

**Flygtningenævnets baggrundsmateriale**

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Home Office

# **Country Policy and Information Note**

## **Russia: Sexual orientation and gender identity or expression**

**Version 1.0**

**November 2020**

# Preface

## Purpose

This note provides country of origin information (COI) and analysis of COI for use by Home Office decision makers handling particular types of protection and human rights claims (as set out in the [Introduction](#) section). It is not intended to be an exhaustive survey of a particular subject or theme.

It is split into two main sections: (1) analysis and assessment of COI and other evidence; and (2) COI. These are explained in more detail below.

## Assessment

This section analyses the evidence relevant to this note – i.e. the COI section; refugee/human rights laws and policies; and applicable caselaw – by describing this and its inter-relationships, and provides an assessment of, in general, whether one or more of the following applies:

- A person is reasonably likely to face a real risk of persecution or serious harm
- The general humanitarian situation is so severe as to breach Article 15(b) of European Council Directive 2004/83/EC (the Qualification Directive) / Article 3 of the European Convention on Human Rights as transposed in paragraph 339C and 339CA(iii) of the Immigration Rules
- The security situation presents a real risk to a civilian's life or person such that it would breach Article 15(c) of the Qualification Directive as transposed in paragraph 339C and 339CA(iv) of the Immigration Rules
- A person is able to obtain protection from the state (or quasi state bodies)
- A person is reasonably able to relocate within a country or territory
- A claim is likely to justify granting asylum, humanitarian protection or other form of leave, and
- If a claim is refused, it is likely or unlikely to be certifiable as 'clearly unfounded' under section 94 of the Nationality, Immigration and Asylum Act 2002.

Decision makers **must**, however, still consider all claims on an individual basis, taking into account each case's specific facts.

## Country of origin information

The country information in this note has been carefully selected in accordance with the general principles of COI research as set out in the [Common EU \[European Union\] Guidelines for Processing Country of Origin Information \(COI\)](#), dated April 2008, and the Austrian Centre for Country of Origin and Asylum Research and Documentation's (ACCORD), [Researching Country Origin Information – Training Manual, 2013](#). Namely, taking into account the COI's relevance, reliability, accuracy, balance, currency, transparency and traceability.

The structure and content of the country information section follows a [terms of reference](#) which sets out the general and specific topics relevant to this note.

All information included in the note was published or made publicly available on or before the 'cut-off' date(s) in the country information section. Any event taking place or report/article published after these date(s) is not included.

All information is publicly accessible or can be made publicly available, and is from generally reliable sources. Sources and the information they provide are carefully considered before inclusion. Factors relevant to the assessment of the reliability of sources and information include:

- the motivation, purpose, knowledge and experience of the source
- how the information was obtained, including specific methodologies used
- the currency and detail of information, and
- whether the COI is consistent with and/or corroborated by other sources.

Multiple sourcing is used to ensure that the information is accurate, balanced and corroborated, so that a comprehensive and up-to-date picture at the time of publication is provided of the issues relevant to this note.

Information is compared and contrasted, whenever possible, to provide a range of views and opinions. The inclusion of a source, however, is not an endorsement of it or any view(s) expressed.

Each piece of information is referenced in a brief footnote; full details of all sources cited and consulted in compiling the note are listed alphabetically in the [bibliography](#).

## Feedback

Our goal is to continuously improve our material. Therefore, if you would like to comment on this note, please email the [Country Policy and Information Team](#).

## Independent Advisory Group on Country Information

The [Independent Advisory Group on Country Information](#) (IAGCI) was set up in March 2009 by the Independent Chief Inspector of Borders and Immigration to support him in reviewing the efficiency, effectiveness and consistency of approach of COI produced by the Home Office.

The IAGCI welcomes feedback on the Home Office's COI material. It is not the function of the IAGCI to endorse any Home Office material, procedures or policy. The IAGCI may be contacted at:

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Information about the IAGCI's work and a list of the documents which have been reviewed by the IAGCI can be found on the Independent Chief Inspector's pages of the [gov.uk website](#).

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# Assessment

Updated: 11 November 2020

## 1. Introduction

### 1.1 Basis of claim

- 1.1.1 Fear of persecution or serious harm by the state and/or non-state actors due to the person's actual or perceived sexual orientation and/or gender identity or expression.

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### 1.2 Points to note

- 1.2.1 This note provides an assessment of the general situation for gay men, lesbians, bisexuals, trans and intersex (LGBTI) persons, as well as those perceived as such. They are referred hereafter collectively as 'LGBTI persons', although the experiences of each group may differ.
- 1.2.2 For general guidance on considering claims LGBTI persons, decision makers should refer to the Asylum Instructions on [Sexual orientation in asylum claims](#) and [Gender identity issues in the asylum claim](#).

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## 2. Consideration of issues

### 2.1 Credibility

- 2.1.1 For information on assessing credibility, see the instruction on [Assessing Credibility and Refugee Status](#), the [Asylum Instruction on Sexual identity issues in the asylum claim](#) and [Gender identity issues in the asylum claim](#).
- 2.1.2 Decision makers must also check if there has been a previous application for a UK visa or another form of leave. Asylum applications matched to visas should be investigated prior to the asylum interview (see the [Asylum Instruction on Visa Matches, Asylum Claims from UK Visa Applicants](#)).
- 2.1.3 Decision makers should also consider the need to conduct language analysis testing (see the [Asylum Instruction on Language Analysis](#)).

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### 2.2 Exclusion

- 2.2.1 Decision makers must consider whether there are serious reasons for considering whether one (or more) of the exclusion clauses is applicable. Each case must be considered on its individual facts and merits.
- 2.2.2 If the person is excluded from the Refugee Convention, they will also be excluded from a grant of humanitarian protection.
- 2.2.3 For further guidance on the exclusion clauses and restricted leave, see the Asylum Instructions on [Exclusion under Articles 1F and 33\(2\) of the Refugee Convention](#), [Humanitarian Protection](#) and [Restricted Leave](#).

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## 2.3 Convention reason(s)

- 2.3.1 Actual or imputed membership of a particular social group (PSG).
- 2.3.2 LGBTI persons form a particular social group (PSG) in Russia within the meaning of the Refugee Convention because they share an innate characteristic or a common background that cannot be changed, or share a characteristic or belief that is so fundamental to identity or conscience that a person should not be forced to renounce it and have a distinct identity in Russia because LGBTI persons are perceived as being different by the surrounding society.
- 2.3.3 Although LGBTI persons from Russia form a PSG, establishing such membership is not sufficient to be recognised as a refugee. The question is whether the particular person has a well-founded fear of persecution on account of their membership of such a group.
- 2.3.4 For further guidance on Convention reasons see the instruction on [Assessing Credibility and Refugee Status](#).

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## 2.4 Risk

### a. General points

- 2.4.1 Paragraphs 35 and 82 of the determination of the Supreme Court's ruling in [HJ \(Iran\) and HT \(Cameroon\) v Secretary of State for the Home Department \[2010\] UKSC 31](#), heard 10,11,12 May and promulgated 7 July 2010, has set out the approach to take and established the test that should be applied when assessing a claim based on a person's sexual orientation, which can also be applied to claims based on a person's gender identity / expression.
- 2.4.2 For further information, see the Asylum Instruction on [Sexual identity issues in the asylum claim](#) and [Gender identity issues in the asylum claim](#).
- 2.4.3 This Assessment is divided all the way through into 2 parts in order to address Chechnya and the Russian Federation excluding Chechnya separately. The Russian Federation has a population of 142.7 million (or 141.7 million excluding Chechnya). Chechnya is an autonomous republic within the Russian Federation with a population of approximately 1 million people. It is primarily Muslim.
- 2.4.4 There is no official figure of the size of the LGBTI population in Russia. However, one source commented that the law of averages would suggest that the country is likely to have more than 10 million LGBTI persons (see [Demography](#)).

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### b. State treatment of LGB persons in Russia, excluding Chechnya

- 2.4.5 Same-sex sex is not illegal in Russia. However, gay marriage is and President Putin has vowed to maintain this stance. In July 2020, Russians voted to endorse constitutional changes which defined marriage as the union of a man and a woman, ruling out gay marriage. By law, same-sex couples are not allowed to adopt a child as a couple, but only as individuals, which caused them to fear the removal of their children under the 'gay propaganda'

law. In 2019, a criminal case was launched by the Investigative Committee against child protection services because they had allowed a gay couple to adopt two children. The family left the country and sought asylum abroad (see [Gay marriage](#) and [Parental rights](#)).

