MONITORING THE WORLD SOCIETY: LGBT HUMAN RIGHTS IN RUSSIA AND SWEDEN

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ABSTRACT

Purpose: This chapter explores the relationship between international human rights and the domestic practices of nation-states around lesbian, gay, bisexual, and transgender (LGBT) rights.

Methodology/approach: Using Sweden and Russia as case studies, this chapter analyzes LGBT human rights recommendations from the cyclical United Nations Universal Periodic Review and how they affect practices within nation-states.

Findings: Sweden embraces recommendations to strengthen LGBT human rights and institutes stronger national LGBT rights policies of its own, while Russia's compliance with LGBT rights recommendations is low. Further, reports of LGBT victimization show that the severity of attacks on LGBT people is pronounced in Russia.

Social implications: Relying on case studies limits the generalizability of this study, but the implications of these findings suggest that, to strengthen
human rights compliance and improve the lives of minority citizens, human rights advocates should take note of domestic ideologies and leverage the institutional environment of the world society to provide information, resources, and pressure to facilitate nation-states’ compliance with international human rights recommendations.

**Originality/value:** This chapter deepens the discourse on the contested realm of international LGBT rights by highlighting the dynamics between international monitoring mechanisms, domestic discourse, and domestic law.

**Keywords:** LGBT rights; human rights advocacy; law and society; globalization

Around the world, and particularly since World War II, nation-states have adopted surprisingly similar practices, norms, and values around global citizenship, universalism, individualism, progress, and rational authority. The world society, or world polity, approach explains these similarities as the result of the historical buildup of international organizations and structures, most notably the United Nations (UN) and related international governmental and non-governmental organizations, which have institutionalized cultural norms and values on a global scale. Professional international organizations and associations in the world society transmit world society values and provide a framework for international legitimacy for nation-states. Even nation-states with vastly different internal practices and capacities adopt institutional patterns of the world society, producing similarity in many social institutions, including governmental, educational, and economic structures. However, even when nation-states formally accept or adopt the values and structures of the world society, they do not always put world society values into practice. That is, practice is sometimes decoupled from adoption. This seems particularly likely for international norms around human rights, especially lesbian, gay, bisexual, and transgender (LGBT) human rights. This chapter uses Sweden and Russia as case studies to explore the different ways world society values about LGBT human rights are incorporated into domestic policy and practice.

**WORLD SOCIETY, NATION-STATES, AND LAW**

The world society perspective explains the surprising consistency in organizational structures and values around the world as a result of nation-states...
seeking the optimal “fit” in an international organizational and value system that developed most coherently after World War II (Boxenbaum & Jonsson, 2008). The highly rationalized, universalistic value system, and organizational structures of the world society have become embodied in resolutions, treaties, and declarations from professional international organizations and particularly through the UN, in its role as “one of the foremost international venues for the creation of international norms and discourses” (Girard, 2007, p. 312).

The value system of the world society embraces universalism, voluntary authority, rational progress, individualization, and global citizenship (Boli & Thomas, 1997). These values are informed by empirical evidence transmitted by international organizations and are expected to apply to all cultures around the world, regardless of geopolitical boundaries. This statelessness of the world society model appears to pose a challenge to national sovereignty; the world society perspective contends that nation-states are actors that are at least partially constructed by norms and values that transcend individual nation-states. However, when nation-states use their rational authority to create domestic law and policy that reflect ideologies promoted by the UN, they voluntarily socialize their citizens into a value system encompassing global ideals. When nation-states do incorporate international law and policy into domestic policy or practice, support for world society ideals and norms becomes natural, legitimate, and fashionable, regardless of actual needs and circumstances within the nation-state (Meyer, Boli, Thomas, & Ramirez, 1997).

Law is constructed within and reflects local and world social contexts. Formal legal authority structures create the boundaries of deviance, defining the limits of formally sanctioned behavior (for discussion, see Brown, 2006). By expressing the formal limits of the state’s tolerance for behavior that deviates from socially constructed norms, the influence of law and legal authority is significant. For example, to the extent that the state creates legislation privileging heterosexuals or punishing “sexual outsiders,” it defines the legal conditions for social exclusion or inclusion and sanctions oppression or liberation for those outside the heteronormative system (Morgan, 2000). Furthermore, in defining the boundaries of deviance, law contributes to the construction of individual and national identities. Seeing law as a “normal” or “natural” product of state building obscures “the fact that what it presents as normal is only one conception of so-called ‘normality’” (Lalor, 2011, p. 690). Law is dynamic, though sometimes slow to change. Changes in law over time result from the influence of multiple sources – including social movements, both internally and externally, and pressures from international
organizations. International human rights law and policy have contributed to global redefinitions of acceptable conduct toward stigmatized groups, changing the boundaries of deviance on a global scale.

