

Stonewall

ABOUT THIS RESOURCE

This resource is produced by Stonewall, a UK-based charity that stands for the freedom, equity and potential of all lesbian, gay, bi, trans, queer, questioning and ace (LGBTQ+) people.

At Stonewall, we imagine a world where LGBTQ+ people everywhere can live our lives to the full.

Founded in London in 1989, we now work in each nation of the UK and have established partnerships across the globe. Over the last three decades, we have created transformative change in the lives of LGBTQ+ people in the UK, helping win equal rights around marriage, having children and inclusive education.

Our campaigns drive positive change for our communities, and our sustained change and empowerment programmes ensure that LGBTQ+ people can thrive throughout our lives. We make sure that the world hears and learns from our communities, and our work is grounded in evidence and expertise.

To find out more about our work, visit us at www.stonewall.org.uk

Registered Charity No 1101255 (England and Wales) and SC039681 (Scotland)

Stonewall is proud to provide information, support and guidance on LGBTQ+ inclusion; working towards a world where we're all free to be. This does not constitute legal advice, and is not intended to be a substitute for legal counsel on any subject matter.

RUSSIA



Population: 142+ million people



Stonewall Global Diversity Champions: 47

THE LEGAL LANDSCAPE

In Stonewall's **Global Workplace Equality Index**, broad legal zoning is used to group the differing challenges faced by organisations across their global operations.

Russia is classified as a Zone 2 country, which means sexual acts between people of the same sex are legal but no clear national employment protections exist.

Two further zones exist. In Zone 1 countries, sexual acts between people of the same sex are legal and clear national employment protections exist on grounds of sexual orientation. In Zone 3 countries sexual acts between people of the same sex are illegal.

FREEDOM OF EXPRESSION, ASSOCIATION AND ASSEMBLY

The Constitution protects the rights to **freedom of speech and peaceful assembly** under Articles 29 and 31. However, these rights are **restricted for LGBT people** through further legislation.

Advocating "non-traditional sexual relations" (i.e. any non-heterosexual relations) **to individuals under 18 years is prohibited** under Article 5 of Federal Law No. 436-FZ and Article 6.21 of the Administrative Offences Code, unofficially called the 'LGBT Propaganda Law'.

Violations can result in **administrative liability**, such as fines, suspensions in the case of businesses, and expulsion from the country in the case of foreigners.

Russian **courts and regulatory authorities interpret** the above **restrictions broadly**. In practice, **any public meeting advocating for LGBT rights may be deemed unlawful**.

Non-profit **organisations that receive foreign donations** and engage in 'political activity' are **required to register as foreign agents** under the Foreign Agents law (2012).

FAMILY AND SAME-SEX RELATIONSHIPS

Sexual acts between people of the same sex are **legal**.

There is an **equal age of consent** for sexual acts **regardless of gender**. Sex between a person older than 18 years and a person younger than 16 years is criminalised under Article 134 of the Criminal Code.

Same-sex marriage is not legal and marriage is defined as a union between a man and a woman under Articles 1 and 12 of the Family Code.

Even though there is no explicit restriction preventing **trans people** from **marrying**, in practice, due to lack of statutory regulation and applicable court practice, there is **legal uncertainty** about this.

Same-sex relationships are **not** otherwise **recognised** by law.

Same-sex couples have **no legal right to adopt** children jointly as only married couples may adopt children jointly under Article 127 of the Family Code.

The same law also **prohibits same-sex spouses** legally **married in another country** from jointly **adopting** a child in Russia.

EQUALITY AND EMPLOYMENT

Article 19 of the Constitution states that everyone is **equal before the law**, but it does not explicitly refer to sexual orientation and gender identity.

Employment discrimination 'on any ground' is **prohibited** under Article 3 of the Labour Code **but it does not explicitly refer to sexual orientation and gender identity**.

The **law does not specifically consider hate crimes based on sexual orientation or gender identity** as aggravating circumstances in sentencing.

Article 86 of the Labour Code **prohibits an employer from receiving and processing employees' personal data regarding** their political, religious and other beliefs and **private life**.

GENDER IDENTITY

Trans people can legally change their **gender** to female or male by filing an application to the registering authorities under Article 70 of Federal law No 143-FZ.

The law states that in order to do so, the person **must complete a statutorily prescribed form**. However, this **form is not yet available**.

