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RUSSIAN FEDERATION

ACTIVIST RISKS PRISON TERM AS TRIAL ENDS

The trial against Yulia Tsvetkova, an artist and activist from Komsomolsk-on-Amur in the Russian Far East, is coming to an end. On 14 June, the prosecution requested a jail term of three and a half years under the absurd charges of “production and dissemination of pornography” for posting online her body-positive drawings of women’s bodies. The final hearing is expected to take place on 12 July. Yulia Tsvetkova will make her final statement and the sentence will be published soon after.

Yulia Tsvetkova is an artist from Komsomolsk-on-Amur who has been continually targeted over the years for her human rights activism. Since 2019, she has been prosecuted for her artistic work depicting bodies of women, and faced harassment by police, including repeated house and workplace searches. She spent almost four months under house arrest until March 2020 and has been under travel restrictions since. She has committed no recognizable criminal offence, which has been confirmed by some respected Russian legal experts during her trial.

Yulia Tsvetkova has also repeatedly faced administrative proceedings and fines under the discriminatory “gay propaganda” legislation (Article 6.21 of the Code of Administrative Offences). She has faced homophobic threats, abuse and harassment, over the phone, via social networks, and by mail, as has her mother.

Yulia Tsvetkova is facing reprisals for exercising her right to freedom of expression, which violates both Russia’s Constitution and its obligations under international human rights law.

Write to the Prosecutor urging him to:

- immediately drop the criminal case and end all administrative proceedings against Yulia Tsvetkova.

Write to:

(Please note that mail delivery to the Russian Federation is currently suspended – please email and copy the Ambassador)

Boris Viktorovich Kononenko

Prosecutor of Komsomolsk-on-Amur

34 Krasnogvardeiskaya street

Komsomolsk-on-Amur, 681013

Russian Federation

Email: kms.phk@181.mailop.ru

Salutation: Dear Prosecutor:

And copy:

His Excellency Oleg Stepanov
Ambassador
Embassy of the Russian Federation
285 Charlotte Street
Ottawa, ON K1N 8L5
Fax: 613 236 6342
Email: info@rusembassy.ca

Additional information

Yulia Tsvetkova, an artist and stage director from Komsomolsk-on-Amur (Russian Far East), was arbitrarily detained on 20 November 2019 and put under house arrest two days later after being accused of “production and dissemination of pornographic materials” (Article 242(3b) of the Russian Criminal Code). These absurd charges were brought against her in connection with her drawings of women’s bodies, including body-positive pictures of female reproductive organs, which she posted on social media on her online group Vagina Monologues. This was part of her campaigning for the empowerment of women. On the day of her detention, searches were carried out in her apartment and in the children's educational club where she had worked previously. The police seized her electronic devices, documents, and brochures on gender issues. Yulia Tsvetkova recalled that during the search the police officers stated that she was a “lesbian, sex trainer and propagandist leader”. The authorities also decided to block her online group Vagina Monologues, a decision that Yulia Tsvetkova has challenged legally.

Yulia Tsvetkova has been the target of an overtly homophobic campaign since March 2019, when she had to end her cooperation with the youth amateur theatre company Merak after the police had launched an investigation into her alleged “propaganda of non-traditional sexual relations among minors” on account of her anti-bullying and anti-discrimination play “Blue and Pink”. Also, the theatrical group she had founded in 2018 was forced to cease its activities.

On 11 December 2019, Yulia Tsvetkova was found guilty in violation of Article 6.21 of the Code of Administrative Offences (“propaganda of non-traditional sexual relations among minors” and fined 50,000 Rubles (US\$ 780) for being the administrator of two LGBTI-themed online communities on the popular Russian social media, VKontakte. Both online communities were marked “18+”, as required by Russian law, making the fine imposed on her unfounded even under the homophobic Russian “gay propaganda” legislation (this “offence” only arises if the “propaganda” material is targeted at persons under 18).

On 17 January 2020, Yulia Tsvetkova informed the media that an administrative proceeding had been opened against her once again, under the same Article 6.21 of the Code of Administrative Offences, this time for posting her drawing “Family is where love is. Support LGBT+ families” (depicting two same-sex couples with children) on social media. She had published the drawing in support of a same-sex couple who had had to flee Russia with their adopted children because the authorities had threatened to take their children away from them. On 10 July 2020 she was fined 75 000 Rubles (US\$ 1,050) for this “offence”.

During 2020, the criminal case against Yulia Tsvetkova was referred back and forth between the investigator and the prosecutor five times. Her trial finally started in January 2021 but it was adjourned in November 2021 until February 2022.

In September 2021, Yulia Tsvetkova successfully appealed the authorities' decision to block her online group Vagina Monologues where she had posted the drawings that led to the criminal proceedings under the "pornography" charges against her. However, in February 2022, the decision was reviewed in court, and the online group was blocked once again on arbitrary grounds. Yulia Tsvetkova is appealing this decision again and the next court hearing will take place on 13 July. If she loses the case, this prejudicial decision will have important and worrying implications for the criminal case against her.

On 12 May the prosecution presented a new legal expert opinion on the criminal case which was written by an expert from the organisation involved with the liquidation of Memorial, one of the oldest and most prominent human rights organisations in Russia. The expert surprisingly declared that Yulia Tsvetkova's art is not pornography. The prosecution tried to request another expert's opinion, but the court declined. On 3 June the Russian Ministry of Justice claimed that Yulia Tsvetkova is a "foreign agent" which negatively affected the case as the prosecution used this as a reason to show her as a "public enemy". On 14 June, the prosecution requested a jail term of three and a half years for Yulia Tsvetkova.