Construction of domestic law in the world society plays a part in a nation-state’s claim to international legitimacy. Nation-states gain legitimacy in the international community by at least ostensibly aligning their domestic practices with the values and organizational structures of the world society. “States value their standing in the international community and may seek to establish or enhance that standing by adopting policies in line with international expectations to reflect their ‘good’ character” (Erickson, 2014, p. 181). Nation-states seeking to establish their legitimacy in the international arena are more likely to adopt the values of the world society, in part, because they are more dependent on external resources for development and implementation and because they see adoption of international legislation as a way to gain external legitimacy (Ayoub, 2015, p. 300). For example, in 2007, as Georgia sought North Atlantic Treaty Organization (NATO) membership, it complied with UN anti-human trafficking protocols to an extraordinary degree, including heavy monetary and infrastructure investments, in an effort to demonstrate its fit with other member states and improve its overall international standing (Avdeyeva, 2012).

Professional international organizations, carriers of world society values, which provide training, resources, and discourse to nation-states, facilitate greater ease of adoption and implementation of world society norms. Through the framing of discourse, international organizations influence governments and citizens to internalize international value systems. Professional international organizations, including international non-governmental organizations (INGOs), such as Amnesty International, and intergovernmental organizations (IGOs), such as the UN, gain rational authority through evidence-based arguments and claims. These organizations are part of or work alongside transnational advocacy networks to frame and communicate their claims to relevant constituents within nation-states and affect change on the ground (Keck & Sikkink, 1998). It is tempting to interpret this communication process as evidence for an effective “naming and shaming” strategy. However, naming and shaming is not always effective to change conditions on the ground (Hafner-Burton, 2008). For instance, the international press criticizing China’s human rights record during the 2008 Olympic Games, including calls to boycott the Games, did little to improve human rights in China. Human Rights Watch highlighted several cases where human rights abuses were intensified after public calls for justice, including curtailing the free speech of Chinese citizens (Human Rights Watch, 2008). While the
carriers of the world society provide some naming and shaming functions, it is the combination of communicating abuses or claims along with providing resources, trainings, and organizational structures that help nation-states implement change.

**DECOUPLING**

The process to implement change is not always smooth. Pressure from international professional organizations in the world society for nation-states to adopt particular practices does not always match the needs and capacity of the nation-state. Norms and patterns imposed by the world society may be less efficient than those already in place or the nation-state may hold views inconsistent with the world society (Boxenbaum & Jonsson, 2008). When nation-states hold views inconsistent with the world society, rejection of particular recommendations or policies may be used to differentiate themselves or assert national autonomy, particularly if other nation-states appear to support their stance. For contentious social issues, a nation-state can “save face” despite defying the will of the international community when other nation-states agree (Erickson, 2014). Resistance to some international human rights norms, particularly civil and political rights, provides an avenue to defy the world society, while remaining a respected international player. In this case, nation-states may decouple their national practices from those expected in the world society; to achieve international legitimacy or recognition, they may give lip service to these expectations without implementing them or by minimally implementing them. In fact, in some cases, those national practices that are contrary to world society norms may be exacerbated after official adoption (Cole & Ramirez, 2013). For example, before the 2005 election in Ethiopia, Prime Minister Meles Zenawi enacted reforms to ensure democratic participation. However, a large political organization used concerns about terrorism and insurgency to justify torture and harassment of their critics, solidifying their political power and ultimately decreasing political participation (Human Rights Watch, 2005).

**LGBT RIGHTS IN THE WORLD SOCIETY**

Nation-states incorporate international value standards as part of a claim to international legitimacy, yet decoupling appears more common when rights
for stigmatized groups are at stake. Nevertheless, the discourse around universal human rights has become an important part of that claim to international legitimacy, making the ability to outright reject the human rights claims of stigmatized groups more challenging for nation-states seeking to ensure their international standing. According to Donnelly (2013)

Internationally recognized human rights today provide a standard of political legitimacy. In the contemporary world – the world in which there is an overlapping consensus on the Universal Declaration model – states are legitimate largely to the extent that they respect, protect, and implement the rights of their citizens (p. 62).

This standard of political legitimacy becomes more complicated when human rights obligations appear to take on a moral tone or when the state does not have the capacity to implement policy recommendations, creating conditions where decoupling may be more likely. If human rights, generally, pose a problem for nation-states in the world society, LGBT rights are more problematic still. The issue of LGBT rights has been a hotly discussed topic within the UN for the last 20 years (Pérez, 2014). In several instances, pressures from the world society have compelled nation-states to soften their homophobic stance. Take, for example, the case of Zimbabwe. In 1995, President Robert Mugabe felt considerable pressure from international organizations after he shut down a book exhibition from Gays and Lesbians of Zimbabwe (GALZ) at the annual Zimbabwe International Book Fair (ZIBF). The next year, pressure from international organizations influenced Zimbabwe’s Supreme Court to rule in favor of GALZ’s right to participate. Frank and McEneaney (1999) argue that Zimbabwe’s strong ties to the world society and weak status as a nation-state set the stage for compliance with LGBT rights. As a state, Zimbabwe succumbed to the influence of the world society, but Mugabe himself did not significantly alter his stance on LGBT rights – as recently as 2015, Mugabe publically rejected pressures from the UN and other international organizations to “prescribe new rights that are contrary to our norms, values, traditions and beliefs” (Zhangazha, 2015). In this case, while Mugabe did not alter his stance, the influence of the world society is seen through the actions of Zimbabwe’s Supreme Court. LGBT rights remain a contentious issue in Zimbabwe, but GALZ reported that, as a result of the ZIBF conflict, their membership increased and they have received funding and attention from regional and international organizations (GALZ, 2016).

