

The “International LGBT Movement” Has Been Deemed Extremist in Russia: What Does This Mean in Practice?

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On 30 November 2023, the Supreme Court of the Russian Federation granted the Justice Ministry’s request to declare what it has labelled “the international LGBT public movement” an extremist “organization”. This ruling is so vague and difficult to interpret that it could potentially outlaw any public LGBTQI community work, or LGBTQI-related public meetings or social spaces. It opens the way for a new level of mass persecution and prosecution of activists and individual members of an already oppressed LGBTQI community. It will come into force on 10 January 2024

Russia’s various previously introduced anti-LGBTQI laws are already discriminatory, banning any mention of LGBTQI experience from the news media, books or films and endangering the lives and health of transgender persons. They did not, however, ban individuals from meeting in bars, clubs, or community centers. On the contrary, a broad spectrum of community services as well as nightclubs and bars were common not only in Moscow and St Petersburg, but in virtually all larger cities. The four clubs and the sauna raided by the police the weekend after the Supreme Court made its decision were far from the only ones in the capital.

Today’s Russia is governed by political signals that the authorities at the federal and regional levels, as well as commercial actors, try to interpret as best they can. In the absence of clear guidelines, those further down the hierarchy do what they feel decision makers want of them. There is obviously no such thing as an “international LGBT movement” operating in Russia or elsewhere in any formal sense. Proscribing something as unclear as such a movement as an extremist organization creates a legally ambiguous situation to say the least, which is presumably the aim. This amorphous grouping can be projected on anything and anyone. The court decision potentially makes virtually anything done by or for an LGBTQI+ person in Russia a violation of the criminal code.

As the now officially liquidated SOVA Centre showed¹, as well as others monitoring the misuse of anti-extremism legislation in Russia, there has been an increase in convictions for “extremist activities” in recent years. The offences behind these convictions range from displaying support for Alexei Navalny's Anti-Corruption Foundation to prayer and the reading of religious texts by members of Jehovah's Witness – a congregation also deemed extremist. These verdicts provide an idea of what Russian LGBTQI activists probably have in store. Organizing meetings of an organization that has been declared extremist has recently attracted sentences of between four- and seven-years imprisonment, a common sentence being six years in a “general regime” penal colony. Local campaigners for Navalny were sentenced to between seven and nine years in prison earlier in the year. Participation in activities defined as extremist or financing them is also illegal. Financial support can lead to sentences of up to 12 years. Legislation on extremism works retroactively so anything done or published by a person during their lifetime can be included in the charges. The use of designated extremist symbols can lead to up to 15 days of so-called administrative arrest and, if repeated, is punishable by up to four years imprisonment. The Russian authorities frequently threaten to remove children from the custody of parents engaged in unwanted political activism and some forms of religious worship.

The immediate consequences of the new status were made clear in the first week after the announcement. St Petersburg's largest gay club had its lease terminated with immediate effect, a dating app removed same-sex matchmaking and *DELO LGBT+*, a human rights organization that focused on legal aid for LGBTQI people, decided to disband and cease all of its activities in Russia.² A leaked instruction³ to employees of the digital map provider 2GIS urged staff to make a list of all gay and LGBTQI venues in their area and send it to the central office. It encourages them to include venues known to them by hearsay. They are also asked to report all content displaying LGBTQI activities. Add the police raids in Moscow to the picture and the fact that all visitors to these venues were asked to show ID and subsequently registered, and it is possible to identify a new social order in which both commercial actors and the authorities contribute to the elimination of all visible traces of LGBTQI activities in the public space. All community activities and meeting places will very likely be forced to close or move underground and will now be associated with the risk of public exposure, threats, and political pressure, as well as the imminent risk of arrest and prosecution.

A serious consequence of the new extremism status attached to suspected “international LGBT activities” will be that practically all actors that offer psychological, medical, or legal help – or other community services – to LGBTQI people in Russia will be forced to close their doors, move abroad, or go underground. How widespread such repression might become is difficult to predict as the situation changes from month to month. Regardless of how many will be affected in the first year, the penalties for the individual will undoubtedly be very serious. In addition to long prison sentences, LGBTQI people are already exposed to discrimination, threats, and violence, including sexualized violence, in the Russian legal system. Perpetrators include policemen, prison guards and fellow prisoners. Particularly vulnerable in such cases, as in so many others, are transgender persons.

1 <https://www.sova-center.ru/en/misuse/>

2 See <https://meduza.io/>

3 Published by <https://stories.media/>

The decision by the Supreme Court has been described as an attempt to divert attention from Russia's ongoing war in Ukraine and to unite the population around a common internal "threat". The regime is no doubt looking for new ways to legitimize Vladimir Putin's continuing hold on power. A radically conservative agenda appears to be the politics that permeates Putin's campaign for the upcoming "election". Public speeches given by Putin within a week of the Supreme Court decision display a radical emphasis on nationalist, conservative and orthodox values. His advisers seem convinced that this rhetoric will resonate with the domestic population as much as it will appeal to the international conservative forces among which Russia seeks its allies. The most important of the latter are, of course, evangelical Christians and other radically conservative groups in the United States that could influence decisions in the US Congress.

