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IRB – Immigration and Refugee Board of Canada

Russia: Situation and treatment of sexual and gender minorities; legislation, state protection and support services (2017-February 2020) [RUS106279.E]

Research Directorate, Immigration and Refugee Board of Canada

1. Legislation

Sources indicate that homosexuality was decriminalized in Russia in 1993 (BBC 28 Oct. 2013; Sociologist 1 June 2019; *WSJ* 11 June 2013). According to the International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA) *State-Sponsored Homophobia 2019* report, Russia's 1993 Criminal Code removed provisions of punishment for "sexual relations of a man with a man (pederasty)" (ILGA Mar. 2019a, 192). Sources also indicate that homosexuality was considered a mental illness until 1999 (AFP 17 May 2019; Reuters 27 Sept. 2018; *The Sun* 28 June 2018).

Sources indicate that in June 2013, a bill banning the promotion of "non[-]traditional" sexual relations was passed (AP 30 June 2013; RIA Novosti 11 June 2013; *WSJ* 11 June 2013), and signed into law (Russia 30 June 2013). According to ILGA's *State-Sponsored Homophobia 2019* report, "Federal Law No 135-FZ [2013] which prohibits the promotion of non-traditional sexual relations among minors has been used to prosecute a range of people since it was enacted, including activists, websites and the media" (ILGA Mar. 2019a, 211). The US Department of State's *Country Reports on Human Rights Practices for 2018* states that, in 2018, authorities invoked the 2013 law "prohibiting the 'propaganda' of 'non[-]traditional sexual relations' to minors to punish the exercise of free speech by LGBTI persons and their supporters," and that "what the government considered LGBTI propaganda included materials that 'directly or indirectly approve of persons who are in non[-]traditional sexual relationships'" (US 13 Mar. 2019, 18, 50). The same source also notes that

[d]espite a Supreme Court ruling that LGBTI persons should be allowed to engage in public activities, the law prohibiting 'propaganda' of homosexuality to minors ... provides grounds to deny LGBTI activists and supporters the right of assembly and was often used to interrupt public demonstrations by LGBTI activists. (US 13 Mar. 2019, 29)

1.1 Law on Foreign Agents

Sources indicate that a law on "foreign agents" was passed in [November (Amnesty International 18 Nov. 2016)] 2012 (France 24 13 July 2012; Human Rights Watch 18 June 2018).

According to France 24, a French international broadcaster, the bill indicates that "any NGO that receives foreign funding — from governments, groups or private citizens — and engages in political activity" will be required to be registered as a "foreign agent" and "provide detailed reports of its finances and identify itself as a foreign agent in any material it distributes" (France 24 13 July 2012). US *Country Reports 2018* similarly states that the law "requires that NGOs identify themselves as 'foreign agents' in all their public materials. Authorities fined NGOs for failing to disclose their 'foreign agent' status on websites or printed materials" (US 13 Mar. 2019, 31). The same source indicates that, "[f]or the purposes of implementing" the law, the government considered "political activities" as including the following:

organizing public events, rallies, demonstrations, marches, and pickets; organizing and conducting public debates, discussions or presentations; participating in election activities aimed at influencing the result, including election observation and forming commissions; public calls to influence local and state government bodies, including calling for changes to legislation; disseminating opinions and decisions of state bodies by technology; and attempting to shape public political views, including public opinion polls or other sociological research. (US 13 Mar. 2019, 30)

According to ILGA's *State-Sponsored Homophobia 2019* report, the legislation "has been employed to fine several LGBT organisations" and imposes "restrictions on funding and introduces bureaucratic burdens like extensive audits. It also confers supervisory powers on the state to interfere in the organisation's affairs" (ILGA Mar. 2019a, 228). Human Rights Watch reports that organizations targeted by the 2012 law include "groups that work on human rights, the environment, LGBT issues, and health issues, [as well as] groups that do polling about social issues" (Human Rights Watch 18 June 2018). For example, the same source indicates that "Arkhangelsk regional public organization of socio-psychological and legal assistance to lesbians, gays, bisexuals and transgender people (LGBT) 'Rakurs'" has been added to the "registry of 'foreign agents'" regulated by the Justice Ministry (Human Rights Watch 18 June 2018). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