The Zimbabwe case illustrates that the posture of states toward LGBT policies and rights is informed by the social constructions of LGBT identities and their functions within the state. State opposition to LGBT human
rights is often tied to social norms embodied in national culture. Acceptance of LGBT rights may be viewed as anti-state, especially in states where religious and political ideology intertwine (Rahman, 2014, p. 275). Rejection of LGBT rights rooted in traditionalism, as in Mugabe’s statement, links homophobic discourse to national identity and, often, anti-Western ideologies. To the extent that LGBT rights are seen as part of the movement toward modernization and progress, LGBT inclusive policies can be seen as a symbol of imposing Western ideology and modernization on a country’s culture and policies (Lalor, 2011, p. 688). Such states have a vested interest in reinforcing anti-LGBT rights rhetoric as part of nationalist pride. Adoption of pro-LGBT policies has the potential to show the fragility of the state’s control over individual and national identities, particularly when such policies are imposed by the world society. The resulting tension between stated norms within the nation-state and pressures from the world society can potentially frame LGBT rights as “anti-national” and provide opportunities for nation-states to legitimately decouple their domestic practices from expectations in the world society (Ayoub, 2014; Narrain, 2005, 2014, p. 162). Creation of a societal “other” is also necessary to solidify control; state regulated and perpetuated homophobia serves this purpose by framing LGBT identities as a Western “white man’s disease” and bogeyman (Bosia, 2014; Lalor, 2011, p. 686). A recent example of this is the opposition to the United Nation Human Rights Council’s appointment in 2016 of an Independent Expert on violence and discrimination based on sexual orientation and gender identity. Several countries, including Saudi Arabia, the Russian Federation, Algeria, Nigeria, and others, either rejected establishing an Independent Expert in sexual orientation and gender identity or sought amendments to the Independent Expert’s mandate to allow cultural and religious differences in Member States’ approach to LGBT human rights and, ultimately, to reject cooperation with the Independent Expert. Nigeria’s statement explicitly evoked uneasiness about the imposition of Western ideas by expressing concern that “the attention on sexual orientation and gender identity issues as seen by the Western States would take root in the United Nations, without taking into account the views of a large number of States” (United Nations Human Rights Office of the High Commissioner, 2016).

Multiple conditions lead to possible decoupling and resistance to LGBT inclusive policies. Even when anti-Western rhetoric is not invoked, states may have difficulty implementing change on the ground. For example, in the groundbreaking Toonen case, gay rights activist Nicholas Toonen submitted a complaint to the United Nations Human Rights Committee
in 1991 that Tasmania’s law criminalizing same-sex sex violated the equal rights provision in the International Covenant on Civil and Political Rights (ICCPR). By 1994, the Human Rights Committee ruled unanimously in Toonen’s favor. The Australian government conceded and liberalized Tasmania’s sodomy law. However, the legal changes resulting from this case were seen by some as an imposition from federal and international authorities that challenged Tasmanian values and sovereignty (Henderson, 2000). Socially, community resistance manifested in the exclusion of gay sexuality and safer sex information from school curricula, suggesting that “gayness may no longer have been illegal in private, but it was certainly not always welcomed or considered to be an equal or valued way of living one’s life” (Lalor, 2011, p. 684).

MONITORING THE WORLD POLITY: THE UNIVERSAL PERIODIC REVIEW

The diffusion of world society principles relies on international and transnational professional organizations to transmit practices and resources for implementation to nation-states. The Universal Periodic Review (UPR) institutionalizes this international information-sharing process. The UPR was created in 2007, after the Human Rights Council was established in 2006. It is the mechanism through which the UN monitors Member States’ progress toward implementing human rights norms of the world society. The UPR “has been propounded as a means of restoring credibility, professionalism, universality and fair scrutiny of state performance in protecting and promoting human rights” (Gaer, 2007). The UPR process explicitly links the world society values embodied in UN treaties and resolutions to nation-states via a collaborative, iterative approach, which relies on input from professional organizations to assess and comment on nation-states’ progress toward their human rights obligations. Every 4.5 years, the UPR provides feedback to Member States about their human rights practice by submitting a list of questions regarding human rights to the State under Review for comment. The State under Review submits a written National Report including its responses to the questions and presents those responses in person during a review presentation in Geneva, Switzerland. Additional information is submitted from UN entities, including the “Special Procedures,” a group of independent human rights experts, and UN human rights treaties bodies. A third
source of information is submitted from national and transnational human rights institutions and non-governmental organizations. These sources of information explicitly engage with important components of the world society perspective – the UPR process relies on evidence and testimony from experts within the country under review and from the international community. During the presentation, the State under Review responds to questions and recommendations from other Member States by “accepting,” “noting,” or “rejecting” them. Noting recommendations, as opposed to accepting them, demonstrates a state’s disinclination to take recommendations into serious consideration and enact change but still acknowledges the legitimacy of the UPR. Noting recommendations is likely to lead to decoupling. After presentation, the troikas, a group of three Member States selected at random to assist with the review, collaborate with the State under Review and the Office of the High Commissioner of Human Rights to produce a final “outcome report,” which includes the questions, comments, and recommendations made to the State under Review and the responses from the State under Review. Member States can submit a voluntary mid-term report commenting on their progress toward the recommendations 2 years after the review. While Member States are evaluated on several human rights issues, the analysis in this chapter focuses only on recommendations and comment regarding sexual orientation and gender identity.