- 2.4.6 Although the law generally bans discrimination, it does not specifically prohibit discrimination on the grounds of sexual orientation, gender identity or HIV status, nor does it specifically prohibit discrimination against LGBTI persons in accessing housing, employment or health care. There is no official monitoring of violence and discrimination against LGBTI persons in Russia (see [Relevant law](#) and [Violence and discrimination: prevalence](#)).
- 2.4.7 In June 2013, the Russian Parliament adopted bill 135-FZ, known as the 'gay propaganda law'. This law purports to 'protect children from information that promotes denial of traditional family values' and bans the 'propaganda of non-traditional sexual relations' to minors, with homosexuality, bisexuality and transgender issues all considered 'non-traditional.' The effect of the law has been to limit freedom of expression and assembly for LGBTI persons. It has been used to target peaceful protests, the press, social media, and teachers, for example, and in 2019, the Moscow authorities refused permission for a gay Pride parade for the fourteenth consecutive year, with Moscow Pride having been banned in 2012 for 100 years, although the Queerfest human rights festival took place successfully (see [Federal law number 135-FZ \('Gay propaganda law', Freedom of expression and Freedom of assembly\)](#)).
- 2.4.8 In December 2019, LGBTI activist Yulia Tsvetkova was placed under house arrest on charges of distributing pornography after she published drawings online of same-sex couples with children. In July 2020 she was fined the equivalent of \$1,000 (approximately £784) under the 'gay propaganda' law and she is still awaiting trial on separate charges of 'producing and disseminating pornography,' for which the maximum punishment is 6 years in prison. In 2019, a trans woman was sentenced to 3 years in prison on charges of 'distribution of pornography depicting minors' after she shared nude anime drawings on social media, and because she is legally recognised as male, she will be forced to serve her sentence in a men's prison. In 2018, a 16-year-old was the first minor charged with 'promoting homosexuality' under Russian Federal Law, but following an appeal and a number of hearings, his fine was retracted on the grounds of insufficient evidence; it was noted that it is very rare for the courts to acquit those accused of 'gay propaganda.' There are also reports of the arrest or forceful dispersal of persons attending LGBTI protests and rallies (see [Arrests and detentions](#) and [Charges, Court judgments, sentencing: of LGBT persons](#)).
- 2.4.9 Although the constitution forbids torture, there were reports – not specifically relating to the treatment of LGBT persons – that law enforcement personnel used violence and torture to extract confessions, and were only occasionally held accountable for such abuses. The use of torture by police officers was reported to be systemic and usually occurred within the first few days of arrest in pre-trial detention facilities. Both human rights groups and former police officers reported on the use of torture and it was noted that the problem was particularly bad in North Caucasus. According to a poll

released in mid-2019, one in 10 Russian citizens considered that they had been subjected to torture by law enforcement bodies (see [Treatment in detention](#)).

- 2.4.10 Politicians use homophobic hate speech, which encourages stigma and intolerance amongst the population (see [Attitudes of government, church and others in authority](#)).

**c. State treatment of trans persons in Russia, excluding Chechnya**

- 2.4.11 It is currently legal for a trans person to undergo gender reassignment surgery and to be issued with a new birth certificate indicating the new gender. However, at the time of writing this report, Russia has a new draft law which would make it difficult for a person to change their gender on their identity documents, although medical changes would still be allowed (see [Relevant law](#)).

- 2.4.12 Politicians also use transphobic hate speech, which encourages stigma and intolerance amongst the population (see [Attitudes of government, church and others in authority](#)).

- 2.4.13 Trans persons faced obstacles in updating their government documents to reflect their gender identity as there was no established procedure for doing so and many civil registry offices denied their requests, which led to difficulties in accessing health care, education, housing, transport and employment. However, in 2019, two new medical commissions were set up with authority to issue medical certificates for those wishing to change their gender (see [Documentation](#)).

**d. State treatment of intersex persons in Russia, excluding Chechnya**

- 2.4.14 There is no mention of intersex conditions in law, but the Ministry of Health has issued Orders concerning medical care for intersex persons (see [Relevant law](#) and [Intersex persons](#)).

**e. State treatment of LGBTI groups in Russia, excluding Chechnya**

- 2.4.15 In 2012, the authorities introduced a requirement for groups to register with the Ministry of Justice as 'foreign agents' if they receive even a small amount of funding from any foreign sources and engage in 'political activity,' which is defined broadly and covers all aspects of advocacy and human rights work. This legislation has been used to fine, restrict and discredit several LGBTI organisations. There have also been cases of the authorities refusing to register some organisations. In 2019, the police raided an LGBTI community centre and accused the group of 'gay propaganda;' however, the courts refused to process the case (see [SOGI organisations: state action and registration](#)).

- 2.4.16 In general, the discrimination faced by LGBTI persons by the state does not, by its nature or repetition, amount to a real risk of persecution and/or serious harm. However, LGBTI activists may be at increased risk of adverse treatment by the state. Each case must be considered on its facts with the onus on the person to show that the levels of discrimination they will face would amount to a real risk of persecution and/or serious harm.

- 2.4.17 For further guidance on assessing risk, see the instruction on [Assessing Credibility and Refugee Status](#).

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f. State treatment of LGB persons in Chechnya

- 2.4.18 Starting in December 2016, security officials detained dozens of men on suspicion of being gay and held them in unofficial detention facilities for days, during which time they were tortured by police officers, military personnel and members of Rosgvardia, a paramilitary force of federal Russia. The first 'wave' of these detentions occurred from December 2016 to February 2017, the second wave lasted from March to May 2017, with a third wave commencing but largely stopped because of international condemnation. There have since been further cases, with a further round of detentions of men assumed to be gay or bisexual in December 2018 and January 2019, when an estimated 20 to 40 men were detained. It is thought that 50 LGBTI people were detained in 2019, this time including women also, and that at least 2 gay men died in custody after being tortured in 2019 (see [Events from 2017 on](#)).
- 2.4.19 Police have searched the mobile 'phones of men they have captured and tortured them into revealing the identities of other gay men and they, too, have been detained. Some gay or bisexual men left Chechnya for fear that they would be identified in this way (see [Events from 2017 on](#)).
- 2.4.20 Overall, there is evidence that at least 3 gay men have been killed since waves of detentions commenced in 2016, but this figure is thought to be higher. Some men have been forcibly disappeared and the fate of many is unknown due to the stigma attached to being gay and the shame, and resulting silence, of victims and their families (see [Events from 2017 on](#)).
- 2.4.21 When detainees were released, representatives of the Chechen authorities visited their families, told them that their relative was gay and encouraged them to carry out 'honour' killings, reassuring them that they would not be tried for such crimes. Victims were required to pay ransoms for their release, and their families were also required to pay to ensure that the sexuality of their relative, and the reason for their incarceration, would not be made known. Victims were told that they must not leave Chechnya, and that random checks on their whereabouts would be carried out. They were threatened with being accused of as-yet unsolved crimes if they left the country and in some cases, the authorities have taken their passports. Following their release, some former detainees were killed by their families, and others left Chechnya; however, there is still a risk that both Chechen authorities and family members will pursue them in Russian territory. Some families have tried to assist gay relatives to keep them safe, but they risk persecution themselves in doing so (see [Events from 2017 on](#) and [Release from detention](#)).
- 2.4.22 Some families of known LGBTI individuals have faced difficulties. Brothers and sisters of a man known to be gay would find it hard to find a marriage partner, as the family would be viewed as tainted. In some cases, brothers, spouses and children of 'outed' gay or bisexual men have been persecuted by the authorities. Spouses and children are particularly vulnerable in such

cases, as the head of the family and social status is lost and cannot be reinstated. They suffer an enduring stigma. The families of gay men who have fled Chechnya, and who refuse to force their relatives to return at the request of other family members or the authorities, can also be at risk of threats and harassment (see [Social norms and family members](#)).

#### g. State treatment of trans persons in Chechnya

- 2.4.23 There are few personal accounts of the experiences of lesbian, bisexual and transgender women in Chechnya because they are at a greater risk of violence than men. They should be treated in line with LGB persons (see [Chechnya: Lesbians](#)).