2. Treatment of Sexual Minorities by Authorities

2.1 Attitudes

According to *US Country Reports 2018*, "LGBTI persons reported significant societal stigma and discrimination, which some attributed to official promotion of intolerance and homophobia" (US 13 Mar. 2019, 51). The same source indicates that "state-controlled media" engaged in a "homophobic campaign" in which "officials, journalists, and others called LGBTI persons 'perverts,' 'sodomites,' and 'abnormal' and conflated homosexuality with pedophilia" (US 13 Mar. 2019, 54). A report on "anti-LGBT 'hate speech'" by Article 19, a human rights organization that advocates for law and policy measures that counter hate speech (Article 19 n.d.), similarly identified a "number of recurring themes" in mainstream media coverage in Russia, including statements by public officials that portray "LGBT identities as contradictory to Russian and Orthodox values ... as a Western phenomenon, imposed by Europe as part of its agenda to weaken and alienate Russia" (Article 19 Feb. 2018, 73). The same source notes that a "pro-government media" TV documentary titled "Gay Over" involved "transphobic, sexist, and homophobic claims, claim[s] that the whole existence of non-heterosexual people in Russia is unnatural, foreign, and falls under the notion of propaganda" (Article 19 Feb. 2018, 74).

2.2 Treatment, Including Obstacles to Holding Events

ILGA-Europe's annual review for 2018 indicates that during attempts to hold a rally for the "10th IDAHOBIT [International Day Against Homophobia, Biphobia, Intersexism and Transphobia] Rainbow Flashmob" in St. Petersburg, event venues "were denied by administrations of seven different districts, reasoning either that the venue was already occupied or that the event violated the law on 'propaganda'" (ILGA-Europe 2019, 82). According to the same source, organizers attempted to hold the event in a "hyde park," a designated place for "expression of public opinions, and [which require] no authorisation from city authorities; the location[,] however[,] was stripped of its status as a 'hyde park'"; organizers challenged this decision in court, but their challenge was rejected by authorities (ILGA-Europe 2019, 82). The same source adds the following:

[t]hey decided to hold the rally anyway, changing the rally site several times, the last time one hour before the event, as they learnt that 200 teenagers were brought to the site for an event aimed at "propaganda of healthy lifestyle," and the police informed the organisers that rally participants would be detained. The rally was eventually held in a "hyde park" in a remote neighbourhood. A group of riot

police arrived, warning participants that they would be detained if the rally continued, but they were persuaded to provide protection instead. Counter protesters made hateful comments and threats, but police blocked attacks and the rally was peaceful. (ILGA-Europe 2019, 82)

Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

According to sources, during the World Cup in June 2018, Diversity House, [which was "created as a safe space for discussions on racism, human rights, and LGBT issues in Russia" (*The Moscow Times* 18 June 2018)], had to be moved to another location after the site's owners cancelled the [lease] agreement (*The Moscow Times* 18 June 2018; ILGA-Europe 2019, 82); according to ILGA-Europe, the termination of the lease agreement followed the site being surrounded by police barriers (ILGA-Europe 2019, 82).

ILGA-Europe also reports the following incidents:

- In August 2018, 30 people attending Pride events in St. Petersburg were detained by police; and 19 were fined and "two activists ... were charged the highest amount for 150 and 170 thousand rubles [C\$3,000 to 3,500] each, for repeated administrative offences";
- In September 2018, Queerfest events in St. Petersburg were "disrupted by fake bomb threats." The organizers "appealed to the police, who are conducting an investigation"; however, "[n]o criminal case has been initiated";
- Also, in September 2018, Russian authorities "banned a rally in support of LGBT rights in Pyatigorsk, planned by activists of the LGBT movement 'Solidarnost' (Solidarity), citing the 'propaganda' law";
- In October 2018, "Side by Side" LGBT film festival events were blocked by "State Duma deputy Vitaly Milonov, co-author of the law 'on the prohibition of propaganda of homosexuality'"; the venue then terminated the lease agreement;
- On 29 October 2018, the "'Human Library' project to combat stigma[] was disrupted by homophobic activists. The police stopped the event, stating that they had received a complaint about a 'gathering of homosexuals who are engaged in propaganda'";
- In November 2018, children's drawings that depicted same-sex couples, drawn in the context of a day of tolerance program, were confiscated by police from a school in Yekaterinburg; the source adds that police were "conducting a check against the school for 'promoting non-traditional sex among minors'";
- In November 2018, the "Fifth LGBT Family Conference, held in Moscow with the support of the Center for Social-Psychological and Cultural Projects 'LGBTIQA Resource Moscow', was disrupted. The venue owners had received homophobic threats and two cancelled the events" (ILGA-Europe 2019, 83).

Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

On 27 November 2018, the European Court of Human Rights (ECHR) issued a judgment on the Alekseyev and Others v. Russia case, in which the applicants complained of discrimination regarding "the ban on holding [LGBT] public events imposed by the domestic authorities and of a lack of effective remedies in that respect" (Council of Europe 27 Nov. 2018, Procedure). The court found that the ban imposed by authorities was "not necessary" and that the applicants "suffered unjustified discrimination on the grounds of sexual orientation" and were "denied an effective domestic remedy in respect of their complaints concerning a breach of their freedom of assembly" (Council of Europe 27 Nov. 2018, Merits).

Sources report the following incidents in 2019:

- In May 2019, four people were arrested in St. Petersburg during a protest marking IDAHOBIT; Agence France-Presse (AFP) also notes that Moscow city hall has rejected similar rallies for fourteen years (AFP 17 May 2019);
- In July 2019, Human Rights Watch reported that a same-sex couple that lived in Moscow left Russia with two adopted children, after a hospital visit resulted in the Prosecutor General's Office "alleging child abuse linked to the parents' 'non-traditional sexual orientation'." Case workers from the state guardianship office, who had given the family a "positive evaluation," were charged with "inadequate performance of duties, a criminal offense punishable by up to three months in prison": investigators stated that the social workers had "failed to take action despite knowing that the adoptive father 'promoted non-traditional relationships, thus shaping distorted ideas about family values in children's minds and harming their health, moral and spiritual development'" (Human Rights Watch 24 July 2019);
- In August 2019, 11 LGBT activists were arrested in St. Petersburg at an "unauthorized Pride event," three of whom were removed by ambulance (*The Moscow Times* 5 Aug. 2019);
- In September 2019, the eleventh annual "Queerfest" was held in St. Petersburg; organizers said that the festival has proceeded "without any major issues" over the last four years (Civil Rights Defenders 27 Sept. 2019).

Further and corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

2.3 State and Police Response

According to *US Country Reports 2018*, sexual and gender minorities risk being "outed" during police investigations on attacks against them and "often declined to report [such attacks] due to fears police would subject them to mistreatment or publicize their sexual orientation or gender identity" (US 13 Mar. 2019, 51). Sources indicate that distrust of police is common (Board Member 29 May 2019; Director 6 June 2019; Sociologist 1 June 2019). In correspondence with the Research Directorate, an academic at the University College London who conducts research on sexuality and society in Russia indicated that, over the course of their research on LGBT migrants from Russia and other post-Soviet states,

a number of respondents spoke of detention and humiliating treatment from Russian policemen, while others, subject to violence at the hands of homophobic gangs, chose not to report the incidents to the police, as they had no confidence the police would seriously investigate the crimes and this could, in fact, make matters worse. (Academic 7 June 2019)

ILGA-Europe states that the Russian government "does not collect statistics on hate crimes and discrimination against LGBTI people" (ILGA-Europe 2019, 82). According to Article 19, "Russia's legislative and policy environment for responding to 'hate speech' is inadequate"; the source notes that "[s]exual orientation and gender identity are not recognised explicitly as protected characteristics under Article 19(2) of the Russian Constitution, which ensures equality and prohibits discrimination" (Article 19 Feb. 2018, 77).

According to ILGA-Europe, "several" people were brought to trial in 2018 by the LGBT organization "Coming Out" for robbing and physically assaulting gay men; "one perpetrator was sentenced to the maximum 5.5 years of imprisonment" (ILGA-Europe 2019, 82). However, the source states that "the motive of hatred was not investigated or taken into account" (ILGA-Europe 2019, 82). Sources indicate that in February 2020, a Moscow jury acquitted a man accused of killing a gay man in June 2019 (Human Rights Watch 10 Feb. 2020; *The Moscow Times* 7 Feb. 2020; RFE/RL with *Novaya Gazeta* and Meduza 7 Feb. 2020). Sources indicate that, after yelling homophobic obscenities, the accused said that the victim fell on [or "'bumped into'" (Human Rights Watch 10 Feb. 2020)] his knife (Human Rights

Watch 10 Feb. 2020; *The Moscow Times* 7 Feb. 2020; RFE/RL with *Novaya Gazeta* and Meduza 7 Feb. 2020). Human Rights Watch notes that authorities did not raise a hate motive regarding the murder charges (Human Rights Watch 10 Feb. 2020).

