

URGENT ACTION

ACTIVIST FOUND GUILTY OF 'HOMOSEXUAL PROPAGANDA'

On 18 October, a magistrate in Samara, Russia found Evdokia Romanova guilty of spreading 'homosexual propaganda' for posting links to LGBTI-related articles on social media, and issued her a fine of 50,000 roubles. She will appeal the decision. The sentence against Evdokia Romanova stems solely from the peaceful exercise of her right to freedom of expression and must be immediately quashed.

On 18 October, a magistrate in Samara found **Evdokia Romanova** guilty of spreading "propaganda of non-traditional sexual relationships among minors using Internet", under Article 6.21, part 2 of the Russian Code of Administrative Offences, and issued her a fine of 50,000 roubles (USD \$870). The hearing lasted for almost five hours and was closed to the public, in contravention to the right to a fair trial which includes the right to a public hearing.

The hearing also raised several concerns about its impartiality. According to Evdokia Romanova, the magistrate announced her decision had been made before the proceedings were over. In the hearing, the police presented no clear evidence of Evdokia Romanova committing an "offence" and had difficulty defining what constitutes 'propaganda'. During the hearing, it also transpired that police officers from the local Department for Combatting Extremism had for the past four years been watching Evdokia Romanova and monitoring her social media.

Evdokia Romanova and her lawyer will appeal the decision.

Please write immediately in Russian or your own language:

- Urging the Russian authorities to quash the sentence against Evdokia Romanova as she has been prosecuted solely for the peaceful exercise of her right to freedom of expression;
- Calling on them to abolish the "homosexual propaganda law" as it contravenes Russia's international obligations to respect the right to freedom of expression;
- Urging them to ensure the forthcoming appeal proceedings respect the right to a fair trial, including the right to a fair and public hearing by an independent and impartial tribunal.

PLEASE SEND APPEALS BEFORE 4 DECEMBER 2017 TO:

Prosecutor of Samara Region
Konstantin Nikolaevich Bukreev
ul. Krasnoarmeiskaia, 32
443030, Samara Region
Russian Federation
Fax: +7 (846) 333-54-28, 332-29-44
E-form (in Russian):
<http://www.samproc.ru/feedback/feedback.php>
Salutation: Dear Prosecutor

Prosecutor General of the Russian Federation
Yuriy Yakovlevich Chaika
Prosecutor General's Office
ul. B. Dmitrovka, d.15a
125993 Moscow GSP- 3
Russian Federation
Fax: +7495 987 58 41/ +7495 692 17 25
Salutation: Dear Prosecutor General

And copies to:
Human Rights Ombudsman Tatiana
Nikolaevna Moskalkova
ul. Miasnitskaia, 47
107084, Moscow
Russian Federation
Fax: +7 495 607 74-70; +7 495 607 39 77
Facebook:
<https://www.facebook.com/ombudsmanru>

Also send copies to diplomatic representatives accredited to your country. HIS EXCELLENCY MR ALEXANDER VLADIMIROVICH YAKOVENKO, Embassy of Russia, 6-7 Kensington Palace Gardens, London W8 4QP, 020 7229 6412

Please check with your section office if sending appeals after the above date. This is the second update of UA 209/17. Further information: www.amnesty.org/en/documents/eur46/7264/2017/en/

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ADDITIONAL INFORMATION

On 26 July, human rights defender Evdokia Romanova, an active member of the Youth Coalition for Sexual and Reproductive Rights (YCSRR) from Samara in Central Russia, was called to her local police station to act as a witness for another case the police was investigating. However, on arrival she was questioned and charged under Article 6.21, part 2 of the Russian Code of Administrative Offences for “propaganda of non-traditional sexual relationships among minors using Internet”. Her only “crime” was the reposting on her personal Facebook and Russian social media network, VKontakte, of links to the YCSRR website and media publications, including an article on The Guardian on the same-sex marriage referendum in Ireland and a BuzzFeed article on an exhibition in St. Petersburg on Russian LGBTI teens. Four of the posts date back to 2015 and another to May 2016.

Her case was initially brought before the Kirov District Court in Samara. However, at the hearing on 18 September, the judge pronounced that the case should be heard by a magistrate. On 4 October, Evdokia Romanova received a letter from the magistrate to whom her case had been transferred to, notifying her that the case was being sent back to the police department which had initiated it, to address some errors in the casefile. In the late afternoon of 5 October, her lawyer was informed that her case would be heard by another magistrate on 9 October. Evdokia Romanova and her lawyer only had the weekend to prepare for the hearing. At the hearing on 9 October, the judge ruled that the trial must be closed to the public in order to prevent the case from generating further “propaganda”. After the hearing, the judge told Evdokia Romanova that she was unhappy about the level of attention the case had garnered and the numerous phone calls she was receiving from journalists in Moscow. The judge said she did not want journalists in the courtroom.

The law prohibiting “promotion of non-traditional sexual relations among minors” – also known as the “propaganda law”, was passed in Russia in June 2013. It introduced Article 6.21 into the Russian Code of Administrative Offences, providing hefty fines for those who, according to the authorities, “promoted non-traditional sexual relations”. Amnesty International believes that the law violates the right to freedom of expression and has been campaigning for its abolition. The law has had a particular negative impact on the work of LGBTI organizations and activists alike. Since its introduction in 2013, several people, including LGBTI activists Nikolay Alexeev, Nikolay Baev and Alexey Kiselev, were fined under this law. In January 2014 these three activists submitted a case to the European Court of Human Rights (ECtHR) claiming that their rights under the European Convention of Human Rights had been violated. In June 2017, the Court ruled that Russia violated Article 10 (right to freedom of expression) and Article 14 (prohibition of discrimination) of the European Convention and that it must pay compensation to the activists. Russia is appealing the decision.

The right to a public hearing is an essential safeguard of the fairness and independence of the judicial process, and a means of protecting public confidence in the justice system. Except in prescribed and narrowly defined circumstances, such as cases involving children, court hearings and judgments in criminal cases must be public. The right to a public hearing means that not only the parties in the case, but also the general public and the media, have the right to be present.

Further information on UA: 209/17 Index: EUR 46/7318/2017 Issue Date: 23 October 2017