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I. Background of Submitting Organisations.

ECOM — Eurasian Coalition for Health, Rights, Gender and Sexual Diversity — is an international non-governmental association based in Tallinn, Estonia. We are a membership association open to non-profit organizations and activists working in the field of rights and health of LGBTQ+ communities in the Eastern Europe and Central Asia (EECA) region.

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Coming out (comingoutspb.com) is a regional nonprofit initiative group founded in 2008 in St. Petersburg, Russia. We have been protecting the rights of the LGBTQ+ community and helping queer people in Russia live more peacefully. Our main goal is to establish equal legal and social rights for everyone, regardless of their sexual orientation and/or gender identity. We monitor discrimination to collect evidence of the experiences of LGBTQ+ people in Russia and work with the authorities on cases of discrimination and violence.

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NC SOS — North Caucasus SOS Crisis Group (ncsos.io) is a Russian NGO founded in 2017, which works with LGBTQ+ individuals in the republics of the North Caucasus. NC SOS assists victims of SOGIE-informed torture and abuse in fleeing the region and provides them with legal and social support.

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II. Introduction

This report is submitted to the United Nations Committee on the Rights of the Child in advance of its upcoming periodic review of Russia. It highlights areas of concern regarding the treatment of LGBTQ+ children in Russia that are inconsistent with articles 2, 9, 13, 16, 24 and 37 of the Convention on the Rights of the Child. The report assesses developments since the last concluding observations in 2014 and addresses the government's response and actions, as well as the concerns raised in the Committee's 2023 List of Issues.

In 2014, the Committee expressed concern about the recent legislation in Russia prohibiting “propaganda of non-traditional sexual relationships,” which encourages the stigmatization and discrimination against LGBTQ+ persons, including children from LGBTQ+ families. The Committee recommended that the State party repeal its laws prohibiting propaganda of homosexuality and ensure that children who belong to LGBTQ+ groups or children from LGBTQ+ families are not subjected to any forms of discrimination by raising the public's awareness of equality and non-discrimination on the basis of sexual orientation and gender identity. The Committee also expressed concern about the large number of cases of sexual exploitation and abuse of children in the State party, including LGBTQ+ children, and recommended that the State party establish interdepartmental cooperation to prevent such offenses and provide timely and effective rehabilitation to victims of such crimes.

In response to the Committee's recommendations 2014, the Russian government stated that it does not recognize the Committee's authority to protect the rights of LGBTQ+ persons and that the recommendations in this area are not acceptable. The government argued that the laws prohibiting propaganda of homosexuality are intended to protect minors from information that may harm their development and do not imply a negative assessment by the State of non-traditional sexual relationships as such. The government also stated that it has no information about any discriminatory actions against children from LGBTQ+ families or underage LGBTQ+ rights activists.

The Committee's List of Issues for Russia in 2023 includes questions about measures in place to ensure protection from discrimination against LGBTQ+ children and ending coercive treatment of LGBTQ+ children.

Russia's response did not address these specific concerns, emphasizing constitutional equality provisions and general child rights goals saying that State policy is dedicated “the promotion

of the physical, intellectual, mental, spiritual and moral development of children, the fostering of patriotism and citizenship in them, and the realization of the child's personality in the interests of society and in accordance with the traditions of the peoples of the Russian Federation and the achievements of Russian and world culture that are not contrary to the Constitution of the Russian Federation and federal legislation, and the protection of children from factors adversely affecting their development.” However, there is no definition of “factors adversely affecting their development.”

Russia does not explicitly criminalize same-sex relationships or differing forms of gender expression, but Russian laws largely limit the rights of people whose gender identity or relationships fall out of so-called traditional norms. In November 2022, Russian parliament approved a bill banning all forms of LGBTQ+ “propaganda” that widened a ban on “LGBT propaganda” and restricted the “demonstration” of LGBTQ+ behaviour for all adults and not just children, making any action or information that is deemed to promote homosexuality – whether in public, online or in films, books or advertising – subject to a hefty fine¹. The bill also repetitively banned the "demonstration" of LGBTQ+ behaviour to children or children's publication about gender transition.

This year, there’s been an expansion of repressive policies through a law banning gender reassignment surgery and legal gender recognition². In addition, in November 2023 the Supreme court of Russia ruled that “the international LGBT public movement and its subdivisions” were extremist, and issued a “ban on its activities on the territory of Russia”³. The ruling criminalizes not just any activist working to advance human rights for queer individuals, but could also enable prosecutors to target anyone who supports LGBTQ+ people. Human rights organisations expressed concerns warning that it might result in a complete ban on LGBTQ+ organisations and violate freedom of association, expression and peaceful assembly, and lead to discrimination. The court’s decision is the most drastic step in the decade-long persecution of LGBTQ+ rights in Russia.

