List of issues related to the situation of lesbian, gay, bisexual and transgender persons with disabilities in Russia

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Introduction

The review provided below elucidates the specific problems faced by the LGBT people with disabilities in Russia, as a result of intersectional discrimination, caused by ableism and homophobia.

The fact that Russian Federation ratified Convention on the Rights of Persons with Disabilities is a significant breakthrough, which consequently stimulated development of national policy in accordance with the needs of people with disabilities. The state program titled “Accessible Environment” was launched in 2011 and extended to 2020\(^1\). It focuses primarily on ensuring accessibility of public services and facilities for people with disabilities, rehabilitation program advance and state medical and social assessment system. This long-awaited initiative is extremely important, as it is the first strong practical commitment to tackle invisibility, inaccessibility and mistreatment of persons with disabilities.

Accounting that Russia has just relatively recently prioritized persons with disabilities’ needs on qualitatively new and higher level, it is hard to overrate the experience after the first steps are just made in creating accessible environment for the diverse community of persons with disabilities. Nevertheless, basic efforts gave a getaway to the accessibility improvement. However, the worked out strategy is sometimes not consistent to the present Convention, because the group with multiple distinctions is taken as a unimodal and is categorized exclusively in accordance with the basic barriers - physical, mental, intellectual or sensory impairments. That is why political actors and state-sponsored non-profit organizations aimed at inclusive surrounding development, do not take into account, important aspects, which could vastly influence the state of persons with disabilities in Russia and their access to equally full enjoyment of their human rights and full independent participation in all spheres of life.

Social barriers for LGBT with disabilities induced by discriminative discourse

Just as within all the other social groups there is some percentage of people, identifying themselves as LGBT among the community of the people with disabilities. A Russian research reveals the number of 650,000 gay and lesbian persons with disabilities\(^2\).

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Discrimination against LGBT individuals in Russia is systematic. The traditionally irresponsive perception of LGBT issues by society is destructive and shows the lack of acceptance of this social group via ignorance or violations of their human rights - from verbal insults to physical abuse, which is a violation of the Article 5.2 of the Convention.

This non-converted attitude provoked an uprooted stigma of LGBT. LGBT people with disabilities, therefore, face double stigma being frequently discriminated on bases of both - the impairments that hinder their equal participation and homosexual/bisexual orientation or gender identity. The specifically oppressive attitude is even common for the parents of LGBT individuals having disabilities. In general, this is an intersectional form of discrimination that becomes a constant background for the community members, as many LGBT individuals with disabilities claim. The study, conducted by the LGBT organization for people with disabilities shows that among the respondents, 66.4% of LGBT persons with disabilities at least once faced discrimination based on their disability. Meanwhile, almost the same big number - 62.1% experienced discrimination motivated by sexual orientation and gender identity.

«Even if I had a bunch of diplomas and awards which confirm that I could gain success in life, for the parents it would mean a total failure if they knew I am not just having disabilities, but homosexual orientation as well”

Since it is inefficient to combat multidimensional discrimination while boosting-up negative attitude towards some social groups through pejorative rhetoric and legislation that restricts LGBT rights, it is reasonable to focus on eradication of all forms of discrimination, including the Law banning “propaganda of non-traditional sexual relations” to ensure the observance of Article 4.1 of the present Convention.

Awareness raising issues v. the law banning propaganda (Article 5 violation)

In 2013, amendments were introduced to the federal law “On Protecting Children from Information Harmful to their Health and Development” and to the Administrative Offence Code of the Russian Federation, which established liability for “propaganda of non-traditional sexual relations among minors,” i.e. “the dissemination of information aimed at developing unconventional sexual juvenile facilities, attractiveness of unconventional sexual relationships, distorted notions of social equivalence of traditional and non-traditional sexual relations, or the imposition of information on non-traditional sexual relationships, causing interest in such relations”. This law has had a severe impact on life of LGBT persons in Russia, and particularly on those having disabilities.