As the UPR does not provide a formal sanctioning process, it fits well into the world society approach – the UPR does not have the formal authority of nation-states, but it has the legitimacy of the world society and engages stakeholders the world society perspective indicates will be successful in ultimately implementing a change in human rights practice. That is, this process is just as diffuse as the world society itself, and yet potentially just as powerful. While rationalist scholars indicate that human rights progress is not possible without a formal international law mechanism, that nation-states need a vested interest in human rights to comply or that nation-states must be coerced into compliance, others have found the diffusion process to be effective (Greenhill, 2016). For example, Cole (2005) points out the surprisingly high level of ratification of human rights treaties, even though these treaties curtail national sovereignty. Despite optimism that the UPR and other monitoring mechanisms can influence change in human rights practice, some reports indicate that lasting change has been elusive (Nollkaemper & Van Alebeek, 2011). An analysis comparing countries over time with disparate stances on human rights compliance can help illustrate the effectiveness of the UPR on national human rights practice.
CASE STUDIES: SWEDEN AND RUSSIA

Comparing two extreme nation-states on LGBT rights can illuminate patterns that may not otherwise be visible when analyzing a single case. Delving deeply into the conditions surrounding LGBT human rights within these two cases can contextualize the impact of the world society on conditions in the nation-state. Russia and Sweden have clear, well-known positions on LGBT rights. Russia embodies an approach to LGBT rights that explicitly criminalizes aspects of homosexuality (e.g., limitations on speech about sexual orientation) and excludes sexual orientation and gender identity as legitimate categories for state protection. Sweden, on the other hand, has taken an active approach to legitimizing and protecting LGBT rights by establishing the Swedish Ombudsman against Discrimination on Grounds of Sexual Orientation in 1999. Furthermore, Russia has been identified as one of the most homophobic countries, with lower levels of LGBT tolerance among countries surveyed in multiple international surveys and, unlike other post-socialist countries, such as the Czech Republic and Bulgaria, their acceptance of homosexuality has decreased; meanwhile, Sweden consistently ranks among the most accepting countries of those surveyed (European Social Survey, 2013; Pew Research Center, 2013; Smith, Son, & Kim, 2014).

Reports from INGOs to the UN allow further comparisons of each nation-state’s orientation to LGBT rights. These reports also provide information about the consequences of a state’s approach to LGBT rights by documenting the extent of LGBT victimization within the nation-state. As of 2015, both the Russian Federation and Sweden had been through two UPR cycles, providing an opportunity to examine the effectiveness of the process for LGBT human rights practice over time.

RESULTS

The Russian Federation: UPR Recommendations and Response

The Russian Federation went through its first cycle of the UPR in February 2009 and its second cycle in April 2013 (Tables 1 and 2). The Russian Federation received only two recommendations during its first review. The recommendations in the 2009 cycle included: (1) providing human rights training for prison guards and human rights officials on the protections of women, children, national minorities, and LGBT persons, and (2) policy efforts to prevent discrimination of LGBT individuals residing in the Russian


<table>
<thead>
<tr>
<th>State under Review</th>
<th>Recommendation</th>
<th>Recommending State</th>
<th>Response</th>
<th>Cycle</th>
</tr>
</thead>
<tbody>
<tr>
<td>Russian Federation</td>
<td>Provide prison guards and law enforcement officials in general, with human rights training specifically focusing on protection of human rights of women, children, national minorities, and persons of minority sexual orientation or gender identity, and further to ensure investigation and punishment of all cases of violation of human rights by this personnel</td>
<td>Czech Republic</td>
<td>Noted</td>
<td>1</td>
</tr>
<tr>
<td>Russian Federation</td>
<td>Increase its efforts and take concrete policy measures in order to promote tolerance and non-discrimination of lesbian, gay, bisexual, transsexual, and transgender persons</td>
<td>Sweden</td>
<td>Noted</td>
<td>1</td>
</tr>
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</table>

Federation. Both recommendations from the first cycle were noted. The status of LGBT rights and other civil rights eroded considerably in Russia after this review.