¹ Article 6.21. Propaganda of non-traditional sexual relations and (or) preferences, gender reassignment <https://cutt.ly/ZwPLw3Fm>

² Federal Law No. 386-FZ "On Amendments to Certain Legislative Acts of the Russian Federation" dated July 24, 2023 <https://www.garant.ru/products/ipo/prime/doc/407326448/>

³ Human Rights Watch on Russia’s Supreme Court ruling <https://www.hrw.org/news/2023/11/30/russia-supreme-court-bans-lgbt-movement-extremist>

These laws harm children not only by sending the message that it is wrong to be LGBTQ+ and removing sources of information and support, but there is a possibility that the number of mental problems among queer people, and especially teenagers. The number of affected children may increase significantly due to the fact that they will have to hide more and more strenuously.

III. Case Analysis

Non-Discrimination (art. 2)

Disaggregated Data Collection and Statistics

We are concerned about gaps and weaknesses in mechanisms to coordinate, integrate and verify data collected at the federal and regional levels. We believe that current data collection methods do not accurately capture the situation of children who identify as LGBTQ+ and children from LGBTQ+ families. Data on cases of discrimination may be incomplete due to challenges in data collection. A good example of this is that the State party's report (CRC/C/RUS/6-7) highlights that the Russian authorities have no information on discrimination against children from lesbian, gay, bisexual, transgender and intersex families or against LGBTQ+ children. However, human rights defenders have information about such cases, much of which is in the public domain.

Discrimination

As the Coming Out 2021 [study](#) on the lives of LGBTQ+ youth in St Petersburg and the Leningrad region shows, LGBTQ+ youth regularly face discrimination and restrictions on their rights. One third of respondents who came out (intentionally or unintentionally) to their school classmates were bullied or boycotted at least once. School teachers, psychologists and administrators often fail to prevent bullying and sometimes even encourage it. The law banning the “propaganda of non-traditional values” makes some school staff wary of expressing support or helping LGBTQ students. LGBTQ+ children also regularly face discriminatory actions by psychologists and doctors, such as verbal abuse, prejudice and outing.

A [survey](#) conducted across Russia in 2021 by Sphere, the Russian LGBT network and the LGBT Resource Centre, found that 51.7% of the teenagers they surveyed felt unsafe because of their sexual orientation during the last school year. This study shows that lower achievement among LGBTQ+ students is also associated with harassment, bullying and homophobic or transphobic school environments.

Hate Crimes

LGBTQ+ minors regularly experience hate crimes such as assault, physical violence, property damage and online bullying. For example, in 2022 Coming Out received a referral from a 17-year-old boy who was attacked by passing young men in the street because of his rainbow badge.

In 2022-2023, Coming Out and Sphere conducted a joint [study](#) on the situation of LGBTQ+ people in Russia for the year 2022. Among the respondents were 353 minors (5.5% of the total). Minors reported cases of homophobic and transphobic violence they had experienced. 14% have experienced physical violence, 38% have experienced threats, 26% have experienced domestic violence, 23.5% have experienced cyberbullying and 20% have been blackmailed because of their sexual orientation or gender identity.

There is currently no action plan in Russia specifically aimed at combating hate crimes. A characteristic element of a hate crime is the motive: the perpetrator chooses the object of the crime precisely because he or she belongs, or seems to belong, to a certain social group. In Russia, however, the motive of hate is not taken into account in the investigation of the majority of cases.

The result of ineffective investigative and judicial practices is reflected in the low rate of reporting of hate crimes. Distrust of official justice institutions prevents victims and civil society from reporting hate crimes. Most survivors of hate crimes are reluctant to contact law enforcement agencies because they do not believe it will make a difference. Furthermore, the reluctance of LGBTQ+ survivors of hate crimes to seek help from law enforcement is not only due to the fact that the crime is unlikely to be investigated, but also due to the fear of being subjected to homophobic and transphobic abuse, including physical violence, by law enforcement officers. According to [research](#) by Coming Out and Sphere, 47% of respondents who reported a hate crime to the police in 2022 experienced pressure from police officers.

LGBTQ+ minors are in an even more vulnerable position than LGBTQ+ adults because they are dependent on their parents, who may not support them if they are victims of a hate crime. Parents may also be perpetrators of hate crimes against their children. Children in this situation are completely vulnerable.