According to ILGA-Europe, in January 2018, a "gender non-conforming young person was attacked and beaten in downtown St. Petersburg: the attackers reacted to their lipstick and feminine appearance, and made hateful statements about LGBT people"; the same source identified another attack in St. Petersburg in May against an LGBT activist, who suffered "severe injuries" (ILGA-Europe 2019, 82). The ILGA-Europe report states that the police "refused to initiate" criminal investigations in these cases (ILGA-Europe 2019, 82). The same source indicates that "during the World Cup in St. Petersburg [in June 2018], two French citizens were attacked and injured when returning from a gay club"; in this case, "[t]he alleged criminals were detained" (ILGA-Europe 2019, 82).

An April 2019 article by Radio Free Europe/Radio Liberty (RFE/RL) reports that a St. Petersburg district court ruled that a transgender woman had been fired illegally in "a decision hailed as the first of its kind in Russia," with the court ordering the employer to rehire the dismissed employee, and to pay "10,000 rubles ([US]\$155) for moral damages as well as 1.8 million rubles ([US]\$27,800) in overdue wages" (RFE/RL with Current Time 10 Apr. 2019). Further and corroborating information, including whether the person was rehired and compensated, could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

An article by the BBC indicates that "a few people" in Yekaterinburg were fined 5,000 rubles (US\$80) "for posting homophobic comments on social network VKontakte" (BBC 1 July 2019). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

3. Treatment of Sexual Minorities by Society

According to ILGA-Europe, in "St. Petersburg, Moscow and other regions of Russia, homophobic and criminal groups continued to lure gay men to 'setup dates', then robbing and physically assaulting them" (ILGA-Europe 2019, 82). Sources indicate that a prominent Russian LGBT activist was killed in St. Petersburg in July 2019; she had been listed on a Russian website that encouraged people to "hunt" down sexual minorities (*The Moscow Times* 25 July 2019; *The Washington Post* 24 July 2019). According to Gay Star News, a London-based LGBTI online news source, the website, launched April 2018, promotes a "game" inspired by the *Saw* movie franchise and refers to "'Chechnya's Comeback'" with the goal of encouraging "homophobic violence" and establishing a "database of gay people" and their personal information, including addresses (Gay Star News 26 Apr. 2018). Sources report that the website was blocked in July 2019 (*New York Daily News* 18 July 2019; *The Washington Post* 24 July 2019).

A 2017 submission on the situation of sexual minorities in Russia to the UN Committee on Economic, Social and Cultural Rights (CESCR) by a coalition of Russian civil society organizations, including the Russian LGBT Network, cites information from an online survey carried out by the Russian LGBT Network, according to which 653 of 3,759 LGBT respondents encountered problems with "employers and/or colleagues" related to "sexual orientation and/or gender identity"; 521 respondents were laid off and 49 respondents were not recruited for this reason (Stimul, et al. Aug. 2017, 3). The same source indicates that the "probability of discriminatory employment termination" is "[p]articularly high" for education workers (Stimul, et al. Aug. 2017, 3). The report also indicates, citing data collected by the monitoring program of Russian LGBT Network, that "at least 67 attacks as well as at least 5 homicides motivated by hatred on the grounds of SOGI [sexual orientation and gender identity] were committed in Russia" in 2015- 2016 (Stimul, et al. Aug. 2017, 8). Other sources also indicate that sexual minorities encounter discrimination in employment (Director 6 June 2019; Academic 7 June 2019; Sociologist 1 June 2019). *US Country Reports 2018* notes, in a paragraph that cites research by the Russia LGBT Network, that "[h]igh levels of employment discrimination against LGBTI persons reportedly persisted" (US 13 Mar. 2019, 52).

Sources also indicate that sexual minorities encounter discrimination in sectors such as health care and housing (Board Member 29 May 2019; Academic 7 June 2019). *US Country Reports 2018* indicates, in a paragraph that cites research by the Russia LGBT Network, that “[m]edical practitioners reportedly continued to limit or deny LGBTI persons health services due to intolerance and prejudice” (US 13 Mar. 2019, 52).