#### h. State treatment of intersex persons in Chechnya

- 2.4.24 There is little information available specifically about the position of intersex persons in Chechnya, but they should be treated in line with LGB persons.
- 2.4.25 In general, LGBTI persons are not open about their sexual orientation, gender identity or gender expression due to the risk of detention, torture and harassment by the authorities. LGBTI persons whose sexual orientation or gender identity is discovered by the authorities are at risk of treatment by the state which amounts to persecution (see [Events from 2017 on](#)).
- 2.4.26 Family members of LGBTI persons whose sexual orientation or gender identity or expression is known are likely to face stigma and may be at risk of threats and harassment by the authorities (see [Social norms and family members](#)).
- 2.4.27 If a person does not openly express their sexual orientation or gender identity and expression, consideration must be given to why this is the case.
- 2.4.28 Each case must be considered according to its own facts. The onus is on the person to demonstrate that they would be at real risk on return.
- 2.4.29 For further guidance on assessing risk, see the instruction on [Assessing Credibility and Refugee Status](#).

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#### i. Societal treatment: Russia, excluding Chechnya

- 2.4.30 Although stigma and discrimination remain, Russian society appears to have become less homophobic over the last decade. Although published polls offer differing perspectives, there is some evidence that the 'gay propaganda law' promoted by the government may have made Russian society more sympathetic to gay people by highlighting gay issues. In a 2018 poll, half of Russians aged 18 to 28 stated that they refused to recognise that there was such a thing as gay propaganda, which was more than twice the percentage in the population as a whole (see [Social norms](#)).
- 2.4.31 In 2019, known violence against LGBTI persons was worse than in the previous year, with 1 person killed and 7 injured and beaten; however, data is limited as there are no official statistics collected of violence against LGBTI persons. At the end of 2019/beginning of 2020, nearly 7,000 LGBTI people from across Russia responded to a questionnaire which indicated levels of violence experienced; it should be noted that 2.3% of responses

came from the North Caucasus, which includes Chechnya. The data indicated that 11.6% had experienced physical violence once or more than once, 4% had experienced sexual violence and 56.2% had experienced what the report termed 'mental violence,' which is taken to mean emotional/psychological abuse. Transgender people were the group most likely to experience all 3 types of violence, with trans women particularly vulnerable. 738 respondents had experienced damage to their property. The Russian LGBT Network carried out a monitoring programme in 2016 to 2017, when they recorded 366 cases of discrimination and violence towards LGBTI persons in Russia during this time period; this included 104 cases of physical violence and 11 murders, 5 of which were committed in Chechnya. The Network noted that the true number of cases of violence was likely to be much higher than these numbers suggest, as not everyone would be aware of the monitoring project or willing to talk about their experiences. COVID-19 increased the risk of domestic violence against LGBT persons due to confinement at home (see [Violence and discrimination: prevalence and Lesbians](#)).

- 2.4.32 In 2019, LGBTI victims of violence were primarily those participating in LGBTI events. LGBTI activists also regularly received threats, such as via the 'Saw' website, which published a list of LGBTI persons, encouraging readers to kill them. Yelena Grigoryeva, an LGBTI activist in St Petersburg, was killed after her name was published on the website. It is not clear whether her death was linked to the website, but she had been threatened frequently for her activism. In St Petersburg, Moscow and other regions of Russia, homophobic and criminal groups have lured gay men to 'set-up' dates in order to beat and rob them (see [Violence and discrimination: further information](#)).
- 2.4.33 Data concerning violent incidents per 1,000 persons indicate that towns/villages with a population smaller than 10,000 persons are the most dangerous places for LGBTI people to live. Moscow and St Petersburg are the safest (see [Social norms](#)).
- 2.4.34 There were reports that Chechen trans persons living in Moscow were harassed by fellow Chechens also living there. There were also reports of trans people being physically attacked after being tracked down by family members still in Chechnya (see [Transgender persons](#)).
- 2.4.35 State-controlled media and religious leaders use homo/transphobic hate speech, which encourages stigma and intolerance amongst the population (see [Attitudes of government, church and others in authority](#)).
- 2.4.36 The questionnaire referred to above, which was completed at the end of 2019/beginning of 2020 by almost 7,000 people from across Russia, indicated that the most common type of discrimination experienced by LGBTI persons related to the illegal accessing of their personal data. 29% of trans women and 24.4% of trans men experienced this problem, which compared with 9.8% of cis men and 5.8% of cis women (see [Personal data](#)).
- 2.4.37 Young LGBTI people reported feelings of intense isolation and fear of revealing their sexual orientation and gender identity, coupled with difficulty in accessing helpful and accurate information/support services or mental

health services, as both have been impacted by the 'gay propaganda' law. The questionnaire completed by nearly 7,000 people aged mainly below 25 at the end of 2019/early 2020 showed that most respondents are open about their sexual orientation/gender identity with their friends but hide it from their families, indicating that the family is felt to be an unsafe environment. While some young people reported support from their teachers, many others stated that teachers viewed homosexuality as a perversion and said that they had been on the receiving end of abuse. There were also mixed reports of behaviour from fellow students, with some reports of fellow students being supportive, and others of harassment and bullying. While universities and colleges were more accepting environments in some cases, the Ural State University of Economics in Yekaterinburg monitored students' social media accounts in order to ensure that they showed proper 'moral character;' one student was threatened with expulsion because his social media accounts showed sympathy for LGBTI issues (see [LGBT youth](#) and [Education](#)).

- 2.4.38 There is evidence of employment discrimination based on sexual orientation or gender identity, with employers firing employees on these grounds and on grounds of LGBTI activism. Discrimination was particularly acute in public employment and education. Activists stated that the majority of LGBTI persons hid their sexual orientation or gender identity due to a fear of losing their jobs, as well as due to the fear of violence. The questionnaire which was completed by nearly 7,000 people from across Russia at the end of 2019/beginning of 2020 found that 0.31% of respondents were dismissed from their employment, 0.85% were forced to resign, 1% were denied employment and 10.5% had to provide incomplete information about themselves in order to be employed; in other words, they felt they must hide their sexual orientation or gender identity or aspects of it. About 1.69% of trans women, 0.42% of trans men, 0.12% of cis women and 0.77% of cis men were dismissed. Research carried out in March 2018 found that 17% of LGBTI people in Russia have had problems with their employer or their colleagues due to their sexual orientation or gender identity. An activist named Timur Bulatov boasted in 2016 that 65 teachers had lost their jobs after he identified them as LGBTI and demanded their dismissal on the grounds of protecting children from 'gay propaganda.' There are very few legal cases concerning employment discrimination on the grounds of sexual orientation and gender identity, with some courts disregarding allegations of discrimination on these grounds, yet there was an unusual case in 2019 when a court in St Petersburg ruled that a transgender woman had been dismissed from her job illegally and her employer was ordered to reinstate her (see [Employment](#)).
- 2.4.39 Activists stated that LGBTI persons hid their sexual orientation or gender identity for fear of losing their homes. In October 2015, it was reported that 15% of the 1,346 LGBTI persons questioned had experienced discrimination in the area of housing (see [Employment](#) and [Accommodation](#)).
- 2.4.40 The Code of Professional Ethics for doctors states that a doctor will not allow sexual orientation to prevent him from caring for a patient and the Russian Psychological Society's Code of Ethics states that psychologists will respect differences, including sexual orientation. In addition, the Russian Ministry of Health and Social Development issued guidelines in 2006 which stated that

there must be a 'regime of tolerance' for gay men when providing treatment to prevent the spread of HIV. However, there were reports that doctors limited or denied health care to LGBTI persons, displayed strong negative reactions and assumed that they were mentally ill. Gay men were unlikely to seek antiretroviral treatment and sex workers were reluctant to seek treatment as both groups were afraid to make themselves known due to threats from law enforcement. Psychologists reported that the 'gay propaganda' law made it very difficult for them to provide treatment to LGBTI persons as they could not speak candidly and were afraid of violating the law; the harm done to young people, who were unable to access the help and support they needed, was particularly noted. Patients stated that it could be difficult to find mental health care because therapists attributed their symptoms to their sexual orientation or gender identity and tried to focus on changing it. The questionnaire completed by nearly 7,000 people from across Russia at the end of 2019/beginning of 2020 found that discrimination related to healthcare was experienced by 24% of transgender women, 15.3% of transgender men, 5% of cis men and 2.9% of cis women (see [Healthcare: general](#), [Healthcare: mental health](#) and [LGBT youth](#)).