First of all it restricts dissemination of adequate information about LGBT community and its needs, that are completely and unfairly publicly dismissed nowadays, and neither national media broadcasting channels, nor social activists, working on subsidiary projects as the

3 Queer Peace research on LGBT with Disabilities in Russia (2016), p. 4
4 The quote of a lesbian young woman is taken from the “Deti-404” project public page with the personal stories (limited access online 31.07.2017)
7 State TV channels serve as source for some LGBT opponents to express their point of view via hate speeches and open incitements to violence against LGBT people. One of the examples is as follows: “TV anchor Dmitry Kiselev of a state channel say on air: ‘I think that just imposing fines on gays for homosexual propaganda among teenagers is not enough. They should be banned from donating blood, sperm. And their hearts, in case of the automobile accident, should be buried in the ground or burned as unsuitable for the continuation of life.’”
intermediaries for the present policy implementation, encourage positive knowledge transmission to the beneficiaries.

The key barrier for socially-oriented NGOs for planning activities aimed at enlightenment with focus on LGBT issues, is fear of being associated with the activity, that could be treated as propaganda, due to a broaden reading of the law’s provisions.

Within the International film festival about the world of people with disabilities that takes place in Moscow, called «Breaking down barriers», a short movie telling the story of a lesbian couple with disabilities was shown. Afterwards, one of the festival participants made a public note claiming his solidarity with LGBT equality. In a couple of days PR crew of the festival received an anonymous message which blamed the organization in charge of conducting the festival in spreading propaganda of “ perversion”. Soon the festival managers contacted the author of this note and asked him to delete the post because it stated that the movie about lesbians was included in a program.8

Firstly, it may cause administrative liability and fines. Secondly, there is a number of prominent and state-sponsored organizations that are simply afraid of losing support, if touch upon LGBT topics. Some NGO leaders, not mentioning the homophobes, presume any activity bound with LGBT as possible propaganda from the perspective of the government, despite the administrative liability under the law banning propaganda, formally ensues if communicating with the minors on the LGBT topics.

LGBT organization for people with disabilities “Queer Peace” was preparing an event for people with hearing disorder in 2015 and applied to the Russian Society of Deaf (VOG) to provide a sign language translation. The VOG refused cooperating with the LGBT organization, stating: “We tolerate "the blue" but strictly forbid propaganda during the events that we help to organize.” When asked, what is considered to be a propaganda, the interlocutor from the Society responded “Any physical deed performed in order to express love or care, like keeping hands or hugs of the partner”9.

In these circumstances many LGBT bring up with scant understanding of themselves and distorted image of the LGBT community, due to the lack of any positive role models, that explicitly influence self-determination of the LGBT with disabilities.

As the matter of fact if LGBT have comprehensive disease or disabilities, that require them stay in Neuro Psychiatric Boarding schools during the adolescence, they can literally not have an ability to learn something about the phenomenon themselves, if the personnel does not accept any discussion to contribute to the positive knowledge about the LGBT. Along with legal restrictions for same-sex couples, which implies total absence of legal guarantees and is already a breach of the Article 23 of the Convention, hinders future independent development of loving relations.

**Physical violence and inappropriate attitude**

LGBT people with disabilities often become subjects to violence, or threats, if their sexual orientation is disclosed, and having impairments make them more vulnerable, since many of the targeted survivors, are not able to fully defend themselves or counter violence. As bisexual

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8 This case is provided by Queer Peace monitoring program
9 Queer Peace monitoring program
wheelchair user complains «It’s a double hit: when Russian society has just started to change its attitude towards the persons with disabilities, this haunting suddenly came upon.»

23 years gay man D. came to a bar, but was not allowed to enter it because of the wheelchair he uses as a person with a serious spine damage. The friend, accompanying him, lifted him up and carried to the building on his hands. Right after the friends set up themselves in the open terrace, the security guard came and punched D. to the temple unexpectedly. As D. was sitting on the chair with no back after the hit, he felt down from it and injured his knee. The security man started to insult the survivor saying homophobic offenses, what explained the grounds for the violent action he did. When friends tried to leave the bar, the same security guard attacked D. for a second time – he hit him again, grabbed him by the neck with both hands and started to throttle, which caused D. nose bleeding.10

D. got a spine injury when he jumped out of the 5th floor window in the attempt to escape from violent beatings and assaults from the boarding school mates, where he has been living as an orphan since his childhood with an intellectual disability. The abandon school residents experience aggravated forms of multiple traumas – both physical and physiological – as being abandoned or orphans, having disabilities, lack of self-space and etc., but also extra distinctions that stratify the boarding school community to victims and oppressors – belief, race, origin, physical abilities, mental state and many other, including sexual orientation or gender identity and expression. Closed medical institutions for people with disabilities. Imprudent diagnosis and medical treatment prescription.