The academic indicated that, over the course of his research, interviewees have stated that

[e]ven if LGBT individuals are not officially out, it is often enough for individuals to be suspected of being gay or lesbian for them to be the subject of verbal or physical abuse. Failing to adhere to established gender norms in dress or behaviour, being overly affectionate to someone of the same sex or living with someone of the same sex are tantamount to coming out and can thus result in the risks set out above. (Academic 7 June 2019)

Sources indicate that the situation in larger cities [partly due to the availability of community support (Director 6 June 2019)] is better than in rural areas (Board Member 29 May 2019; Director 6 June 2019), and that it is not possible to live as an openly LGBT person in a rural location (Board Member 29 May 2019). An article that compares violence against LGBT persons across various Russian cities, published by openDemocracy, a non-profit “independent global media platform” that reports and analyzes social and political issues in the context of human rights (openDemocracy n.d.), states that the

data reveal that the most dangerous places for LGBT people are villages in the countryside and small towns with a population below 100,000: they are characterised by the highest rates of violence against LGBT people per 1,000 persons. The safest locations are the largest cities (Moscow and St[.] Petersburg): despite the greater number of crimes against LGBT [people] in these cities, their relative indexes are actually the lowest. (openDemocracy 29 June 2017)

A January 2019 article in the *Moscow Times*, an English-language newspaper based in Russia, reports that the Zoom Market agency “surveyed 2,400 respondents from 20 Russian cities on how they feel about sexual minorities”; St. Petersburg was ranked first, Novosibirsk and Moscow second and third, followed by Voronezh, Krasnodar and Kaliningrad, while Saratov, Chelyabinsk and Kazan were ranked “as the three least tolerant Russian cities toward LGBT people” (*The Moscow Times* 28 Jan. 2019). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

Sources indicated that religion can be a factor associated with perpetrators if “their violence is justified by Orthodox or Muslim beliefs” (Sociologist 1 June 2019) or that “[h]omosexuality is even more of a taboo” in Muslim-majority areas, such as Chechnya (Academic 7 June 2019). Sources also indicated that women can be more vulnerable than men, due to lower incomes, lower social standing, and fewer opportunities (Director 6 June 2019) or being financially dependent on others and living in male-dominated households (Academic 7 June 2019).

4. Treatment of Transgender Individuals

According to the *Moscow Times*, the government does not keep “official statistics,” but the transgender population in Russia is estimated to be approximately 15,000 (*The Moscow Times* 7 Aug. 2019). The same source, in an August 2019 article, notes that “transgender people are classified as mentally ill” (*The Moscow Times* 7 Aug. 2019). The same source adds that

[a]ny transgender person wishing to undergo prescribed and controlled hormone treatment must have a diagnosis of “transsexualism” from a psychiatrist. Without that, many decide to buy hormones that are available over-the-counter, a self-medication process that can be dangerous. (*The Moscow Times* 7 Aug. 2019)

According to ILGA Europe,

[t]he Ministry of Health published an order on 22 January [2018] that approved a procedure to issue medical certificates for LGR [Legal Gender Recognition]. Coming into force on 2 February [2018], this marks the first set procedure for LGR in Russian law. The procedure involves a preliminary medical examination, the issuing of a diagnosis of "transsexualism," and an examination by a medical commission.

In the end, the commission issues a certificate of "sexual reorientation." After submitting the certificate to the registry office, the trans person receives a new birth certificate. Under this new procedure, LGR is faster and no longer requires medical interventions. However, it remains expensive and there are only [a] few medical commissions, mainly at private clinics in Moscow and St. Petersburg, and state clinics in Voronezh, Omsk, Tyumen, Novosibirsk, and most recently Krasnodar. There have been efforts to open others in Ekaterinburg and Samara. (ILGA-Europe 2019, 84)

Further and corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

According to *US Country Reports 2018*,

[t]ransgender persons faced difficulty updating their names and gender markers on government documents to reflect their gender identity because the government had not established standard procedures, and many civil registry offices denied their requests. When documents failed to reflect their gender identity, transgender persons often faced harassment by law enforcement officers and discrimination in accessing health care, education, housing, transportation, and employment. (US 13 Mar. 2019, 52)

According to an August 2017 report submitted to the UN's CESCR by the Transgender Legal Defense Project, a group composed of lawyers and paralegals working for legal gender recognition for transgender people in Russia and that "help[s] transgender people with the process of changing legal documents" (Transgender Legal Defense Project n.d.),

[e]ven though the current Russian legislation and practice do allow change of transgender persons' documentation, there is no quick, transparent and accessible procedure for legal gender recognition.