- 2.4.41 When a same-sex couple had their marriage recognised through a legal loophole, they were forced to leave Russia after being threatened by anti-LGBTI activists (see [Gay marriage](#)).
- 2.4.42 The questionnaire which was completed by nearly 7,000 Russians from across the country at the end of 2019/beginning of 2020 revealed that 12.1% of respondents completely hide their sexual orientation or gender identity. 81.5% are open with their friends but only 11.6% are open with their family. The figures are lower for the North Caucasus Federal District. There is an underground LGBTI scene in Russia, primarily in Moscow and St Petersburg (see [Openness about sexual orientation/gender identity](#), [Societal treatment: Chechnya](#) and [LGBT community](#)).
- 2.4.43 In general, LGBTI activists or LGBTI persons participating in events and rallies are more likely to be victims of societal violence than LGBTI persons who do not participate. Statistically, LGBTI persons living in towns with populations smaller than 10,000 are more likely to encounter violence than those living in Moscow or St Petersburg. The most common form of discrimination experienced by LGBTI persons was the illegal accessing of their data. It is unlikely that the level of societal discrimination would be sufficiently serious, by its nature or repetition, as to amount to serious harm or persecution, but each case must be assessed on its individual facts, with the onus on the person to demonstrate that they are at risk.
- 2.4.44 There were reports that the majority of LGBTI persons hide their sexual orientation or gender identity or expression due to a fear of losing their jobs or their homes, as well as a fear of violence. If a person does not openly express their sexual orientation or gender identity and expression, consideration must be given to the reasons for this.
- 2.4.45 For further guidance on assessing risk, see the instruction on [Assessing Credibility and Refugee Status](#).

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j. Societal treatment: Chechnya

- 2.4.46 Chechen society is intensely homophobic. Having a gay relative is seen as a cause of shame for an entire 'teip' or kinship group. There are cases of families carrying out 'honour' killings of gay relatives in order to 'cleanse' the family group. Many gay people marry and keep their sexuality to themselves, never telling anyone else at all, so as not to cause trouble for their families. If they meet with other gay persons, conversations and meetings are carried out with extreme secrecy. A questionnaire which was completed by nearly 7,000 citizens from across Russia at the end of 2019/beginning of 2020 indicated that the North Caucasus Federal District, which includes Chechnya, was the area where LGBTI persons were least likely to disclose their sexual orientation or gender identity, with 19.8% choosing not to disclose their identity at all and just 6.6% disclosing their identity to family members (see [Social norms and family members](#) and [Openness about sexual orientation/gender identity](#)).
- 2.4.47 Women are generally treated less favourably than men in Chechen society, and lesbians therefore deal with particular vulnerabilities. There are few personal accounts of the experiences of lesbian, bisexual and transgender women in Chechnya because they are at a greater risk of violence than men. Some lesbians have been detained and tortured; the detention of lesbian women began in 2018. Male relatives are particularly likely to inflict violence on them. Families have been known to withhold the documents or commit 'honour' killings of lesbian women as they are considered to have brought shame on their families. By May 2019, 12 women had contacted the Russian LGBTI Network, asking for help, but the Network finds it particularly difficult to keep track of detained women. The women who had been in touch reported threats and violence from their families and visits from the police between 2017 and 2018. Some of these women have been evacuated from Chechnya (see [Lesbians](#)).
- 2.4.48 When LGBTI persons are released from detention, some have been killed by their families, and others have left Chechnya; however, there is still a risk that both Chechen authorities and family members will pursue them in Russian territory. Some families have tried to assist gay relatives to keep them safe, but they risk persecution themselves in doing so. There are reports that the families of transgender persons who have left Chechnya to live elsewhere are harassed (see [Events from 2017 on](#), [Release from detention](#) and [Transgender persons](#)).
- 2.4.49 At the end of 2019/beginning of 2020, nearly 7,000 LGBTI people from across Russia responded to a questionnaire. The results from North Caucasus Federal District revealed a higher percentage of physical violence (17.8%), sexual violence (8%) and mental violence (59%) than in the rest of Russia. The Russian LGBTI Network carried out a monitoring programme in 2016 to 2017, when they recorded 366 cases of discrimination and violence towards LGBTI persons in Russia during this time period; this included 104 cases of physical violence and 11 murders, 5 of which were committed in Chechnya. The Network noted that the true number of cases of violence would be much higher than these numbers suggest, as not everyone would be aware of the monitoring project or willing to talk about their experiences.

COVID-19 increased the risk of domestic violence against LGBT persons due to confinement at home (see [Violence and discrimination: prevalence and Lesbians](#)).

- 2.4.50 In May 2019, a female LGBTI activist was threatened when 7 men burst into her apartment in St Petersburg and threatened to kill her. They initially stated that they were police officers, but later claimed that they had come to avenge the family of a lesbian woman who had fled Chechnya. Several LGBTI activists have been threatened but there have been no effective investigations of such crimes (see [Events from 2017 on](#)).
- 2.4.51 In general, LGBTI persons are not open about their sexual orientation, gender identity or gender expression due to the stigma attached and the resulting fear of bringing shame on their family and of retribution, including 'honour' killing, from their family. Lesbian, bisexual and trans women are particularly vulnerable due to the unfavourable treatment of women in society in general, and may be at risk of violence from male relatives if their sexual orientation or gender identity or expression is discovered. LGBTI persons are therefore likely to be at risk of treatment which amounts to persecution (see [Events from 2017 on](#) and [Lesbians](#)).
- 2.4.52 LGBTI activists are at risk of harassment and threats and crimes are not effectively investigated (see [Events from 2017 on](#)).
- 2.4.53 If a person does not openly express their sexual orientation or gender identity and expression, consideration must be given to the reasons for this.
- 2.4.54 Each case must be considered according to its own facts. The onus is on the person to demonstrate that they would be at real risk on return.
- 2.4.55 For further guidance on assessing risk, see the instruction on [Assessing Credibility and Refugee Status](#).

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## 2.5 Protection

### a. General approach for Russia and Chechnya

- 2.5.1 Where the person has a well-founded fear of persecution from the state, they are unlikely to be able to avail themselves of the protection of the authorities.
- 2.5.2 Where the person has a well-founded fear of persecution from non-state actors, including 'rogue' state actors, decision makers must assess whether the state can provide effective protection.

### b. Russia, excluding Chechnya

- 2.5.3 Government agents attacked, harassed and threatened LGBTI activists. There were reports that the authorities failed to protect LGBTI performers and audiences from physical attacks at gay cultural events, although Queerfest reported that they had received no impediments from the authorities for the last four years, which was in contrast to the first seven years of the festival's existence. Police were frequently inadequate in their response to societal attacks on openly gay persons, being often unwilling to investigate effectively or acknowledge homophobia as a motive in such attacks. There were also indications that the police did not respond

appropriately when gay people were threatened on the grounds of their sexual orientation. For example, the website ‘Saw’ targeted gay people and encouraged their killing, but the police stated that they had examined the website and found no evidence of a crime. Yelena Grigoryeva, an LGBTI activist whose name appeared on the ‘Saw’ website, had reported threats to the police, but they failed to act, and she was eventually killed. When gay men were lured to fake dates, where they were beaten and robbed, the police often claimed to have found no evidence of a crime or failed to recognise the attacks as hate crimes, which impeded investigations and provided impunity for the perpetrators. LGBTI persons often chose not to report attacks due to fear of the police ‘outing’ them or mistreating them. There were reports of police mistreatment of transgender and intersex persons, including physical examinations. The personal information of an intersex person was published on social networks, with threats against her, following her arrest by police. Her landlord was visited by plainclothes officers, who pressured him to evict her from her apartment, and he did so (see [State and police treatment](#) and [Violence and discrimination: prevalence](#)).

- 2.5.4 The results of a questionnaire which was completed by nearly 7,000 Russians at the end of 2019/beginning of 2020 indicated that 3.5% of trans men and 3% of trans women were illegally arrested once or more than once; this compared with 2.8% of cis men and 1.7% of cis women. In the North Caucasus Federal District, which includes Chechnya, 5.2% of respondents had been unlawfully detained, while the general sample showed that 2.2% had experienced illegal detention. The results of the same questionnaire indicated that 73.3% of LGBTI Russians did not fully or partially trust the police. Of the 219 respondents who reported violence and discrimination based on their sexual orientation or gender identity to the police, more than half experienced difficulties; in 56 cases, the report was not accepted at all, 47 reports were neither reviewed nor investigated, and 14 reports required additional efforts. The Russian LGBT Network, which offers legal aid to LGBTI persons, reported that only 8 of the 64 cases of violence against LGBTI persons which it received in 2018 were investigated by the police (see [State and police treatment: attitudes and experiences of LGBT community](#)).
- 2.5.5 Maxim Lapunov, a gay Russian man who stated that he was detained and tortured by the police in Chechnya, has filed a complaint with the European Court of Human Rights after Russian investigators refused to open a criminal case (see [Judiciary](#)).
- 2.5.6 Although the Criminal Code allows for the imposition of higher sentences for the prosecution of hate-motivated violence against LGBTI persons, there have been a limited number of criminal cases where a motive of hate has been recognised. Article 63 of the Criminal Code details 16 different types of aggravating circumstances, but as of March 2019, Article 63 did not appear to have ever been applied to cases involving LGBTI persons. However, there have been cases of prison sentences being imposed on perpetrators of violence against LGBTI people. The number of sentences for crimes against LGBTI persons increased from 18 in 2010 to 65 in 2015; most victims were

gay men (see [Charges, Court judgments, sentencing: for attacks on LGBT persons](#)).

