on LGBT issues in regards to his trip to the Baltics.
- Pushing for keeping LGBT human rights on the radar as the larger political crisis unfolds in Ukraine. A Human Rights First delegation met with several Ukrainian LGBT activists this year.
- Creating and regularly updating a series of resources on the spread of propaganda laws, including regional maps.
- Connecting with lead activists and members of Parliament in Georgia and issuing press statements regarding passage of anti-discrimination law.
- Attending international conferences, including those organized by ILGA-Europe to build and foster connections with activists from around the region.









human rights *first*

American ideals. Universal values.

#### WHERE TO FIND US

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