

# AT THE HARRIMAN INSTITUTE

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## How the Russian Gay Rights Movement Won the Right to Freedom of Assembly

“When we started this, we couldn’t imagine that it would lead to the freedom of assembly for all Russian people,” stated Nikolai Alekseyev, Russia’s leading Lesbian, Gay, Bisexual, Transgender (LGBT) rights activist, who came to speak at the Harriman Institute on March 1, 2011. Article 31 of the Russian constitution guarantees freedom of assembly, but until this fall, the Russian government has ignored that guarantee. Alekseyev and his Moscow Pride campaign challenged the Russian Federation by filing, and winning a case (*Alekseyev v. Russia*) in the European Court of Human Rights (ECtHR).

On October 21, 2011, the ECtHR ruled that Moscow’s ban on the LGBT Pride Parade in 2006, 2007, 2008 was in violation of Articles 11, 13 and 14 of the European Convention for Human Rights. “This decision is not only the first ever ECtHR decision confirming the violation of LGBT rights in Russia, but also the first to confirm that there is a breach of the right to freedom of assembly in general,” Alekseyev said.

The Russian government is known for clamping down on peaceful assembly. Organizers must apply for a permit to assemble five days in advance and, unless they are requested by state-supported groups, permits are usually denied. Those who participate in prohibited demonstrations face up to 15 days in jail. In the rare cases that protest rights are granted to opposition groups, the government tends to assign remote locations for their demonstrations.

There is a movement called Strategy 31, where protestors gather in Moscow’s Triumphalnaya Square on the 31st day of a given month in order to defend Article 31, which states: “Citizens of the Russian

Federation have the right to gather peacefully, without weapons, and to hold meetings, rallies, demonstrations, marches and pickets.” Over a period of 18 months spanning from 2009 to October 2010, the government denied all nine permit requests issued by Strategy 31 organizers. Yet, on October 31, 2010, ten days after the ECtHR ruling on Alekseyev v. Russia, Strategy 31 was permitted to protest in Triumphalnaya Square.

LGBT activists fought a difficult battle to get this ruling. Alekseyev first tried to start an LGBT movement in 2005. “We had our first press conference when we launched, and did not gather a single journalist,” he recalled. It was only the following year, when the organizers started to center their efforts around fighting for the right to hold a gay pride parade in Moscow that they attracted attention—the press conference in 2006 gathered about 100 journalists.

Alekseyev and his fellow activists applied to hold Moscow Pride in 2006 and their application was denied. Officials claimed that homosexuality was against the values of most Russian citizens and the parade would provoke violence. The activists sued, but the ban was upheld by a city court.

They decided to hold an unofficial parade anyway. A small LGBT group met in the Red Square and put flowers on the Tomb of the Unknown Soldier (a monument to Soviet Soldiers killed during World War II). Though the organizers made a point to appear as individuals (to avoid getting in trouble for protesting) the group was broken up by the riot police.

Alekseyev and his colleagues continued to hold unofficial parades for the next four years. He played a series of clips from these

gatherings for the audience at the Harriman Institute; the clips portray similar scenes—small (15-50 people), peaceful groups of activists holding rainbow flags and chanting slogans like, “equal rights without compromise!” or, “Russia without homophobes!” Each time, the protestors elicit the same response—police officers run up with clubs, violently dragging them away and throwing them into vans. The homophobic chants of anti-gay activists ring in the background.

Homosexuality was decriminalized in Russia in 1993, but homophobia runs rampant both among citizens and public figures. “The gay pride parade cannot be called anything but a Satanic act. We have prevented such a parade and we will not allow it in the future. Everyone needs to accept this as an axiom.” Moscow’s former mayor, Yuri Luzkhov told the Interfax News Agency in January 2009.

“We face harassment, arrest, and the brutality of anti-gay protestors,” lamented Alekseyev, explaining that the activists decided to challenge the injustice through the courts. “What you have just seen are the efforts of a very small group of people—maybe 50, but these people not only managed to bring LGBT rights to the political agenda, but they are also at the forefront of the fight for broader human rights in Russia. Their campaign materialized in a historic decision of the European Court for Human Rights.”

Alekseyev and fellow activists have tried to sue the mayor, and other Russian officials for homophobic comments and the denial of the right to peaceful assembly, but they have lost every case in the Russian courts. He recounted the story of a Russian governor who “said that ‘gays should be torn to pieces and thrown in the wind.’” They sued him. “The case went all the way up to the Supreme Court, but they would not allow us to prosecute.”

In Russia, judges face enormous pressure to rule according to the wishes of public officials. As a result, human rights groups often turn to the ECtHR instead of the courts at home. “The European Court for Human Rights is our domestic Court,” Karinna Moskalkenko, Director of the International

Protection Center said at the Harriman Institute last year. *Alekseyev v. Russia* is the first ECtHR ruling about the breach of Article 31. “It really surprises a lot of people that it is the LGBT community that managed to get the first freedom of assembly decision from the ECtHR,” Alekseyev said.

Alekseyev has filed hundreds of cases with the ECtHR—one for every year that Moscow banned the pride parade, along with cases “concerning family rights, hate speech, freedom of expression, freedom of association.” Last September, he was detained at Moscow’s Domodedovo airport while trying to board a plane to Geneva, abducted for two days, and pressured to withdraw the ECtHR lawsuits he had filed against Russian authorities.

According to a September 20, 2010 article in *The New York Times*, Alekseyev believed his captors to be plain-clothed officers of the Russian security services. Enough noise was made about his disappearance that he was released without agreeing to do what they asked. A month later, the ECtHR made the landmark freedom of assembly decision against the Russian government. “We started to do this for ourselves,” Alekseyev said. “But we reached a decision that could be important for everyone.”

Alekseyev’s talk at the Harriman Institute was planned as part of a seven-day speaking tour—his first big appearance in the United States. But, on the day Alekseyev arrived in Chicago (his first stop); he faced allegations that he was an anti-semitic.

The controversy sprung out of a statement posted by Alekseyev to his LiveJournal on January 31, 2011: “The Israeli Prime Minister urged Western leaders to support Egyptian dictator Mubarak...And who after this are the Jews? In fact, I always knew who they were.” On February 26, nearly a month after it was written (Alekseyev had already deleted it from his LiveJournal page), the comment was translated into English and re-posted on a civil rights listserv, instantly spreading across the web.

Tanya Domi, Adjunct Assistant Professor of Foreign Affairs at the School of International and Public Affairs at Columbia University, asked Alekseyev to respond to the

charge. “We are in a university setting and we want to have an open discussion,” she said.

“To say that I am an anti-Semite, is like saying that I burned the Reichstag,” Alekseyev responded. The Reichstag (the German Parliament building) was damaged in a mysterious fire in 1933; Hitler was apparently behind the fire, but blamed it on the communists in order to come to power.

Alekseyev went on to say that he has many Jewish friends, that his mother’s step-father was Jewish, and that Moscow Pride has received a lot of help from a lesbian Jewish-American activist. “Probably there was a semantic in the translation, or something like that, from Russian into English and the word Jews was understood as if I meant all the Jews in the world, but I clearly said what I think about the Israeli government and their policy and there is absolutely nothing to add.”

*Reported by Masha Udensiva-Brenner*