- 2.5.7 In 2019, there were a few cases of the authorities in Yekaterinburg imposing fines of 70 EUR (approximately £64) on people who posted homophobic comments on a social media website; these are the first times that hate speech has been penalised. On other occasions, the police have stated that LGBTI persons do not form a 'social group' and therefore are not protected under hate speech law. In 2018, the LGBTI group 'Coming Out' brought several people to trial for luring men to 'set-up' dates; one perpetrator received the maximum sentence of 5.5 years' imprisonment, but the motive of hatred was not taken into account (see [Hate speech](#) and [Violence and discrimination: further information](#)).
- 2.5.8 There is one shelter for LGBTI persons, which is situated in Moscow and opened in April 2017 to house gay men fleeing Chechnya. From October 2017, the shelter was opened to other LGBTI persons who were homeless or vulnerable. It can take up to 14 people at any one time who may stay for 6 weeks. Residents include people who are transitioning and people who have been rejected by their families, lost jobs or been attacked (see [SOGI organisations: individual groups](#)).
- 2.5.9 In general, the state appears able but not always willing to offer effective protection. Decision makers need to consider each case on its facts, taking full account of the particular circumstances and profile of the person and any past persecution. The onus is on the person to demonstrate why they would not be able to seek and obtain state protection.
- 2.5.10 For further guidance on assessing the availability of state protection, see the instruction on [Assessing Credibility and Refugee Status](#).

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### c. Chechnya

- 2.5.11 A leading LGBTI rights group, Russian LGBT Network, opened a special hotline for those in immediate danger in Chechnya, and by May 2017 they had assisted with the evacuation of 40 people from Chechnya. They accommodated evacuees in safe houses in central Russia and provided medical care for injuries sustained during torture. The Russian LGBT Network reported that, as of 1 April 2019, more than 150 LGBTI persons had left Chechnya due to the detention of gay persons, and the majority had left Russia altogether (see [Events from 2017 on](#)).
- 2.5.12 Videos of the torture of suspected LGBTI persons held in detention were sent to the spokesperson of the Chechen Parliament. Nevertheless, Chechen authorities denied that gay people existed in Chechnya, made indirect suggestions that families commit 'honour' killings of gay individuals, and made serious threats against the Russian newspaper, Novaya Gazeta, for reporting on these events (see [Events from 2017 on](#)).
- 2.5.13 Chechnya is an autonomous republic within the Russian federation but the federal authorities appear to have taken no effective action to address events in Chechnya. In May 2017, President Putin's spokesman stated that

he had no information about these events and advised people to complain to the Chechen authorities (see [Events from 2017 on](#)).

- 2.5.14 There is no evidence of those responsible having been brought to justice, which has created a climate of impunity. The authorities did not respond to a request made by the OSCE in 2019 for a full investigation (see [Events from 2017 on](#)).
- 2.5.15 The Chechen authorities are able but not generally willing to provide protection to LGBTI persons. In general, it will not be possible for the person to avail themselves of protection from either the Chechen authorities or the Russian federal authorities. However, each case must be considered on its facts.
- 2.5.16 For further guidance on assessing the availability of state protection, see the AI on [Assessing Credibility and Refugee Status](#).

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## 2.6 Internal relocation

### a. General approach for Russia and Chechnya

- 2.6.1 Where the person has a well-founded fear of persecution from the state, they are unlikely to be able to relocate to escape that risk.
- 2.6.2 Where the person has a well-founded fear of persecution from non-state actors, including 'rogue' state actors, decision makers must determine whether the person could relocate internally to a place where they would not face a real risk of persecution or serious harm and where they can reasonably be expected to stay.
- 2.6.3 Internal relocation will not be an option if it depends on the person concealing their sexual orientation and/or gender identity in the proposed new location for fear of persecution.

### b. Russia, excluding Chechnya

- 2.6.4 Russian citizens have the right to choose where they wish to live. LGBTI persons are generally able to live openly in cities, although they may experience harassment. In general, relocation to a large city, particularly St Petersburg or Moscow, is a possibility, although every case must be considered on its individual facts.

### c. Chechnya

- 2.6.5 Internal relocation within Chechnya is unlikely to be an option. Former detainees are told not to flee Chechnya and told that their location could be checked by law enforcement. There are reports that both family members and Chechen authorities have pursued LGBTI relatives who have moved to other parts of Russia; lesbians and trans women may be at particular risk of being tracked down by relatives. Some detainees are forced to sign false confessions of crimes, which makes a subsequent departure from Chechnya more difficult (see [Release from detention](#), [Lesbians](#) and [Transgender persons](#)).
- 2.6.6 For further guidance on internal relocation see the instruction on [Assessing Credibility and Refugee Status](#).

- 2.6.7 Decision makers must also refer to the AI's on [Sexual identity issues in the asylum claim](#) and [Gender identity issues in the asylum claim](#).

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## 2.7 Certification

- 2.7.1 Where a claim is refused, it is unlikely to be certifiable as 'clearly unfounded' under section 94 of the Nationality, Immigration and Asylum Act 2002.
- 2.7.2 For further guidance on certification, see [Certification of Protection and Human Rights claims under section 94 of the Nationality, Immigration and Asylum Act 2002 \(clearly unfounded claims\)](#).

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# Country information

Section 3 updated: 23 September 2020

## 3. Glossary of terms

- 3.1.1 Stonewall published a glossary of terms (undated), some of which are used in this report:

‘Cisgender or cis

‘Someone whose gender identity is the same as the sex they were assigned at birth. Non-trans is also used by some people. [...]

‘Pan

‘Refers to a person whose romantic and/or sexual attraction towards others is not limited by sex or gender. [...]

‘Queer

Queer is a term used by those wanting to reject specific labels of romantic orientation, sexual orientation and/or gender identity. It can also be a way of rejecting the perceived norms of the LGBT community (racism, sizeism, ableism etc). Although some LGBT people view the word as a slur, it was reclaimed in the late 80s by the queer community who have embraced it. [...]

‘Trans

‘An umbrella term to describe people whose gender is not the same as, or does not sit comfortably with, the sex they were assigned at birth.

Trans people may describe themselves using one or more of a wide variety of terms, including (but not limited to) transgender, transsexual, gender-queer (GQ), gender-fluid, non-binary, gender-variant, crossdresser, genderless, agender, nongender, third gender, bi-gender, trans man, trans woman, trans masculine, trans feminine and neutrois.’<sup>1</sup>

- 3.1.2 For further definitions of terms related to the LGBT community, see Stonewall’s [Glossary of terms](#).

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Section 4 updated: 23 September 2020

## 4. Legal context

### 4.1 Relevant law

- 4.1.1 Homosexuality is not illegal in Russia<sup>2</sup>. Human Rights Watch released a report entitled ‘No support’ in December 2018 which stated: ‘Same-sex relations between men were decriminalized in 1993, two years after the breakup of the Soviet Union, and in 1999 the Russian Ministry of Health recognized the standards of the International Classification of Diseases (ICD), which had been revised in 1990 to remove a diagnosis for

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<sup>1</sup> Stonewall, [‘Glossary of terms’](#), no date

<sup>2</sup> FCDO, [Foreign travel advice: Russia](#), Local laws and customs, no date

homosexuality.’<sup>3</sup>

4.1.2 Gay marriage is illegal<sup>4</sup>.

4.1.3 In July 2020, Meduza, an online newspaper based in Latvia, noted that it is currently legal for a transgender person to have gender reassignment surgery. A transgender person can be issued with a new birth certificate which indicates the new gender; this can then be used to apply for a new passport and other identity documents. However, at the time of writing this report, Russia has a new draft law which would make it difficult for a person to change their gender on their identity documents, although medical changes would still be allowed<sup>5</sup>.

