

Russia Behind West On Gay Rights By Decades

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To qualify for U.S. asylum, foreign applicants must demonstrate a well-founded fear of return to their home country based on their race, religion, political opinion, nationality or membership in a social group. This is the internationally recognized definition of a refugee. Since a legal decision in 1990 by the top immigration board, sexual orientation became a permissible ground for seeking asylum in the U.S. as a protected social group.

As an immigration lawyer, I have assisted in the approval of dozens of applications from Russian LGBT members over the past 20 years. Early applicants frequently complained of electric shock therapy and other degrading treatment in the country's psychiatric institutions, while more recent applicants were attacked by police and skinheads. In addition to violence, many LGBT members also face social alienation and job discrimination without any kind of legal recourse or protection.

Russia has lagged behind the Western world by at least 30 years in terms of human and civil rights for LGBT members.

Russia's recent laws banning "homosexual propaganda" — first on a municipal level in a dozen or so regions and then on a federal level when President Vladimir Putin signed the legislation in late June — has increased the number of applications for U.S. asylum. By effectively making homophobia an official state policy, this number will only increase in the future.

This includes heterosexuals as well. There are plenty of family members who, rather than turning their back on their LGBT friends and colleagues, will support them by participating in gay support groups and protests. Since this could be classified as "homosexual propaganda," they, too, could fall victim to the state-sponsored homophobia,

State Duma deputies who voted unanimously for the homosexual propaganda law should be added to the U.S. Magnitsky list because they passed legislation that violates basic human rights of LGBT members to freedom of expression, something guaranteed by the Russian Constitution.

No society can claim to be free until all minorities, including gays and lesbians, are protected by the law and able to pursue their own dreams. And no country can be civilized without holding those accountable for violating their own citizens' civil and human rights.

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