The recommendations in the 2013 cycle reflect the deteriorating state of Russia’s LGBT human rights practice. Russia received a total of 15 sexual orientation and gender identity recommendations. Of these 15 recommendations, 9 referred to the need to rescind or reform existing regional and federal legislation that allow for the discrimination and perpetuation of violence against LGBT people. Russia was less likely to accept specific recommendations that targeted the repeal of regional and federal legislation allowing discrimination based on sexual orientation and gender identity. The recommendations that were accepted required minimal action and did not include reforming legislation to protect LGBT Russian citizens, indicating a lack of interest on behalf of the state to provide legal security for its LGBT citizens and creating conditions ripe for decoupling. So, while Russia reinforced the legitimacy of the UPR process by accepting even the minimal recommendations, their practices between the first and second review showed decoupling would be likely, with little likelihood of implementing changes in their LGBT human rights practice. The recommendations accepted by Russia included providing protection and safety from bias-motivated violence for LGBT individuals; however, reports from human rights agencies in 2014 indicate that
Table 2. Results of Universal Periodic Review, Russian Federation, 2013.

<table>
<thead>
<tr>
<th>State under Review</th>
<th>Recommendation</th>
<th>Recommending State</th>
<th>Response</th>
<th>Cycle</th>
</tr>
</thead>
<tbody>
<tr>
<td>Russian Federation</td>
<td>Take all necessary measures to prevent violence and intolerance of a racist, xenophobia, and homophobic character in conformity with international law and standards</td>
<td>Switzerland</td>
<td>Accepted</td>
<td>2</td>
</tr>
<tr>
<td>Russian Federation</td>
<td>Repeal regional legislation that tolerates discrimination based on sexual orientation, and take concrete measures to prevent the use of regulations in force that have discriminatory purposes from being used against the rights of LGBT persons</td>
<td>Netherlands</td>
<td>Noted</td>
<td>2</td>
</tr>
<tr>
<td>Russian Federation</td>
<td>Bring existing regional and draft federal-level legislation related to homosexuality into conformity with its commitment to the principles of non-discrimination and take steps to ensure that the rights of all minorities, including gays and lesbians, are protected and respected</td>
<td>Canada</td>
<td>Noted</td>
<td>2</td>
</tr>
<tr>
<td>Russian Federation</td>
<td>Rescind regional laws and regulations, which favor and tolerate discrimination based on sexual orientation, and refrain from adopting similar laws at the federal level, as well as take measures to prevent the arbitrary use of existing regulations against LGBT rights, including their rights to freedom of expression and peaceful assembly</td>
<td>Belgium</td>
<td>Noted</td>
<td>2</td>
</tr>
<tr>
<td>Russian Federation</td>
<td>Repeal regional laws and regulations, which promote discrimination on grounds of sexual orientation, and abstain from passing similar legislation at the federal level</td>
<td>Denmark</td>
<td>Noted</td>
<td>2</td>
</tr>
<tr>
<td>Russian Federation</td>
<td>Repeal existing regional laws banning homosexual propaganda</td>
<td>Slovenia</td>
<td>Noted</td>
<td>2</td>
</tr>
<tr>
<td>Russian Federation</td>
<td>Introduce legislation prohibiting discrimination on grounds of sexual orientation and take measures to ensure that it is fully and effectively implemented</td>
<td>Sweden</td>
<td>Noted</td>
<td>2</td>
</tr>
<tr>
<td>Russian Federation</td>
<td>Reconsider the approval of the new provisions that can affect the rights of LGBT people, delinking homosexuality from pederasty, and in any case, avoiding the application of the provisions in a discriminatory form</td>
<td>Spain</td>
<td>Noted</td>
<td>2</td>
</tr>
<tr>
<td>Russian Federation</td>
<td>Take effective steps to prevent arbitrary use of existing regulations to discriminate against LGBT people, including their rights to freedom of expression and peaceful assembly</td>
<td>Denmark</td>
<td>Accepted</td>
<td>2</td>
</tr>
<tr>
<td>Russian Federation</td>
<td>Prevent discrimination on grounds of sexual orientation and protect the rights of lesbian, gay, bisexual, transgender, and intersex (LGBTI) people, including their right to freedom of expression and peaceful assembly</td>
<td>Norway</td>
<td>Accepted</td>
<td>2</td>
</tr>
<tr>
<td>Country</td>
<td>Action</td>
<td>Acceptance</td>
<td>Rating</td>
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<tr>
<td>Russian Federation</td>
<td>Step up measures of protection against violence and discrimination on the grounds of sexual orientation, particularly by enacting laws that prohibit such discrimination, and take measures to ensure the effective exercise of the rights to peaceful association and assembly of the LGBT community</td>
<td>Uruguay</td>
<td>Accepted 2</td>
<td></td>
</tr>
<tr>
<td>Russian Federation</td>
<td>Take specific measures to ensure effective investigation of acts of violence against LGBT persons and hold the perpetrators to account</td>
<td>Iceland</td>
<td>Accepted 2</td>
<td></td>
</tr>
<tr>
<td>Russian Federation</td>
<td>Adopt the necessary measures to eradicate the tendency and/or diffusion, through the media, and by public officials, of stereotypes that may promote discrimination against persons, based on their sexual orientation</td>
<td>Argentina</td>
<td>Accepted 2</td>
<td></td>
</tr>
<tr>
<td>Russian Federation</td>
<td>Adopt legislation assuring that LGBT people can freely exercise their rights to freedom of expression and peaceful assembly</td>
<td>Germany</td>
<td>Accepted 2</td>
<td></td>
</tr>
<tr>
<td>Russian Federation</td>
<td>Rescind legislation that curbs the civil rights of Russia’s LGBTI community</td>
<td>Australia</td>
<td>Noted   2</td>
<td></td>
</tr>
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</table>
Russia has made little progress in protecting and addressing violence against people based on sexual orientation and gender identity (Human Rights Watch, 2014b).