4.1.4 The Constitution of the Russian Federation stated:

‘Article 29.

1. Everyone shall be guaranteed the freedom of ideas and speech.
2. The propaganda or agitation instigating social, racial, national or religious hatred and strife shall not be allowed. The propaganda of social, racial, national, religious or linguistic supremacy shall be banned.’<sup>6</sup>

4.1.5 The Criminal Code of the Russian Federation of 1996, with many subsequent amendments and additions, noted:

‘Article 63. Circumstances Aggravating Punishment

1. The following circumstances shall be deemed to be aggravating circumstances

‘[...] f) commission of a crime by reason of political, ideological, racial, national or religious hatred or enmity or by reason of hatred or enmity with respect to some social group.’<sup>7</sup>

4.1.6 The Criminal Code of the Russian Federation further stated:

‘Article 282. Incitement of Hatred or Enmity, as Well as Abasement of Human Dignity

1. ‘Actions aimed at the incitement of hatred or enmity, as well as abasement of dignity of a person or a group of persons on the basis of sex, race, nationality, language, origin, attitude to religion, as well as affiliation to any social group, if these acts have been committed in public or with the use of mass media, shall be punishable with a fine in the amount of 100 thousand to 300 thousand roubles, or in the amount of a wage/salary or any other income of the convicted person for a period of one to two years, or with deprivation of the right to hold specified offices or to engage in specified activities for a term of up to three years, or with obligatory labour for a term of up to 360 hours, or with corrective labour for a term of up to one year, or with compulsory labour for a term of up to two years, or with deprivation of liberty for

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<sup>3</sup> HRW, ‘[No support](#)’, 11 December 2018

<sup>4</sup> The American Spectator, ‘[Russia changes constitution to ban gay marriage](#)’, 14 July 2020

<sup>5</sup> Meduza, ‘[Russia has a new draft law with major consequences \[...\]](#)’, 17 July 2020

<sup>6</sup> Russian Government, [Chapter 2. Rights and Freedoms of Man and Citizen](#), adopted 1993

<sup>7</sup> WIPO, ‘[Criminal Code of the Russian Federation](#)’, updated March 2012

the same term.

2. 'The same deeds committed:

- (a) with the use of violence or with the threat of its use;
- (b) by a person through his official position;
- (c) c) by an organised group, -

'shall be punishable with a fine in the amount of 100 thousand to 500 thousand roubles,

'or in the amount of a wage/salary or any other income of the convicted person for a period of one to three years, or with deprivation of the right to hold specified offices or to engage in specified activities for a term of up to five years, or with obligatory labour for a term of up to 480 hours, or with corrective labour for a term of one to two years, or with compulsory labour for a term of up to five years, or with deprivation of liberty for the same term.'<sup>8</sup>

4.1.7 With reference to Article 282, the European Commission against Racism and Intolerance (ECRI) stated in March 2019: 'Sexual orientation and gender identity are not explicitly mentioned as protected grounds in any of the provisions on hate speech.'<sup>9</sup>

4.1.8 The Criminal Code of the Russian Federation further stated:

'Article 136. Violation of the Equality of Human and Civil Rights and Freedoms Discrimination, that is,

- 1. violation of the rights, freedoms and legitimate interests of man and citizen based on gender, race, nationality, language, origin, property or official status, place or residence, attitude to religion, convictions, or affiliation with public associations or any social groups, made by a person through the use of the official position thereof -
- 2. shall be punishable with a fine in the amount of 100 thousand to 300 thousand roubles, or in the amount of a wage/salary or any other income of the convicted person for a period of one year to two years, or by deprivation of the right to hold specified offices or engage in specified activities for a term of up to five years, or by obligatory labour for a term of up to four hundred and eighty hours, or by corrective labour for a term of up to two years, or by deprivation.'<sup>10</sup>

4.1.9 The United States Department of State's Country Report on Human Rights Practices 2019 (USSD HR Report 2019), published 11 March 2020 and covering the year 2019, stated, 'The law does not prohibit discrimination based on sexual orientation, HIV status, gender identity, or disability. Although the country placed a general ban on discrimination, the government did not effectively enforce the law.'<sup>11</sup>

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<sup>8</sup> WIPO, '[Criminal Code of the Russian Federation](#)', updated March 2012

<sup>9</sup> ECRI, '[The Russian Federation](#)', 5 March 2019

<sup>10</sup> WIPO, '[Criminal Code of the Russian Federation](#)', updated March 2012

<sup>11</sup> USSD, '[HR Report 2019](#)', Russia (Section 7.D), 11 March 2020

- 4.1.10 The same report noted, ‘The law does not prohibit discrimination against LGBTI persons in housing or employment or in access to government services, such as health care.’<sup>12</sup>
- 4.1.11 See [Accommodation](#), [Employment](#) and [Healthcare](#) for further information on these subjects.
- 4.1.12 See [Gay marriage and parental rights](#) for further information on this subject.

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## 4.2 Federal law number 135-FZ (‘Gay propaganda law’)

- 4.2.1 The International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA) Annual State Sponsored Homophobia report, dated March 2019, stated:

‘In June 2013, Russian Parliament adopted the bill 135-FZ meant to “protect children from information that promotes denial of traditional family values.” This piece of legislation amended several federal laws and the Code of Administrative Offences of the Russian Federation with the final purpose to ban from public access something called “propaganda of non-traditional sexual relations”. Most importantly, the bill adds [sic] Article 6.21 to the Administrative Code that establishes responsibility for dissemination of information about “non-traditional sexual relations” punishable by fines (for citizens and officials), fines and suspension of organizational activities (for entities) or fines and deportation (for foreign nationals and stateless persons). This law does not deliver on criminal liability; it is a misdemeanour that has a specific legal procedure and different legal consequences in comparison to criminal law. Substantially, the “propaganda” law is a censorship legislation that limits people’s freedom of expression. It simply prohibits certain information from being part of the commonly accessible domain.’<sup>13</sup>

- 4.2.2 The same report stated, ‘[...] The Supreme Court of the Russian Federation previously clarified that “traditional sexual relations” do not include lesbian experiences, male homosexuality, bisexuality and transgender issues, so these are considered “non-traditional”.’<sup>14</sup>
- 4.2.3 The USSD HR Report 2019 noted: ‘The law criminalizes the distribution of “propaganda” of “nontraditional sexual relations” to minors and effectively limits the rights of free expression and assembly for citizens who wish to advocate publicly for rights or express the opinion that homosexuality is normal. Examples of what the government considered LGBTI propaganda included materials that “directly or indirectly approve of persons who are in nontraditional sexual relationships”.’<sup>15</sup>
- 4.2.4 The ILGA State Sponsored Homophobia report of March 2019 noted some of the consequences of the propaganda law, stating:  
  
‘Studies show that there are more publications about queer sexualities in Russia after adoption of the law than before it. Certainly, some of them are

<sup>12</sup> USSD, [HR Report 2019](#), Russia (Section 6), 11 March 2020

<sup>13</sup> ILGA, [‘State-sponsored homophobia 2019’](#), page 213, March 2019

<sup>14</sup> ILGA, [‘State-sponsored homophobia 2019’](#), page 214, March 2019

<sup>15</sup> USSD, [HR Report 2019](#), Russia (Section 6), 11 March 2020

meant to convince the public that it is in danger of "homosexuality". This is especially so for materials aired on government-controlled media resources. Yet, other publications, on the contrary, try to convey a more LGBTQ-friendly approach and are published in "oppositional" or independent media. Some of these latter types of materials were subjected to administrative litigation, while others are freely available anyway. The thing is that in order to open an administrative case, state agencies have to show that a publication in question was meant for children. Hence, if a sign marked the said publication as intended for an 18+ age audience, then a case cannot be built.<sup>16</sup>

- 4.2.5 For further information about the impact of the 'Gay propaganda law', see [Freedom of expression](#) and [Employment](#).