Hate Speech

Anti-LGBTQ+ hate speech is a severe issue in Russia. Any hate speech is still not regulated by Russian legislation. The law-enforcement has no legal framework or the capacity to consider such actions as hate crimes and register them. This situation leads to further discrimination and utter ineffectiveness of investigation, punishment, and prevention of such deeds.

Media personalities and government officials regularly use hate speech in public. President Vladimir Putin in many of his public talks [mentions](#) LGBTQ+ people in a negative sense. State Duma deputy Adam Delimkhanov [pledged](#) to "destroy LGBT people" in public.

The war, increased militaristic rhetoric and discussions around a new propaganda law have led to an increase in hate speech towards LGBTQ+ people. For instance, in March 2022, on the sermon, the head of the Russian Orthodox Church, Patriarch Kirill, [talked](#) about gay pride as a sin and marker of belonging to the 'Western' world justifying Ukraine's invasion as a struggle of the "people of Donbas" against Pride marches.

Hate speech is closely linked to false information and news. For example, Duma deputies advocating a law banning transgender transition claim that Russians trying to avoid mobilisation and military service are changing their gender markers en masse. However, even the data [cited](#) by the propaganda media refute this picture. In 2022, only 936 people changed their gender marker on their documents which cannot be called a mass phenomenon. Thus, false information is used to promote discriminatory laws and is also actively included in hate speech.

Research by Sphere, the Russian LGBT Network and the LGBT Resource Centre [shows](#) that over 70% of LGBTQ+ non-minors have experienced hate speech, homophobic, transphobic

and sexist comments. The Coming Out [study](#) shows that LGBTQ+ young people regularly face insults and hate speech from parents, friends, classmates and even teachers.

Separation from Parents (art. 9)

The Russian Federation does not adequately protect the rights of children not to be separated from their parents against their will. Human rights activists are aware of cases where children in the care of transgender people have been removed from their families. The most famous case is that of Yan Dvorkin, head of the transgender organisation Center T. In May 2023, Dvorkin [was fined](#) for so-called “propaganda of non-traditional sexual relationships.” The administrative propaganda case [was initiated](#) following a denunciation by the guardianship officers who had accompanied Dvorkin's family for several years. Dvorkin's conviction under the propaganda article was the reason for the termination of parental custody of the child. As a result, the child, who had lived with Dvorkin for 6 years, [was placed](#) in the care of another family.

In June 2023, the Duma [passed](#) a ban on trans people adopting or fostering children. The law also [makes](#) it possible to dissolve a marriage if one of the spouses has previously changed their legal gender. This puts children in transgender families in an even more vulnerable position.

Freedom of Expression and the Right to Seek, Receive and Impart Information (art. 13)

While before 2021 the law banning 'propaganda of non-traditional relationships' was mainly used as a basis for banning or dispersing public LGBTQ+ events or protests, the situation has significantly worsened since 2021. Not only public actions, but also any demonstration of LGBTQ+ symbols became subject to the ban. For example, in St Petersburg in 2021, a group of minors were [detained](#) by the police for taking pictures of themselves next to a rainbow flag.

The year 2022 was marked by the fact that the legislation prohibiting "propaganda of non-traditional sexual relations" was applied not only in the sphere of public actions (protests, rallies, pickets, websites of LGBTQ+ organisations), but also in the private sphere. The grounds for initiating administrative proceedings under the article on propaganda are now

images, videos or texts posted on social networks, sometimes even on private accounts, [denounced](#) by members of the law enforcement agencies.

There are known cases where minors have been prosecuted for so-called "propaganda of non-traditional relations". In one case, a court [fined](#) a 17-year-old boy 100,000 rubles (about 1,000 euros) for posting a picture of him kissing a young man on social media. However, due to procedural violations, the court subsequently [overturned](#) the sentence. In another case, a court decision to fine a 17-year-old girl 101,000 rubles [came](#) into force. In this way, minors themselves become victims of state prosecution on charges that the Russian Federation justifies as necessary to protect the interests of children.

LGBTQ+ resources have also begun to be [blocked](#) en masse for containing information "aimed at propagating non-traditional sexual relations". In particular, LGBT Network sites, Coming Out site, Boys + site, LGBTQ+ podcasts on Russian streaming services, LGBTQ+ online communities on VKontakte (the Russian social networking site), and many others have been blocked on the territory of the Russian Federation on this basis. In 2022 and 2023, TV channels and streaming platforms were [fined](#) for "propaganda of non-traditional relations". In 2022, a Moscow court [fined](#) Meta and [Tiktok](#) tens of thousands of euro for refusing to take down what the authorities considered "LGBT propaganda". [Cinema screenings](#), theater plays, [books](#) and bookstores were also targeted.