The existing procedure is not quick, because in most cases LGR is only possible in court and not through a simple administrative procedure. Such simple administrative procedure[s] [are] required by the Federal Law on Acts of Civil Status, however, due to the fact that since 1998 the Ministry of Health has not approved a standard template for the "sex change" certificate, it is not implemented. (Transgender Legal Defense Project Aug. 2017, 1)

The same source explains that

[t]he existing procedure is not accessible, because of the complexity and the diversity of approaches to LGR that vary from region to region and from judge to judge, which does not allow for the correct handling of a case without legal education and professional experience.

Another challenge relates to the necessity of personal application to [a] civil registry office at the place of residence, which the court and civil registry officials in most cases associate with the place of permanent registration. In essence[,] it means the necessity for a trans person to travel to a hometown or [their] place of birth in order to obtain LGR. Because many transgender people move to bigger cities where they have more opportunities regarding health care services, and they can start there a new life, coming back to their hometown means a risk of "outing" and even physical violence for many of them, not even mentioning [the] financial burden related to such travelling.

Apart from that, gender reassignment surgeries, often required for LGR by civil registries and/or courts (despite the fact that according to the Russian legislation, no medical interventions are required for LGR), are expensive and not covered by any public health funds. While demanding such surgeries[,] civil registries and/or courts often completely ignore [the] transgender person's needs, wishes and health conditions. (Transgender Legal Defense Project Aug. 2017, 2)

Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

The Transgender Legal Defense Project submission states that during monitoring activities, 136 cases of discrimination against transgender persons were recorded between 2011 and 2016, including "37 cases of workplace discrimination (including cases of employment denial), and 13 cases related to barriers in accessing health services" (Transgender Legal Defense Project Aug. 2017, 3).

5. Situation in the Chechen Republic

According to sources, "persecution" of sexual minorities has occurred in the Chechen Republic (ILGA Mar. 2019a, 72; Human Rights Watch 26 May 2017, 34). US *Country Reports 2018* indicates that "[h]uman rights issues included extrajudicial killings, including of [LGBTI] persons in Chechnya by local government authorities" and "a campaign of violence against individuals perceived to be members of the LGBTI community" (US 13 Mar. 2019, 1, 2). According to a 2018 report on the situation of sexual minorities in the Chechen Republic submitted by rapporteur Piet De Bruyn, a Belgian member of the Parliamentary Assembly of the Council of Europe, to the Council of Europe's Committee on Equality and Non-Discrimination,

[o]n 1 April 2017, the Russian newspaper *Novaya Gazeta* published its first report on a campaign of persecution against LGBTI people in the Chechen Republic, including cases of abduction, arbitrary detention and torture of men presumed to be gay, with the direct involvement of Chechen law-enforcement officials. This campaign unfolded against the backdrop of serious, systematic and widespread discrimination and harassment of LGBTI people.

The very existence of LGBTI people in the Chechen Republic has been denied by Chechen and Russian public officials. To date, no substantive investigation has been conducted. More than 114 LGBTI people and members of their families have fled the Chechen Republic. (Council of Europe 8 June 2018, 1, *italics in original*)

Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

The report states that [Chechen leader] Ramzan Kadyrov has "had a free hand to promote his vision of a traditional society. He has presented himself as the guardian of tradition, religion and authority" (Council of Europe 8 June 2018, 8). The report further indicates that being a sexual minority in Chechnya means "contravening the so-called traditional society," explaining that

coming out often means being shunned by the family. Homosexuality is considered a disease and a provocation. LGBTI people are forced to hide their sexual orientation and are obliged to live a secret life. They fear being rejected, beaten up, tortured, abducted or even killed if they come out. When the police or security forces discover that a person is LGBTI, they threaten systematically to tell the family if the person does not give them a certain sum of money. (Council of Europe 8 June 2018, 9)

A 2018 article in *Le Monde diplomatique* (LMD), a Paris-based international news publication (LMD n.d.), which also cites reporting by Russian newspaper *Novaya Gazeta*, indicates that

[h]omosexuals in Chechnya are at greater risk than anywhere else in the Russian Federation, and face police surveillance, blackmail, murder, incarceration in secret prisons and torture.