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### 4.3 Bayev and Others v. Russia

- 4.3.1 Rights in Russia, a charity which reports on human rights in the Russian Federation, reported the following in an article dated June 2017:

'On 20 June 2017 the European Court of Human Rights ruled in the case of [Bayev and Others against Russia](#) that Russian legislation that bans promotion of homosexuality to minors encourages homophobia and discrimination. The Court found violations of Article 10 of the Convention [European Convention of Human Rights] (freedom of expression) and Article 14 (discrimination) in conjunction with Article 10 of the Convention. Three Russian gay rights activists had made the application to the European Court against the 2013 federal law that bans propaganda of homosexuality to minors. The three had been arrested in the years 2009-12 when they had protested against laws enacted in Russian regions which later became the model for the federal statute.'<sup>17</sup>

- 4.3.2 In an undated report, Child Rights International Network (CRIN) noted:

'While online media in Russia and abroad quickly picked up on the ruling, the lasting effects have been more muted. Bartenev half expected the Russian Constitutional Court to review the decision and declare it incompatible with Russia's constitution. Most countries accept European rulings as final, but Russia's Constitutional Court has its own mechanism to overrule and refuse to implement cases the Russian government has lost. For now, it has let the judgment lie, not implementing it and removing the law, but not striking down the European Court's decision either.'<sup>18</sup>

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Section 5 updated: 23 September 2020

## 5. State attitudes and treatment

### 5.1 LGBTI persons in public life

- 5.1.1 In the Annual Review 2020, covering the year 2019, ILGA-Europe noted, 'In September, LGBT rights activist and the first openly gay politician in Russia,

<sup>16</sup> ILGA, ['State-sponsored homophobia 2019'](#), March 2019

<sup>17</sup> Rights in Russia, ['Legal Case of the Week: Bayev and Others \[...\]'](#), 26 June 2017

<sup>18</sup> CRIN, ['RUSSIA: "Gay propaganda" law remains in place \[...\]'](#), no date

Sergey Troshin, was elected a municipal deputy in St. Petersburg.<sup>19</sup>

- 5.1.2 In November 2017, Breitbart noted that ‘The homophobic climate means almost no celebrities have come out.’<sup>20</sup>

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## 5.2 Attitudes of government, church and others in authority

- 5.2.1 In a report published in March 2019, ECRI noted, ‘Significant amounts of racist and homo/transphobic hate speech are expressed by politicians and religious leaders. Anti-LGBT rhetoric has become one of the most common forms of hate speech reflected in expressions declaring homosexuality a disease or a crime, and resulting in stigma and intolerance against the LGBT community inevitably taking root in public attitudes.’<sup>21</sup>

- 5.2.2 Pink News, an online LGBT+ news outlet which aims to inform people of the fundamental rights of the LGBT+ community<sup>22</sup>, reported in June 2017 on a TV interview with President Putin:

‘Putin explains the rationale behind his anti-LGBT policies.

‘He said: “I can tell you this... as head of state today, I believe it’s my duty to uphold traditional values and family values. Why? Because same-sex marriages will not produce any children. God has decided, and we have to care about birth rates in our country. We have to reinforce families. That doesn’t mean that there should be any persecution against anyone.”

‘He also rallied against same-sex adoption, claiming it’s better for children to grow up in a “traditional” family. The Russian leader said: “I cannot say that [gay adoption] is welcomed by our public. I say this frankly. As in my view, children will have a freer choice when they become adults if they grow up in a traditional family.”

‘The leader also repeated his spurious claims that gay people do not face persecution in Russia, claiming the country is “rather liberal”.

‘He said: “there is no situation like in some Muslim countries where homosexuals face death penalty.

““We have no restrictions or harassment based on gender. Moreover, many people explicitly talk about their non-traditional sexual orientation”.’<sup>23</sup>

- 5.2.3 In May 2017, Pink News reported:

‘Patriarch Kiril [head of the Russian Orthodox Church] who is close to President Putin, was in Kyrgyzstan promoting one of his books when he said that “so-called homosexual marriages” were a threat to family values. He added: “When laws are detached from morality, they cease being laws people can accept,” comparing the legislation to the sort enacted in Nazi Germany.

‘[...] He told the audience that “people have revolted against” same-sex

<sup>19</sup> ILGA-Europe, [Annual Review 2020](#), Russia, 4 February 2020

<sup>20</sup> Breitbart, [‘Finding refuge in Russia’s first LGBT shelter’](#), 27 November 2017

<sup>21</sup> ECRI, [‘ECRI Report on the Russian Federation’](#), page 9, 5 March 2019

<sup>22</sup> Pink News, [‘About us’](#), no date

<sup>23</sup> Pink News, [‘Vladimir Putin claims it’s his “duty” to stop gay \[...\]’](#), 14 June 2017

marriage “for the same reason that people rebelled against fascist laws and against apartheid laws.

“The laws break with morality,” he added [...].

‘In 2013, he said same-sex marriage was a sign of the apocalypse, referring to it as “a very dangerous and apocalyptic symptom” that tells him “people are on the path of self-destruction.”

‘Kirill, who has previously described Putin as a “miracle from God,” also signed a joint statement with the Pope last year, speaking out against same-sex marriage.

‘Last year [2016], Kirill blamed gay pride for the rise of so-called Islamic State, speculating that some joined the terrorist group because they were “honest people” joining because of “truly religious grounds”.

‘The Russian Orthodox Church has been a key supporter of Russia’s anti-gay law, and Kirill has maintained the Church’s view that homosexuality is a sin – although he has cautioned against punishing people for their sexuality. In 2009, he told the Council of Europe, a pan-European human rights body: “Those who commit a sin must not be punished”. He added: “We have repeatedly spoken out against discriminating people for their nontraditional sexual orientation.”’<sup>24</sup>

- 5.2.4 Radio Free Europe/Radio Liberty (RFE/RL) reported in November 2019: ‘In September [2019] Russian state media reported that State Duma deputy speaker Pyotr Tolstoi had asked law enforcement officials to look into the videos [that showed children asking representatives of the gay community questions], one of which featured a former porn actress. He called the videos “amoral” and “ethically impermissible”.’<sup>25</sup>
- 5.2.5 Reporting on Russia in April 2019, Child Rights International Network stated: ‘By 2013 [the year the gay propaganda became federal law] the country’s children’s commissioner went so far as to say that protection of the “traditional family” was a matter of national security, and that politicians who opposed this priority should be “cursed for centuries as destroyers of the family and the human race”.’<sup>26</sup>
- 5.2.6 See [Gay marriage](#) for further information on this subject.

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### 5.3 Attitudes in the media

- 5.3.1 The USSD HR Report 2019 stated, ‘A homophobic campaign continued in state-controlled media in which officials, journalists, and others called LGBTI persons “perverts,” “sodomites,” and “abnormal” and conflated homosexuality with pedophilia.’<sup>27</sup>
- 5.3.2 In March 2019, ECRI reported the following:
- ‘Anti-LGBT expressions are very common in the media. It is widely reported

<sup>24</sup> Pink News, ‘[Head of Russian Orthodox Church compares same-sex \[...\]](#)’, 30 May 2017

<sup>25</sup> RFE/RL, ‘[Russia opens criminal case over videos of children \[...\]](#)’, 2 November 2019

<sup>26</sup> Child Rights International Network, ‘["Gay propaganda" law remains in place \[...\]](#)’, 2019

<sup>27</sup> USSD, [HR Report 2019](#), Russia (Section 6), 11 March 2020

that pro-government media paint an image of Russia as a safe haven for traditional values. Messages disseminated include that being gay is a mental disease, and same-sex marriage is akin to marrying your dog. In a documentary broadcast on 2 March 2017 on the private channel REN-TV, the commentator stated that “in the West, they fight for the right to call sick and perverse people healthy”.<sup>28</sup>

#### 5.3.3 The Independent reported in March 2018:

‘A quick search recently for LGBT news on Yandex – the largest Russian search engine – threw up a very depressing list: “Users are outraged by the new LGBT-friendly ad for iPhone”, “Russian actor gets kicked out after supporting LGBT people”, “Berlinale-2018: perverts and russophobes are occupying modern cinema”.

‘A whole stack of news is dedicated to a new online game called “Play for the President: help Putin kill naked men with a rainbow flag”. The game allows you to become “a former KGB agent” and destroy “enemies of the state”, which “naturally” includes the LGBT community, opposition leader Navalny and US President Donald Trump. [...]

‘Meanwhile, Russia is heading for presidential elections beginning 18 March [2018]. Even though on the surface it may seem that LGBT issues are not on the agenda of any of the candidates, including Putin, if you look closer it feels like their stance on LGBT rights remains central to the stability of the Russian government.