LGBT with disabilities are therefore under the threats of exclusion or haunt motivated by SOGI. Since the majority of the national institutions dealing with disability issues are “close institutions”, they are very hard to come with innovations or examination of how the interaction with social workers, medical personnel and peers is performed. The absence of dialog about SOGI diversity in boarding schools and other isolated hospitals for minors enhance tension between children of various distinctions.

Closed institution for medical care. Wrong diagnosis and treatment prescription

Some LGBT people, who do or do not have any disabilities, according to the ICD – 10, can be categorized as patients with Schizotypal personality disorder. Enforced psychiatric hospitalization and involuntary treatment is still used in clinics and institutions, through offering reparative therapy. Several cases of the identity reduce to a disease were documented in Petropavlovsk-Kamchatsky, Astrahan, Grozny, Tomsk.

Parents of the adult lesbian woman forcibly got a daughter to Neuro Psychiatric hospital. In a three-month course she was getting a treatment for nothing but homosexuality: «I was staying there a month, then parents took me away for a while and asked about my sexual orientation, if it changed or not. I said that I am still lesbian, so they brought me back to the hospital for 2 more months. They made me believe, that I was crazy. I thought I would not appear to be there if I were not insane. I lost all interest to life, I had nothing to occupy my brain with when within the hospital walls.»11

Another survivor was a voluntary in-patient of a psychiatric clinic and was staying there during 2 years. However, the terms of his stay were prolonged after the interview with the medical

10 Russian LGBT Network monitoring program, 2016
11 Russian LGBT Network monitoring program, 2017
commission, which among other questions had one, appealing to the sexual orientation of the patient. The chief doctor commented on homosexuality as a side disease that the patient should get a cure.

Due to the absence of medical personnel education about LGBT, people obtain false diagnosis; suffer from temporary isolation and restriction, caused by wrong health state estimation and prejudices against people having mental disorders. This mostly affect minors, boarding school students and transgender people with disabilities and undoubtedly is a severe violation of human rights under the Convention (Article 25).

At 14, a transgender adolescent was admitted to the psychiatric clinic due to social phobia that he was suffering from for some period. The patient was said a diagnosis – anorexia nervosa. When the doctor heard about transgender identity of the patient, he added “schizophrenia in progress” to the conclusion and prescribed medical treatment\(^\text{12}\).

Young people who are on record in Neuro Psychiatric institutions are stigmatized as people with disabilities. LGBT teenagers may face serious challenges, if their parents or guardians have prejudices towards LGBT and they have a presumed diagnosis or symptoms that could lead to a wrong malady conclusion. For example, as it happened with one of the teenage informant, who suffers epilepsy but was put on record in a Neuro Psychiatric institution with no apparent reason. Later her mother found out that her daughter was lesbian, and aggressively reacted to this fact – she started to beat her violently. The survivor feels no support and claims that her appeals to the bodies concerned would not be taken serious, as she learnt, because of her active status in a Neuro Psychiatric hospital records. The bruises left on her body after beatings at the same time served no prove for the clinic experts, because they believed, that the patient got them as a result of epilepsy seizure.\(^\text{13}\)

With the emphasis to the Article 22 the private life integrity and respect are essential issues for people, whose independency is limited by the physical or mental abilities. Social workers and carers who daily accompany people with disabilities in these terms should help the wards to learn the larger up-to-day scheme of things in a current life situation. If the responsible personnel is guided by bias attitude to the concept of equality, this may provoke additional pressure to the LGBT with disabilities. The need of education on how to create loving relations with other people may be neglected by the carers due to a common stereotype about people with disability asexuality, that practically leads to the abovementioned Article 8 violation.