...

The 1996 penal code of the Chechen Republic of Ichkeria recriminalised sodomy (mujelojstvo); article 148, which borrowed the term from Soviet law, was inspired by sharia and prescribed corporal punishment and, for repeat offenders, the death penalty or life imprisonment.

...

Using strategies tested in the fight against the Islamists, the authorities blacklist families, attacking clan solidarity. Some detainees accused of being gay are forced to confess publicly in "liberation ceremonies," which other men in their family are required to attend. ... By shaming whole families, the authorities seek, often successfully, to involve them in repression, forcing victims to flee their homes; some have to take refuge in a country where they can elude reprisals from the diaspora. (*LMD* Apr. 2018)

Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

According to the *LMD* article, "[w]omen are forced into exile if they wish to pursue a homosexual lifestyle rather than obey the familial injunction to marry" (*LMD* Apr. 2018). The Council of Europe report, citing information from the Russian LGBT Network, adds that for LGBT women,

remaining invisible is a necessary choice for lesbian and bisexual women in the North Caucasus. They are often victims of violence within their families. Several of them told the Russian LGBT Network that they had been taken to psychiatric clinics to cure their homosexuality or to mosques for exorcism sessions. Corrective rapes and forced marriages are considered as ways of "putting them back on the right track." (Council of Europe 8 June 2018, 10)

Reporting by the BBC in January 2019 indicates that, according to the Russian LGBT Network, a "new crackdown against LGBT people" started in Chechnya in December 2018, and that this group "believes [that] about 40 people have been imprisoned ... two of whom ... have died under torture" (BBC 14 Jan. 2019). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

5.1 Treatment by Chechen Authorities

Citing other sources, including *Newsweek*, the *New York Times*, the *Washington Post*, the *Guardian*, and RFE/RL, the Council of Europe report states that

[i]n February 2017, [Chechen] President Ramzan Kadyrov announced that all gay men in the Chechen Republic would be exterminated by Ramadan (May 2017). Following the publication of investigations by journalists and human rights organisations, President Putin invited Ramzan Kadyrov to the Kremlin to explain the situation on 19 April 2017. President Kadyrov said the allegations were rumours.

Shortly after, Mr[.] Kadyrov's spokesperson, Alvi Karimov, stated the reports of an anti-gay purge were false since such men did not exist in the Chechen Republic. In a television interview for the [US] television [c]hannel HBO on 14 July 2017, President Kadyrov, asked about the purge against gay men, said: "This is nonsense. We don't have this kind of people here. We don't have any gays. If there are any, take them to Canada. Praise be to God. Take them far from us so that we don't have them at home. To purify our blood, if there are any here, take them ... They are devils. They are for sale, they are not people. God damn them for what they are accusing us of. They will have to answer to the Almighty for this."

Ms[.] Kheda Saratova, member of the Human Rights Council, which is an advisory body to the Head of the Chechen Republic, claimed she had seen no evidence of the alleged persecution. "In our Chechen society, any person who respects our traditions and culture will hunt down this kind of person without any help from authorities, and do everything to make sure that this kind of person does not exist in our society." (Council of Europe 8 June 2018, 11, ellipsis in original)

According to the same source, following an investigation into an official complaint by one of the victims, documents obtained by the Russian LGBT Network "about cases collected by the Russian federal authorities," indicated that the Russian authorities concluded that no crime had been committed, and chose "not to launch a criminal case" (Council of Europe 8 June 2018, 12). A report on the situation in Chechnya by Human Rights Watch similarly indicates that while Russian federal authorities launched an investigation [into violence described as an "anti-gay purge"], officials "rushed to dismiss reports about the anti-gay purge as unsubstantiated," with the Russian President's spokesperson saying that "with no official complaints lodged by the alleged victims, the Kremlin perceived the allegations as 'phantom'" (Human Rights Watch 26 May 2017, 30, 32).

