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St. Pete May Fine Gays Who Are Open

By Alexey Eremenko

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In a throwback to Soviet times, St. Petersburg legislators have tentatively approved a bill that would impose fines on gays or lesbians who openly profess their sexual orientation.

The bill achieves this by outlawing gay pride parades and any other public display or discussion of the lesbian, gay, bisexual and transgender, or LGBT, lifestyle that might be observed by minors — curiously equating such acts to promotion of pedophilia, which is a criminal offense.

Gay activists denounced the bill as "medieval" and called it a pre-election stunt, while legal experts doubted the bill's legality. But a senior local lawmaker said the main flaw of the bill was that it was not harsh enough.

The bill proposes fines of 3,000 to 5,000 rubles ($100 to $160) for individuals and up to 50,000 rubles for organizations engaged in "public activities to promote sodomy, lesbianism, bisexualism and transsexuality" that might be observed by children, local news agency Fontanka.ru said.

The United Russia-dominated St. Petersburg legislature passed the bill in a first reading Tuesday with a vote of 37-1, with one abstention. The bill needs to pass two more readings, the dates for which have not been set.

"The rising popularity of sexual deviations influences our children in a negative way," said the bill's author, Vitaly Milonov, a United Russia deputy, Fontanka.ru reported.

Another deputy, Yelena Babich of the Liberal Democrat Party, denounced even the rainbow-colored decorations that covered St. Petersburg during its City Day celebrations in May as gay propaganda.

The St. Petersburg bill appeared to be modeled on near-identical legislation passed in the Arkhangelsk region in September. Lawmakers introduced a similar ban in the Ryazan region in 2006.

Although the legislation only prohibits the "promotion" of a LGBT lifestyle, it amounts to blanket bans on expressing nontraditional sexuality in any public form because it is next to impossible to prevent minors from being exposed to it, Ogonyok magazine wrote last summer about the then-upcoming Arkhangelsk ban.

St. Petersburg gay rights activists protested the legislation on Tuesday through a series of one-person pickets — the only form of public protest that doesn't require permission from authorities. They also pledged to appeal to the European Court of Human Rights.

The bill is an attempt to bank on widespread homophobic sentiment ahead of the State Duma elections on Dec. 4, said Igor Kochetkov, head of LGBT group Vykhod (Exit).

"The bill is passed before elections to boost the popularity of United Russia, which is flagging in St. Petersburg," Kochetkov said by telephone.

"This bill smacks of the Middle Ages," he said.

Another activist, Maria Yefremenkova, slammed the bill as "unprofessional," complete with spelling errors, Rosbalt news agency reported.

The speaker of the city legislature, Vadim Tyulpanov, conceded as much, saying Tuesday that the bill was "half-baked," Neva24 local television reported.

But Tyulpanov added that the punishment should be made harsher to criminalize the promotion of LGBT lifestyle to minors.

Even if the legislation is half-baked, the issue remains controversial in Russia, where male homosexual relationships were a criminal offense until 1993.

In 1999, the Health and Social Development Ministry dropped homosexuality from the federal list of officially recognized illnesses. But most of the populace remains vehemently anti-gay, and politicians and rights groups remain reluctant to stand up for LGBT rights for fear of their own reputations.

Thriving gay communities in St. Petersburg and Moscow have campaigned for years to hold

gay pride rallies, but their requests have been thrown out by authorities. Unsanctioned events led to crackdowns by riot police and nationalists. Former Moscow Mayor Yury Luzhkov even denounced the rallies as "satanic."

Russian legislation allows room for interpretation on the matter because the Constitution contains no definition or explicit mention of gay rights, said Dmitry Shubin, of the law firm Yustina.

The Constitution allows for the balance of interests in society, limiting rights of a social group if it infringes on the rights of another social group, Shubin said by telephone. This means that rights of the LGBT community can be limited in favor of those who are not gay, who are in the majority.

But this can only be done by a federal law, not a regional one, which gives gay activists a legal pretext to challenge the new ruling in court, he said.

Still, the bill is "cleverly worded" because it only bans propaganda of LGBT behavior, not the behavior itself, and because it includes both gay relationships and pedophilia, putting them on the same level in the eyes of the public, Shubin said.

Though city deputies insisted that protecting minors from homosexual propaganda is a pressing issue, St. Petersburg educators appeared surprised at their campaign.

Schools use a "don't ask, don't tell" policy on the matter, said one school teacher, who asked not to be identified because of the sensitivity of the issue.

"This question is not raised in our school, and we don't focus attention on it either," the teacher said. "We speak [to students] about the dangers of alcohol, illegal drugs, AIDS and sexually transmitted diseases, but never that."

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