In practice, it is **unclear** what the **requirements** for legal gender change are. In some cases, a medical certificate confirming **gender reassignment surgery** has been requested by the authorities. In other cases, it has been stated that the legal gender change cannot be allowed until the statutorily prescribed form is adopted.

Courts have also stated that a **married person cannot change their legal gender**.

A person over the age of 14 can **change** their **legal name through applying** in written form **to the registering authorities**. However, in the past a **court ruled** that a **trans person could not change** their **legal name as they had not yet changed** their **legal gender**.

IMMIGRATION

As same-sex relationships are not legally recognised, **partners are not able to obtain a dependant visa** under Decree No. 335 (2003).

This is also the case if the same-sex partners are married in another country.

A VIEW FROM RUSSIA

Svetlana Zakharova is communications manager at the Russian LGBT Network, which works throughout Russia. The Russian LGBT Network is a movement seeking to give a voice to, and enhance the visibility of, the LGBT community. It offers various support services, carries out campaigns and engages in dialogue with the government and various international institutions.



Everyday life

Many LGBT people remain invisible in society for fear of violence. Big cities are somewhat safer for LGBT people, small cities are often not safe at all. There, people are attacked for even looking like they might be LGBT. Unfortunately, levels of violence against LGBT people are high. Hate crimes and discrimination are both on the rise. Research conducted by the Russian LGBT Network shows that most LGBT people will not go to the police because they mistrust them, with good reason. LGBT people who've sought help have often been humiliated by state officials. Foreign LGBT people visiting or working in Russia should be aware of this context and be careful.

In April 2017, it became known that men believed to be gay or bi were abducted and tortured in the Russian republic of Chechnya. After what appeared to be a short break, persecutions resumed in July and as of winter 2017, the situation remains critical. People are advised to check our website for updates and information on how they can help.

LGBT groups and advocacy

LGBT groups provide community support and LGBT-specific services. They also focus on advocacy, monitoring the situation for LGBT people in the country as well as submitting reports to various international institutions, including the UN Committees. The so-called 'LGBT Propaganda Law' and the 'Foreign Agents Law' are regularly used to target LGBT groups and their activities. For example, Elena Klimova, a person who started a social network group for LGBT young people called 'Children-404 Group' was charged under the Propaganda Law. That law is also used to refuse permissions for public demonstrations. At other times, the police suddenly show up at closed private events run by LGBT groups and interrogate attendees. Additionally, some LGBT groups, like the Russian LGBT Network, are listed as foreign agents. The application of the Foreign Agents Law meant that we lost certain donors and that we are now subjected to extra scrutiny by the state. It also means that affected NGOs must mark all of their materials as having been produced by "foreign agents".

Despite these difficult conditions, the LGBT movement in Russia is growing. New community groups and initiatives are starting. For example, a coalition of trans groups has recently been formed. All in all, the state's restrictions are making our community grow closer.

Workplace

The large majority of LGBT people hide their sexual orientation and gender identity in the workplace. They are afraid of being humiliated and stigmatized at work or more simply being fired, which is not uncommon. Our survey showed that 37 per cent of interviewees experienced difficulties in their relationships with employers (or potential employers) because of their sexual orientation and gender identity. Another problem is that non-LGBT employees often 'out' their LGBT colleagues to their employers and co-workers.

Inclusive employers should support their LGBT staff by implementing policies that prohibit discrimination and harassment based on sexual orientation and gender identity. They should also train all employees on the importance of non-discrimination and inclusivity. Such training should not only focus on sexual orientation and gender identity, but also other forms of diversity. Additionally, employers can support the LGBT movement in general, even though few currently do. For example, they could provide LGBT groups with venues, office supplies, pro bono services or help with research tasks.

Healthcare



There are almost no medical specialists that trans people in Russia can visit if they wish to transition medically. The very few that do exist are private. This means trans people must pay for every single visit. As a result, many trans people have no choice other than to self-medicate. This means the medication they receive is often from unreliable sources. Lesbian, gay and bi patients mostly hide their sexual orientation from healthcare staff. Some LGBT groups offer medical services to the LGBT community, but they lack resources and funding.