6. Support Services Available

Sources indicate that support services for sexual minorities include the following:

- legal and psychological support (Board Member 29 May 2019; Director 6 June 2019; Sociologist 1 June 2019);
- social activities (Board Member 29 May 2019) or public events (Sociologist 1 June 2019);
- community centres (Sociologist 1 June 2019) or safe spaces (Director 6 June 2019);
- emergency support to cover fines and medical costs (Board Member 29 May 2019); and
- monitoring of discrimination and violence against sexual minorities (Sociologist 1 June 2019).

ILGA's *Annual Report 2018* identifies the following Russian organizations as members or associate members:

- Center for Social and Information Initiatives Action;
- Coming Out Russia St. Petersburg Public Organization, [which provides "free psychological and legal support to the LGBT community and their relatives, [and] organize[s] informational [and sociocultural] events" (Coming Out n.d.)];
- Far Eastern social movement "lighthouse," [known as the Far Eastern Public Movement "Mayak," which provides "legal [and] psychological assistance, as well as cultural and awareness-raising activities" (Women Platform n.d.)];
- Foundation Transgender;
- Gay Youth Right Defence Organization;
- Initiative Group Transgender Legal Defense Project;
- Krasnodar LGBT social movement "Revers," [a community center and safe space for the LGBT community of Krasnodar, that offers psychological services, monitors for cases of discrimination, provides HIV testing, engages in outreach, organizes a Queer festival, and is "implementing a project in Krasnodar and Rostov-on-Don aimed at improving the quality of life of transgender and intersex people in the Southern Federal District" (Revers n.d.)];
- Moscow LGBT-initiative group Stimul, [which provides legal assistance, monitors discrimination and rights violations, works with temporary LGBT migrants "seeking asylum in a safer country," and provides education (Stimul n.d.)];
- Murmansk regional public organization;
- Raduzhny Dom;

- Rainbow Association Moscow;
- Rakurs - Arkhangelsk regional non-governmental LGBT organization;
- Resource Center for LGBTI;
- Russian LGBT Network;
- Russian LGBT Sport Federation;
- Russian National GLBT Center Together, [a "non-profit public organization whose aim is to fight for equal rights for Russian gays, lesbians, bisexuals [and] transsexuals," offering, among other activities, psychosocial support and legal assistance (Together n.d.)];
- Samara LGBT right movement Averse (Obverse);
- The St. Petersburg LGBT Human Rights Krilija Center; and
- Resource LGBTIQ[A] Moscow (ILGA Mar. 2019b, 36-38).

In a telephone interview with the Research Directorate, a board member of the Russian LGBT Network indicated that there is one shelter located in Moscow (Board Member 29 May 2019). The *Moscow Times* similarly states that there is only one shelter for LGBT people in Russia, and that it is located in Moscow (*The Moscow Times* 7 Aug. 2019). Sources indicate that the shelter was founded in 2017, to help people fleeing Chechnya (*The Moscow Times* 7 Aug. 2019; AFP 28 Nov. 2017), and, later in 2017, the Moscow Community Center also opened it to other LGBT people who are "homeless or vulnerable," with space for up to 14 people (AFP 28 Nov. 2017).

According to their website, the Russian LGBT Network, founded in April 2006, is "an interregional, non-governmental human rights organization" (Russian LGBT Network n.d.a) that provides legal consultations, psychological services, and a hotline for "urgent consultation on legal, psychological or organizational issues" (Russian LGBT Network n.d.b). Their main office is in St. Petersburg, and they have 14 regional divisions in the following locations: Moscow, Voronezhskaya oblast, Irkutskaya oblast, Komi republic, Krasnodarsky kray, Nizhegorodskaya oblast, Novosibirskaya oblast, Omskaya oblast, Permsky kray, Primorsky kray, Samarskaya oblast, Sverdlovskaya oblast, Tomskaya oblast and Tyumenskaya oblast (Russian LGBT Network n.d.c). Their website lists the following "collective participants": Avers (Samara), Gender-L (St. Petersburg), Human to Human (St. Petersburg), Queer Peace (Interregional), Wings [Kriliya] (St. Petersburg), Lighthouse (Vladivostok), Maximum (Murmansk), Rakurs (Arkhangelsk), Revers (Krasnodar), Rainbow Future (St. Petersburg) and T9 NSK (Novosibirsk) (Russian LGBT Network n.d.c).

Sources indicate that rights groups or support groups for sexual and gender minorities do not receive any government assistance (Board Member 29 May 2019; Director 6 June 2019).

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

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