The 2022 amendments to the Foreign Agents Act prohibit the distribution of information material produced by foreign agents to minors. The Foreign Agents Register now includes those providing support to LGBTQ+ people, disseminating sexual and mental health information, providing mental health support, international advocacy and human rights work, as well as journalists, academics, researchers and educators. According to Coming Out monitoring data, 10 individuals and eight organisations were identified as foreign agents explicitly for so-called "LGBT propaganda" in 2023. All of this further limits LGBTQ+ minors' access to a significant amount of information that is important and useful to them.

Right to Health and Health Services (art. 24)

According to the Coming Out 2021 [study](#) on the lives of LGBTQ+ youth in St Petersburg and the Leningrad region, 22.1% of those who discussed their SOGIE with a psychologist and 26.2% of those who attempted to discuss their SOGIE with a doctor reported that they had

experienced specialists trying to 'cure' their sexuality or gender identity. There are cases of LGBTQ+ people being forcibly [treated](#) for homosexuality, bisexuality or gender identity in various non-state rehabilitation centres. Minors are particularly vulnerable to coercive treatment because they are directly dependent on their parents, who are most often the initiators of this 'treatment'.

On 24th July 2023, a law suggesting a total ban on transitioning, both legal and medical, was signed by the President and came into force. It implies a complete ban on gender-affirmative therapy (including hormone therapy and voluntary surgeries) and on the possibility of changing the legal gender marker because of a gender identity mismatch. The bill prohibiting gender transitioning violates the right to health and medical care and does not comply with legal norms to affirm the priority of the patient's interests in medical care.

Protection from Torture and Deprivation of Liberty (art. 37)

In the Chechen Republic of Russia, a wave of [mass persecution](#) against LGBTQ+ individuals was initiated by the security forces in 2017, and this persecution still continues. There have been numerous reports of blackmail, abduction, unlawful detention, and torture, along with fabricated criminal charges. At times, the police target not only adults but also children.

Siblings Ismail Isaev (born in 2003, gay) and Salekh Magamadov (born in 2001, transgender person), were abducted by Chechen security forces in 2020, when Ismail was still a minor. They were held for two months at the base of the Patrol Guard Service in Grozny and subjected to [torture](#) due to their involvement in moderating an opposition Telegram channel and their sexual orientation. Despite being released on the condition of cooperating with law enforcement, they left the republic with the help of human rights defenders from North Caucasus SOS. On February 4, 2021, the siblings were kidnapped from a shelter and forcibly taken to Chechnya, where a criminal case was fabricated against them. Isaev was still 17 years old at the time of the second kidnapping. On February 22, 2022, the court sentenced him to six years in prison for "aiding and abetting an illegal armed group". Magamadov received an eight-year sentence. The Memorial Human Rights Center [considers](#) the Magamadov and Isaev political prisoners.

IV. Recommendations to the Government of Russia:

We recommend that the Russian government take the following steps to address the concerns raised by the Committee and ensure the rights of LGBTQ+ children are fully respected:

1. Repeal the laws prohibiting propaganda of homosexuality and ensure that children who belong to LGBTQ+ groups or children from LGBTQ+ families are not subjected to any forms of discrimination by raising the public's awareness of equality and non-discrimination on the basis of sexual orientation and gender identity.
2. Repeal or amend any legal provisions that unduly restrict the activities of non-governmental organizations, including the “foreign agents” law and Russian Supreme Court decision to recognise the "international LGBT movement" as extremist, and stop the practices of persecution, threats, insults and intimidation towards the human rights defenders and human rights organizations.
3. Repeal laws that discriminate against transgender and non-binary individuals and obstruct their access to healthcare, including a law banning gender reassignment surgery and legal gender recognition.
4. Establish interdepartmental cooperation at the federal, regional, and local levels, in particular between law enforcement agencies and social services structures, to prevent the sexual exploitation and abuse of children, including LGBTQ+ children, and to provide timely and effective rehabilitation to victims of such crimes.
5. Put an end to the coercive treatment of transsexual and homosexual persons, in particular children, and to attempts to diagnose transsexuality as a psychiatric disease, and provide LGBTQ+ children with easy access to necessary sexual health information.
6. Prohibit and bring to responsibility, if necessary, for public speeches promoting social intolerance towards LGBTQ+ children or children from LGBTQ+ families, and their parents;

7. Provide actual and unlimited access for children to credible and reliable information on sexual orientation and gender identity and allow non-governmental organizations to disseminate information without the risk of penalties.

8. End the abduction, torture, and fabrication of criminal charges against LGBTQ+ children in the North Caucasus; ensure prompt investigations, hold perpetrators accountable, and release those unjustly imprisoned.