\textbf{U. lives all his live in a Neuro Psychiatric Boarding schools. He was dating a same-sex partner, which became a reason for the Head of the school to call him for a talk. He threatened the adult gay men, that he would be given injections and other medical treatment to cure his sexuality, which he qualified as a form of a mental disease. When information about U.’s private life was disclosed the school staff started to assault him from time to time saying that he was a freak, an ugly creature which was born freak and makes himself even more ugly. They used hate speeches, saying that he should have been burnt, as people used to burn witches, or “left on the railroad”, that there was “no point in his birth”\(^\text{14}\).}

\(^\text{12}\) Russian LGBT Network monitoring program, 2015
\(^\text{13}\) “Deti-404” project public page with the personal stories (limited access online 31.07.2017)
\(^\text{14}\) Queer Peace monitoring program
Economic issues: labour restrictions

When pointing out the issue of independency and full participation in community, the issue of economic prospects and labor abilities are the first to address. Taking into consideration that some impairments could sharply decrease the range of working positions the person with disability could still be hired for, it is important to note that some jobs imply specific limits for LGBT, which instantly refers to the breach of the Article 19 of the Convention. These limits are induced by homophobic preconceived opinion about LGBT, especially with physical disabilities or mental disorders, and the legal basis for restrictions according to the law banning propaganda.

Today in Russia, homophobic activists gather pieces of information on LGBT people, who might work with minors on social networks, websites, and forums, including information about their private lives and then forward this information to the administration of the institution with the demand that the LGBT worker who "promote perversion" should be fired as inappropriate worker. The target groups are therefore mostly elementary or secondary schools teacher, or educational workers engaged in communication with underage children (psychologists, extracurriculum class mentors and tutors). It has been known about a couple of cases, when targeted professionals had disabilities or worked for the institutions, which focus on children with disabilities. In the latest case, pupils, attending specialized school suffer as well, when a good teacher leaves the profession.\(^{15}\)

\[ \text{The organized LGBT opponent group collected information about V. which concerned his gender correction. This information was presented in a negative way and sent to the administration of the Boarding school, where V. was working for that period. The anonymous complaint included a demand to ban the worker before the information reached out higher authorities of education. After V. had to respond to the administration, he decided to avoid conflicts and quit his job as the schools’ head insisted to, mostly because in another way he was afraid of being attacked by the violators, and as a second group handicapped person he could not be able to defend himself or struggle aggressive behavior.}^{16} \]

For the survivors who have disabilities and become suddenly unemployed it is much more challenging to find a job again, that is why a steady position is so important for them to have, since the social incentives (both granted for the unemployed and people with disabilities) are extremely small.

Another 21 years old lesbian with disabilities is working as a general practitioner in a surgery. She is certain that if someone at her job would know she is lesbian, her life may change radically. "An ordinary mind would not see anything bad in this combination but homophobes could. Once a mother of a minor patient expressed her anxiety that such a young person like me cures her child and the senior doctors paid tribute to my skills taking my side as a reliable college. But I can imagine how the attitude to me can change if only they knew about my sexual orientation. Most of my co-workers are over 50, conservative and married, who always wonder about my private life and the partner especially. I make fun of that topic at the job, but frankly, I’m afraid of losing my career one day because they can learn the

\(^{15}\) The facts on LGBT teachers and educational workers haunting are described here - http://tbinternet.ohchr.org/Treaties/CESCR/Shared%20Documents/RUS/INT_CESCR_ICO_RUS_26427_E.pdf

\(^{16}\) Russian LGBT Network Emergency help program 2014
I know about the campaigns against LGBT teacher, so the doctors could suffer too. 17”

Political and cultural involvement and full participation (Article 29 violation)

The problem of inaccessible environment, regardless mass successful reconstruction projects aimed at area improvement, remains extraordinary high. The lack of appropriate construction for people with limited mobility and hearing or visual disturbance is still universal for all parts of the country in a higher or lower extent in urban area. Even central regions with capitols are poorly adopted to the needs of people with disabilities, which lead to invisibility enhance and thus, a whole upgrade process stagnation, since the restored objects are not easy to reach, that mostly concern the means of transport complete inaccessibility.