To gain their trust and in order to be seen as a credible force promoting conservative values, the regime in Russia will sooner or later have to restrict abortion rights – something recently signaled by the Russian Orthodox Patriarch in Moscow. This is expected to meet opposition from significant parts of Russian public opinion, however, and is unlikely to happen before the presidential election. The Putin regime and the Russian Orthodox Church must tread carefully through this terrain as there is little support for restricting or banning abortion in Russian society, which remains one of the most secular in the world. "Traditional" or "family" values in Russian politics have so far worked as buzzwords with few practical implications. The divorce rate in Russia, to take just one example, is the third highest in the world. Negative demographic trends in the country are strongly linked to this instability in family ties and related low birth rates.

The country was also hit particularly hard by the Covid-19 pandemic and has now lost around 100,000 mostly young men in its attempt to occupy Ukraine. Twice this number are estimated to have been wounded, and how many of those are now physically or mentally unable to parent a child is unclear. A perceived demographic threat to the future of Russian society underpins the susceptibility to conservative agendas among large segments of the population. In contrast to restricting the reproductive rights of women, the increased persecution of the LGBTQI population could both boost popular support for Putin ahead the 17 March election and send a clear domestic and international signal that the regime is serious about its conservative and "family-oriented" policies. It would also be a way to symbolically thank the Russian Orthodox Church for its unwavering support for the ongoing war in Ukraine.

Alongside this symbolism is a possible explanation based on a more rational calculus in relation to independent segments of civil society and oppositional activities at the grassroots level. Researchers that SCREEUS is in contact with have found that LGBTQI activists form the core of many civil society initiatives in Russia. They are one of the most resilient and active groups in anti-war and regime resistance work. Numerous activists divide their time between promoting LGBTQI rights and, for example, helping Ukrainians deported to or seeking refuge in Russia, running shelters for victims of intimate partner violence, local environmental activism, and so on. Increasing the grounds for which such activists can be arrested and punished is, in short, a blow to civil society as a whole and reinforces the regime's political control at the local level.

The increased discrimination against and persecution of LGBTQI people in Russia has been a gradual process over a decade, giving rise to the strong social and political commitment

demonstrated by many individuals in this group today. Policies of gradual exclusion began in 2013 with a bill in the Russian Duma banning the adoption of Russian children in countries that allow same-sex parents to adopt. This was followed by the infamous “Gay Propaganda Law”, or the federal law “for the Purpose of Protecting Children from Information Advocating a Denial of Traditional Family Values”, which was adopted in the same year. In 2022, an amendment to the law signed by Putin prohibited the distribution of information on so-called non-traditional relationships among *any* age group. It also bans any content informing minors about gender dysphoria. New anti-trans legislation was passed in 2023, forbidding transition surgery and making it impossible to change registered gender in official documents. This law has increased stigma among one of Russia's most vulnerable groups. The migration authorities in EU member states should take note of the highly vulnerable situation in which LGBTQI people in Russia, and especially transgender persons, are finding themselves in.

The so-called Gay Propaganda Law was much publicized ahead of the 2014 Winter Olympics in Sochi and firmly branded Russia as a “homophobic state” in international public opinion. The increased discrimination against and persecution of LGBTQI people in Russia was met with strong reaction in the outside world and negatively affected the general image of Russia. More generally, however, the European states firmly united behind Ukraine today underestimated the nexus between domestic repression in Russia and an increasingly aggressive foreign policy. Descriptions of increasingly restrictive Russian legislation have also overlooked the close cooperation between Russian lawmakers and international actors such as the World Congress of Families and the positive impact that Russia's domestic policies have on these actors' assessment of the Putin regime.

A group of people that is clearly identified as having no rights is likely to be exposed to increasingly uncontrolled discrimination and violence. The Supreme Court's decision paves the way for mass repression of a large part of Russia's population. Whether this repression will reach a mass scale in the coming year is difficult to predict and monitoring developments will become increasingly difficult. Most of the human rights organizations that documented past abuses have officially disbanded or have been forced underground or into exile. The regime's new strategy of prosecuting defense lawyers and other legal professionals is likely to restrict knowledge of developments inside the country while also increasing the vulnerability of those on trial. How a wide range of actors in Russian society will interpret the political signals coming from the Supreme Court is already clear. Mass repression in Russia has crossed the Rubicon.

Recommendations for Russian Civil Society Actors Inside the Country and in Relocation

- ✦ Human Rights defenders and other civil society actors should monitor the situation closely and report on the developments on a regular basis.
- ✦ Relevant actors in relocation should work on developing security protocols and secure communication channels for LGBTQI activists inside the Russian Federation.
- ✦ Relevant actors in relocation should provide support to LGBTQI communities inside the Russian Federation. Emphasis should be made on security, legal advice, and psychological support.
- ✦ Relocated civil society deriving from the Russian Federation should increase its capacity

to describe the vulnerabilities and advocate the needs of Russian LGBTQI citizens towards European donors, decision-makers, migration authorities and civil society actors. Special attention should be given to the situation of transgendered persons.

Recommendations for the EU, Council of Europe, and EU Member States

- The European Union, the Council of Europe and individual states should keep condemning the misuse of extremism legislation in the Russian Federation and put pressure on the Russian regime as well as the individual judges and prosecutors involved in this misuse.
- EU and Member State missions in Russia should monitor developments closely.
- The donor community should look for ways to continue supporting the LGBTQI communities in Russia through relevant actors in relocation. Emphasis should be made on supporting legal and security advice as well as psychological support.
- LGBTQI organisations as well as human rights defenders outside Russia should maintain close contacts with activists inside the Russian Federation and advocate their needs to relevant decision-makers and migration authorities.



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