**Sweden: UPR Recommendations and Response**

Sweden completed its first cycle of the UPR in May 2010 and the second cycle in January 2015. Only three recommendations were received by Sweden on the issue of sexual orientation and gender identity during its first cycle; no LGBT recommendations were given in the second cycle (Table 3). In the first cycle, Sweden was commended for its ongoing efforts to protect LGBT populations, requesting that Sweden: “Share national best practices and policies on ensuring nondiscrimination, including proposals such as to include sexual orientation in the Constitution, with States and relevant international organizations” (United Nations General Assembly, 2010). A second recommendation advocated that Sweden should “continue to increase and actively promote equality of rights and opportunities … and continue to play its active role at the international level in favor of legal protection against discrimination on the grounds of sexual orientation and gender identity” (United Nations General Assembly, 2010). The final recommendation was that Sweden’s constitution should be amended to include protections against discrimination based on sexual orientation. Sweden accepted all three of these recommendations. On 1 January 2011, Sweden introduced an amendment to its constitution stipulating “that laws and other regulations may not result in disadvantages to any individual on the grounds of his or her sexual orientation” (Government Offices of Sweden, 2013, p. 42). After the first review, Sweden worked to reduce sexual orientation discrimination by revamping its gender equality curriculum to include lessons against bullying LGBT youth. Sweden co-sponsored the 2011 UN resolution on sexual orientation and gender identity, calling for the United Nations High Commissioner for Human Rights to study violence and discrimination based on sexual orientation and gender identity. Sweden continues to organize and participate in anti-discrimination forums; for example, Sweden developed and funded a Council of Europe recommendation to protect LGBT people from discrimination.

In the 2015 review, Sweden received no recommendations regarding sexual orientation and gender identity. Sweden stated that it had allocated funds to end violence against women and violence in same-sex relationships. During the review, Iceland noted that Sweden was a global standard-bearer.
for the promotion and protection of human rights and Israel congratulated Sweden on its leading work on promoting LGBT human rights. While noting positively the removal in 2013 of forced sterilization for people who wanted to change their legal gender, the Swedish Federation for Lesbian, Gay, Bisexual, Transgender and Queer Rights (RFSL) recommended that Sweden ensure a change of legal gender has full effect in all areas of life, including as a parental marker and to ensure access to free gender affirming health care for all transgender people needing it. This recommendation, however, was not part of the formal recommendations for Sweden in the final outcome report.

Consequences of Decoupling: Victimization Rates and Severity of Victimization in Russia and Sweden

The actions of the state can reduce or exacerbate oppression, violence, and hate crimes based on sexual orientation and gender identity. Vladimir Putin’s return to the presidency in 2012 resulted in several threats to civil society and
LGBT rights. The passing of “Anti-Gay Propaganda Legislation” in Russia after the first review cycle that effectively criminalizes any information or act that publicizes or seemingly promotes “non-traditional” sexual relations reflects an aggressive decoupling from the world society. Further evidence of Russia’s belligerent efforts to curtail the influence of the world society through legislation includes a law that redefines treason to encompass providing financial, technical, advisory, or other assistance to a foreign state or international organization; a “foreign agent” law that requires Russia’s internationally funded civil society advocacy groups to register as foreign agents; and the Dima Yakovlev law that defines sanctions for US citizens violating the human rights of Russian citizens. In 2015, Russia sought to stop UN staff benefits applying to same-sex couples, which some have taken as “evidence of a government using LGBTI persons as a political tool in a more general attempt to undermine the authority of the UN Secretary-General” (Plessis, 2015, p. 17).

Several human rights and LGBT organizations have sought to document LGBT victimization in Russia. The Russian Federation itself does not have a state mechanism in place for collecting and reporting data on the frequency or severity of LGBT victimization, making consistent and reliable estimates of victimization difficult. In 2015, Russian LGBT organizations reported 284 LGBT hate crimes (Russian LGBT Network, 2015). The Russian LGBT Network, an umbrella LGBT organization, conducted a survey of experiences of discrimination among LGBT communities in 2011–2012. Of the 2,007 respondents from this poll, over 15% reported experiencing physical violence between 2011 and 2012, 2.9% claimed they had experienced physical violence more than once, and 50% reported severe psychological abuse (as cited by Human Rights Watch, 2014a). International human rights organizations rely on Russian LGBT activists for information on hate crimes and bias-motivated violence against LGBT persons; these organizations contend that the number and severity of attacks have increased since the passage of anti-LGBT legislation (Human Rights First, 2016).