LGBT INCLUSION IN THE WORKPLACE

THE FOUNDATIONS

There are several steps employers can take to start creating a supportive workplace environment for their LGBT employees in Russia:

-  **Consult local LGBT organisations to understand the local context for LGBT people**
-  **Introduce explicitly LGBT-inclusive anti-discrimination and bullying and harassment policies**

-  **Train HR staff and promote inclusive policies**
-  **Carry out diversity and inclusion training for all staff**

NEXT STEPS

Once a foundation has been built, there are further steps employers can take to bring about positive change for LGBT people. For example:

-  **Establish employee engagement mechanisms like LGBT networks and allies programmes**

-  **Support local LGBT groups to advance LGBT equality beyond the workplace**

Employers can improve their initiatives by participating in Stonewall's Global Workplace Equality Index - a free benchmarking tool offering a clear roadmap to LGBT inclusion in the workplace. www.stonewall.org/gwei



LEARN FROM STONEWALL'S GLOBAL DIVERSITY CHAMPIONS

IBM

IBM addresses the importance of diversity and inclusion in the workplace by holding workshops about all diversity groups as part of an in-office diversity training week in Russia. The workshops include a session on sexual orientation and gender identity. This complements IBM's other established personal development opportunities including leadership training, reverse mentoring and LGBT ally training, which is available globally online. In addition, June Pride Month posters were put up in the coffee corners in Russia openly stating IBM's support for the LGBT community.

Baker McKenzie

Through several different initiatives Baker McKenzie provides its LGBT employees in Russia with anonymous and safe spaces to seek support and advice. Its regular global 'affinity calls', which are communicated to all staff globally, provide an online space for any employee worldwide to listen or raise awareness of any specific problems. To support this, Baker McKenzie's Moscow office also has an LGBT liaison partner, a clearly defined point of contact for one-to-one conversations.

Viacom

Viacom responded quickly to the introduction of regressive legislation passed in Russia, which prevents any form of LGBT 'propaganda' to minors under the age of 16 and severely limits important freedoms for LGBT groups. Following senior-level discussions about the legal change and the social conditions in Russia for LGBT people, the head of Viacom's global HR team (and executive sponsor for the LGBT employee network group) reinforced the organisation's respect for its LGBT staff by vocally confirming its commitment to equal treatment for all employees in Moscow.



GET INVOLVED



THE ANNUAL LGBT CALENDAR

September – QUEERFEST: festival with cultural and educational events. www.queerfest.ru

November – Side by Side International Film Festival. www.bok-o-bok.ru

Check the events websites for the most up-to-date information on dates.



FIND LGBT GROUPS AND COMMUNITIES

Coming Out St. Petersburg – an LGBT organisation focusing on advocacy and awareness raising as well as the provision of psychological and legal services to the LGBT community. www.comingoutspb.com

Moscow Community Centre – an organisation acting as a resource and a platform for LGBT initiatives that seek to implement educational projects in the Moscow region. www.mcclgbt.com

Moscow LGBT Initiative Group “Stimul” - an LGBT group providing free legal advice and focusing on advocacy work and capacity training for LGBT activists. www.msk-stimul.eu

Russian LGBT Network – an organisation seeking to enhance the visibility of the LGBT community through campaigns and direct dialogue with the government and political parties. The Network also offers information support services. www.lgbtnet.org

Russian LGBT Sport Federation – a group promoting health, sports and a healthy lifestyle among the LGBT community through sports and social projects. gay-sport.ru



GET LOCAL LGBT UPDATES

Gay.ru – an online magazine in Russian for gay and bi men. www.gay.ru

Lesbi.ru – an online magazine in Russian for lesbians and bi women. www.lesbi.ru



STONEWALL'S GLOBAL DIVERSITY CHAMPIONS PROGRAMME WORKS WITH 47 ORGANISATIONS OPERATING IN RUSSIA.

Our team of workplace advisors offers tailored one-to-one advice on how to create LGBT-inclusive workplaces globally. If you would like to receive support or want to be featured as a case study in one of our Global Workplace Briefings, contact Stonewall.

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Every effort has been made to ensure that the information contained in this Global Workplace Briefing is correct as of February 2018. Introducing any new initiative requires careful consideration and the safety of staff should always be of paramount importance. This overview is for guidance purposes only and does not constitute, nor should it be interpreted as a substitute for, detailed legal advice. If you have any specific legal concerns, always consult with local legal experts. Stonewall Equality Ltd, Registered Charity No 1101255 (England and Wales) and SC039681 (Scotland)