Warmly welcoming the endeavors made by the state to increase accessibility of public service facilities and places for cultural events we still have to admit that this issue evokes literally impassible barriers, for all spheres of social interaction of people with disabilities.

The issue that impede full participation of LGBT with disabilities in cultural and political life is intersectional. When planning social events LGBT organizations sometimes can get a refusal from the venue, as there could be pressure from higher administration of it, which all of a sudden can be sounded right before the event start. In such occasions, the organizers should have a contagious plan for immediate relocation to keep the festival or a group meeting happen. When negotiating with the venue, LGBT organization try to make sure that the place is adopted to the needs of the people, enrolled in the list as having disabilities, to ensure inclusiveness. In case of an unexpected change of location it is hard to inform promptly LGBT participants with sensory impairments, while people with mobility barriers could simply be expelled from the list of participants due to the architecture of the new venue.

Another reason for emergency venue change is fake alarm of mining, which is a common situation for almost every relatively big and semi-public LGBT events in Russia. Despite deliberately false message about mining, imply criminal liability under Article 207 of Criminal Code,18 this action interrupted every LGBT film festival “Side by side” before the year 2017 with the spot exceptions.

LGBT people with disabilities sometimes cannot be active in their political opinion public expression not only because of the distinctions that may serve as barriers for walking the marches - street demonstrations and rallies for LGBT rights are barely sanctioned. The authorized responders mostly refer to the law banning propaganda of homosexuality or find side reasons to restrict LGBT from getting the permission to carry out an action. In 2016 LGBT activists received 44 refusals from the city administrations all over Russia.19 When attending unsanctioned actions for the LGBT rights, law enforcement agents, sometimes violently stop the rally and take activists for the police office. As the rainbow columns consider illegal under the law on propaganda, the International Workers’ Day 2017 demonstration did not welcome rainbow symbolic, which was nevertheless used by activist during the march. The police noticed a rainbow umbrella in the hands of A. - a young lesbian woman with autism. She was taken to the office and then detained for the term that exceeded the terms determined by law. During the arrest the officers insisted on taking off the headphones, that A. was constantly wearing for the private reason, including the acute

17 “Deti-404” project public page with the personal stories (limited access online 31.07.2017)
19 Russian LGBT Network and Initiative group “Coming-out” monitoring programs joint calculations
sounds and background noise prevention. The same day another activist - K. with sight disability was detained the same manner. Police officers took his glasses away, which caused unconventional troubles for K. so as he first time realized that he was a person with disabilities actually.

RECOMMENDED QUESTIONS

- Does Russian government plan to work out a complex anti-discrimination legislation which would include clear description of the social groups, that consider vulnerable in a face of discrimination and demand better protection of their rights, if violated on a discriminatory grounds?

- Is there a commitment to combat intersectional discrimination to prevent vulnerable groups such as people with disabilities from any stigmatization, that is intensified as a result of distinctions these days?

- Since most of the aggression flourishing in closed medical institutions is fueled by poor income and standard of living, which measures does the Russian Government take to decrease the level of discontent of social and medical personnel who work with people, especially minors with disabilities?

- How Russian government plans to eradicate the use of “conversional therapies”, still practiced on the territory of the country, to guarantee adequate and proper medical treatment?

- Which data and statistics on LGBT people with disabilities situations of discrimination is available in Russia? Which organization can be a source for such kind of assessments and data collection?

- What are the practical steps of the Russian Government to change the attitude towards people with disabilities? Which media products that break the stereotypes about people with disabilities consider successful in the terms?

- Is there any program that the Russian Government supports, which is focused on work with law enforcement officers and servants to give them a common and detailed understanding of people of disability distinctions that must be taken into account when communicated.

- When Russian Government is planning to update the educational program so as to include important issues associated with sexuality and gender identity?

- Since most of the aggression flourishing in closed medical institutions is fueled by poor income and standard of living, which measures does the Russian Government take to decrease the level of discontent of social and medical personnel who work with people, especially minors with disabilities?

- How does the Russian Government would battle the discrimination of people with disabilities, if it excludes handicapped gay people from this vulnerable group, officially offering LGBT second roles in all the spheres of life?