Reporters Nora Fitzgerald and Vladimir Ruvinsky (2015) contend that, “In a country that increasingly punishes the ‘other’ and where violence against select groups and individuals is often tolerated—and even encouraged—by the state, there’s become no greater target than being LGBT.” In 2013, victims reported being publicly beaten, punched, kicked, sexually abused, threatened, and verbally abused on social media (Human Rights Watch, 2014a). Especially heinous stories have made their way into international headlines, with additional incidents reported of LGBT people being brutally raped, abducted, or murdered (Human Rights Watch, 2014a). In one case, a gay
A man was tortured, raped with beer bottles, and had his skull smashed with a rock (Hall, 2013). Other reports have included attacks by anti-gay vigilante groups, such as Occupy Pedophilia. These groups target sexual minorities, particularly gay men, and subject them to physical attacks, intimidation, and other humiliating actions, such as being urinated upon (Human Rights Watch, 2014a, 2014b; United States Department of State, 2013). These attacks are often filmed and posted on social media sites to increase public humiliation and make the victims more vulnerable to potential future attacks (Human Rights Watch, 2014a).

While the Russian Federation ostensibly includes equal protection for all its citizens in its constitution and has ratified multiple international human rights treaties, no legal protection has been provided for members of the Russian LGBT community by the state (United Nations General Assembly, 2013). The Russian Criminal Code purports to prevent hate crimes and discrimination “on the grounds of sex, race, nationality, language, background, religious inclinations, or for being part of a certain social group” (Criminal code of the Russian Federation, 1996). LGBT status, however, does not qualify as a “social group” by the Russian government. As a result, hate crimes based on sexual orientation and gender identity are not the “aggravating circumstances” necessary to achieve hate crime status (Article 19, 2013, p. 40). Since the 2009 review, the state of Russia has altogether dismissed violence against LGBT people as an issue of concern. The Head of the Chief Administration of Internal Affairs claimed that “there have been no cases of mass or systematic crimes against this category of persons” and that the “development of special programs for the prevention of hate crimes against homosexuals, bisexuals and transgender people … seems to be inappropriate” (as cited in Kirichenko & Kozlovskaya, 2014, pp. 3–4). Since the passage of anti-LGBT legislation, the state has engaged in no investigations of the allegations of bias-motivated violence against LGBT communities and no perpetrators have faced consequences, even in high profile murder cases (United Nations General Assembly, 2013).

Many victims are reluctant to make reports to the police for fear of revealing their sexual orientation and facing further harassment (Russian LGBT Network, 2015; United Nations General Assembly, 2013). According to a poll by the Russian LGBT Network, 45% of respondents claimed they were too afraid to go to the police with cases of hate crimes (as cited by Human Rights Watch, 2014a). In cases where attacks against LGBT people have been in public or publicized, the police have been reported to stand by and even participate in the attack (Human Rights Watch, 2014a; Russian LGBT Network, 2015).
Sweden, on the other hand, began annually reporting hate crime statistics in the early 1990s. The importance of data collection on LGBT victimization cannot be overstated. Having data enables states to recognize the consequences of their policies and act accordingly. The RFSL partnered with police in 1998 to ensure that cases were referred to court and to provide coordination and insight on LGBT issues for the state (Polacek & Le Déroff, 2010). This partnership helps increase LGBT visibility and legitimacy and may improve reporting rates, an important concern, as victim survey data estimates that as much as 75% of homophobic hate crimes might go unreported to police (Tiby, 2007). Significantly, data from the Swedish Crime Survey on hate crimes showed that homophobia was the second most commonly reported motive, second only to xenophobia (Takács & Szalma, 2014). While frequency of sexual orientation hate crimes reported to the police has generally declined between 2009 and 2014, the proportion of LGBT hate crimes in Sweden is relatively stable. In 2013, police recorded 625 hate crimes motivated by bias based on sexual orientation and 50 more transphobic hate crimes. The majority of homophobic hate crimes involved threats or threatening behaviors (49%), an increase from 40% in 2012 (Swedish National Council for Crime Prevention (Brå), 2014, 2015). Overall, LGBT victimization in Sweden tends to be less severe than in many other countries.

The Swedish government expressed a feeling of responsibility to protect LGBT citizens from victimization, stating, “Lesbian, gay, bisexual and transgender (LGBT) people still suffer discrimination and other violations in many countries in the world, and Sweden is no exception. This is unacceptable and is, therefore, an important issue for Sweden” (Government Offices of Sweden, 2013, p. 42). The government admitted that it was still struggling with how to best protect vulnerable populations from hate crimes. However, increased police training in recognizing hate crimes and supporting victims is evidence that the government is actively strategizing to decrease LGBT victimization and increase the visibility of LGBT hate crimes. The effort on the part of the police to reach out to LGBT people with a leaflet that “insists on the fact that LGBT people can be particularly vulnerable to violence and gives clear advice on how to report an incident as victim or witness to the police” earned Sweden recognition from the International Lesbian, Gay, Bisexual, Transgender, and Intersex Association (ILGA) in a report about the importance of police joining forces with LGBT organizations to combat homophobic and transphobic hate crimes (Polacek & Le Déroff, 2010, p. 29). Furthermore, the Swedish police website “urges” victims and witnesses to come forward and states that the police can act in a capacity beyond simply
writing reports; the police are a resource to answer questions and refer hate crime victims to supportive NGOs. Framing the police as a support system to LGBT victims of hate crimes underscores that the Swedish government feels a sense of responsibility for protecting its citizens against homophobic and transphobic violence.

**DISCUSSION**

The comparison between Russia and Sweden underscores some important points about the efficacy of the UPR and the effect of the world society on nation-states. First, both Russia and Sweden had pre-existing attitudes toward LGBT human rights. While Sweden has long been at the forefront of LGBT rights, Russia has used sexual orientation to justify defying UN recommendations. Second, both countries recognize the importance of transnational organizations in maintaining connections to the world society. Sweden solicits input from transnational advocacy networks to support and strengthen human rights for LGBT people. Russia is certainly aware of the influential role of international organizations but sees them as a threat. In the most recent example, Russia introduced a bill in 2015 allowing bans on “undesirable organizations,” citing foreign and international organizations, which might undermine “state security,” “national defense,” or the “constitutional order” (Lokshina, 2015). This move undercut's the ability for international organizations to access Russian citizens or to provide funding or educational resources to LGBT advocates.

International organizations within the nation-state and transnational organizations outside the state also recognize the significance of cutting Russia off from the influence of the international community, in part because having the ability to work with and within the state is an explicit tactic: “The activists of local organizations that are embedded in transnational networks are keenly aware of this dynamic, and they use their understandings of the domestic and international realms for effective claims-making” (Ayoub, 2015, p. 310). For example, in 2013, Russian and international human rights organizations launched “Keep Hope Alive,” a campaign imploring world leaders at the G20 meeting held in St. Petersburg to challenge Russia on its repression of civil and political rights, to no avail. The success of such endeavors, however, must also consider when the nation-state is using LGBT rights as a boogeyman representing Western imperialism. While post-Soviet Russia is sometimes seen as a Western country, particularly with the Partnership and Cooperation Agreements with the European Union beginning in the late
1990s and the shared Finnish–Russian border, Russia’s political orientation, values, and, particularly foreign policy, have become decidedly anti-Western as Russia seeks to reassert itself as a world power:

Until recently, Russia saw itself as Pluto in the Western solar system, very far from the center but still fundamentally a part of it. Now it has left that orbit entirely: Russia’s leaders have given up on becoming part of the West and have started creating their own Moscow-centered system (Trenin, 2006, p. 87).

In cases where LGBT rights are perceived as anti-nationalist or as a foil to defy the UN, framing LGBT rights as universal human rights will be less effective. Interestingly, the claim that LGBT human rights are a Western construct imposed on non-Western countries complicates the claim of universal applicability, ostensibly embodied in world society values. As a result, international organizations would be more successful by framing LGBT human rights in ways that resonate with domestic ideologies and national identities. Lalor (2011) argues that rights struggles should be seen as part of political community building, engaging explicitly with the intersections of domestic law and identity:

Framing rights struggles in this way demands that rights-related struggles should not be about top-down moral judgements, or the institutionalized and institution-dependent logic of human rights, but about legally informed sites of struggle – recognition that the law will always be regulative, but through its very act of regulation, it opens the door to the possibility of re-regulation and challenge (p. 694).

Finally, these findings suggest that a state’s approach to LGBT rights influences the quantity and quality of LGBT victimization. It is important to note that an increase in reported victimization does not necessarily reflect anti-LGBT cultural attitudes. Taking LGBT rights seriously and acknowledging sexual orientation as a social category worthy of identification and protection may lead to higher reported incidents of victimization, as the state is paying attention to and compiling statistics on LGBT victimization. Dismissing LGBT status as insignificant, especially when combined with legislation marking LGBT people as a challenge to the social and moral order, appears to lead to more severe victimization, although victimization rates appear lower. In both cases, a state’s approach to LGBT rights creates a cultural milieu that either encourages feelings and experiences of safety and security, or creates an environment that condones discriminatory treatment. In fact, when LGBT victimization is implicitly condoned by the state, victimization appears particularly brutal.

Methods of data collection and the quality of data reported in official statistics are particularly important when considering the social harms resulting
from the cultural values embodied by legal regimes. When a state denies sexual orientation or gender identity as categories for victimization data collection, LGBT people subjected to bias-motivated crime have little recourse and may be additionally victimized if they report their victimization to authorities. Even when states prioritize LGBT victimization data collection and reporting, types and rates of victimization for lesbians, gay men, bisexual individuals, or transgender people differ. For states to take their responsibility to protect their citizens from harm seriously, additional efforts should be made to disaggregate data collection and analysis to identify the sexual orientation status of the victim and the demographic characteristics of the perpetrator. The recommendations made in the UPR process are a step toward this ideal, but recommendations could be further articulated to specify types of victimization so that appropriate interventions can be identified. However, like many UN interventions, compliance, adoption, and implementation are inconsistent. International organizations should provide additional social pressure and resources for states to act on the recommendations in the UPR.

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