‘Evidence to this is an allegedly state funded election video, which went live three weeks ago, urging Russians to go out and vote. In the video, viewers are shown an alternative reality in which the newly elected government openly supports LGBT rights and lets black people serve in its forces. The video intends to scare voters who are doubting whether to vote for the current political setup and might support more liberal thinking candidates.’<sup>29</sup>

#### 5.3.4 See [Attitudes of government, church and others in authority](#) for further information on this subject.

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## 5.4 Gay marriage

### 5.4.1 On 13 February 2020, Reuters reported:

‘President Vladimir Putin said on Thursday Russia would not legalize gay marriage as long as he was in the Kremlin. He made clear he would not allow the traditional notion of mother and father to be subverted by what he called “parent number 1” and “parent number 2”.

“As far as ‘parent number 1’ and ‘parent number 2’ goes, I’ve already spoken publicly about this and I’ll repeat it again: as long as I’m president this will not happen. There will be dad and mum,” Putin said.

‘During his two decades in power, Putin has closely aligned himself with the

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<sup>28</sup> ECRI, [‘The Russian Federation’](#), 5 March 2019

<sup>29</sup> The Independent, [‘It may seem like LGBT rights aren’t important \[...\]’](#), 14 March 2018

Orthodox Church and sought to distance Russia from liberal Western values, including attitudes toward homosexuality and gender fluidity.<sup>'30</sup>

- 5.4.2 On 3 March 2020, the BBC reported: 'Russian President Vladimir Putin wants marriage to be defined as the union of a man and woman in a revised constitution, ruling out gay marriage. It is among several constitutional amendments proposed by Mr Putin, which are set to be put to a public vote.'<sup>31</sup> The vote was held in July 2020<sup>32</sup>. On 3 July 2020, RFE/RL stated, 'Official results of the weeklong vote that ended July 1 showed that 77.92 percent of Russian voters endorsed the constitutional changes, with only 21.26 against.'<sup>33</sup>
- 5.4.3 In June 2020, Pink News reported on a same-sex couple whose marriage received legal recognition through a legal loophole and added: 'This is not the first time a same-sex couple has received legal recognition in Russia. In 2018, Yevgeny Voytsekhovsky and Pavel Stotsko had their marriage, which also took place abroad, recognised through the same legal loophole. However, they were later forced to flee the country after anti-LGBT+ activists threatened them. They later vowed to never return to Russia.'<sup>34</sup>
- 5.4.4 In March 2017, The Equal Rights Trust reported: 'The lack of any legal recognition of same-sex relationships means LGBT+ couples cannot access the significant rights and benefits which married couples are provided by the state. These rights and benefits include access to state housing and financing programmes, the right to be considered as an heir under inheritance laws, and to benefit from certain tax privileges.'<sup>35</sup>
- 5.4.5 In the Annual Review 2020, ILGA-Europe noted, 'In March, the European Commission against Racism and Intolerance (ECRI) published its country report on Russia, calling for legal recognition for same-sex couples.'<sup>36</sup>
- 5.4.6 See [State attitudes and treatment](#) and [Societal attitudes and treatment](#) for further information on these subjects.

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## 5.5 Parental rights

### 5.5.1 The USSD HR Report 2019 noted:

'There were reports that LGBTI persons faced discrimination in the area of parental rights. The law does not allow for same-sex couples to adopt children together, only as individuals. The Russian LGBT Network reported that LGBTI parents often feared that the country's prohibition on the "propaganda of nontraditional sexual orientation" to minors would be used to remove custody of their children. For example, Andrey Vaganov and Yevgeniy Yerofeyev fled the country in August after the Investigative Committee announced that it had opened a criminal negligence case against the officials who had allowed the adoption of their two sons. Although the

<sup>30</sup> Reuters, ["There will be dad and mum:" Putin rules out Russia legalizing \[...\]](#), 13 February 2020

<sup>31</sup> BBC, ["Russia's Putin wants traditional marriage and God in constitution"](#), 3 March 2020

<sup>32</sup> RTVI, ["Vladimir Putin confirms vote on constitutional amendments will be held \[...\]"](#), 1 June 2020

<sup>33</sup> RFE/RL, ["Election Monitors find "unprecedented" levels of fraud \[...\]"](#), 3 July 2020

<sup>34</sup> Pink News, ["Russian authorities "accidentally" recognise queer couple's \[...\]"](#), 23 June 2020

<sup>35</sup> Equal Rights Trust, ["Equality and non-discrimination in Russia \[...\]"](#), 14 March 2017

<sup>36</sup> ILGA-Europe, [Annual Review 2020](#), Russia, 4 February 2020

couple had married in Denmark in 2016, only Vaganov had a legal relationship to the children. A statement on the Investigative Committee's website accused the men of "promoting nontraditional relationships, giving the children distorted perceptions about family values and harming their health and their moral and spiritual development." The state learned that the children were living with two fathers after a doctor treating one of the children reported it to police. The couple told media outlets they had no choice but to leave the country in view of the probability that their children would be removed from their home.<sup>37</sup>

5.5.2 The same report noted, 'There were an increasing number of reports that authorities threatened to remove children from the custody of parents engaged in political activism or some forms of religious worship, or parents who were LGBTI persons.'<sup>38</sup>

5.5.3 In the Annual Review 2020, covering the year 2019, ILGA-Europe reported: 'In a landmark case in April, a court in the Novgorod Region upheld the parental rights of a mother of two boys, in a lawsuit filed by her former spouse. The ex-husband requested the children to be removed from their mother, because the eldest adult son is gay. Upon the appeal of the Commissioner for the Rights of the Child, the Investigative Committee launched a criminal case against child protection services in July for allowing a gay couple to adopt two children. The family sought asylum in the US in August. Because adoption by same-sex couples is not prohibited in Russia, the case is alarming.'<sup>39</sup>

5.5.4 See [Relevant law](#) for information about the legality of gay relationships. See also [Legislation: 135-FZ \(Gay propaganda law\)](#).

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## 5.6 State treatment

5.6.1 The ILGA State Sponsored Homophobia report of March 2019 noted:

'At present, the Russian State acts with violent impunity and concisely illustrates what state sponsored homophobia looks like in the modern era. For those LGBTI citizens who are harassed or purged there is little justice available to them, and there is the ever-present chill-factor that the [sic] anyone could be targeted next. None of the branches of power in Russia have yet attempted to step in and protect these individuals' their [sic] human rights and freedoms that pertain to them intrinsically as human beings. Concurrently, a highly homophobic public feels encouraged by such an official position to further discriminate and even harm people based on their SOGIESC [sexual orientation, gender identity, gender expression and sex characteristics], getting away unpunished.'<sup>40</sup>

5.6.2 The USSD HR Report 2019 stated:

'There were reports government agents attacked, harassed, and threatened LGBTI activists. For example, on June 17 [2019], an LGBTI activist from

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<sup>37</sup> USSD, [HR Report 2019](#), Russia (Section 6), 11 March 2020

<sup>38</sup> USSD, [HR Report 2019](#), Russia (Section 1.F), 11 March 2020

<sup>39</sup> ILGA-Europe, [Annual Review 2020](#), Russia, 4 February 2020

<sup>40</sup> ILGA, ['State-sponsored homophobia 2019'](#), March 2019

Novocherkassk told media outlets that an officer from the Ministry of Internal Affairs' Center for Combating Extremism had surveilled and harassed him in early June and then attacked him on June 14. Doctors diagnosed him with a closed head injury and concussion. When he went to file a police report, the officers allegedly laughed and joked about his situation.'<sup>41</sup>

5.6.3 The report further stated:

'There were reports that authorities failed to protect performers and audiences from physical attacks during cultural events they opposed. For example, in May activists from two progovernment nationalist movements tried to disrupt the annual LGBTI film festival Side-by-Side in Moscow. They blocked the entrance to the venue, shouted homophobic slurs, and threw ammonia on a Canadian diplomat. According to festival organizers, police officers observed all the disruptions but did nothing to intervene. The venue also received multiple bomb threats over the course of the festival, which led police to evacuate the buildings and delay the start of each film screening by several hours.'<sup>42</sup>

5.6.4 The report further noted:

'Openly gay men were particular targets of societal violence, and police often failed to respond adequately to such incidents. For example, according to the Russian LGBT Network, in July [2019] police refused to reopen a criminal case into the 2017 beating of Volgograd teenager, Vlad Pogorelov, because they did not see "hatred and enmity" as the assailants' motive. Instead, they fined each of the attackers 5,000 rubles (\$78). In June 2018 Pogorelov had filed a complaint with the local prosecutor's office against the local police decision to close a criminal investigation into the 2017 attack. Pogorelov, then 17 years old, was lured into a meeting by homophobic persons posing as gay youth on a dating website. They beat and robbed Pogorelov, who filed a police report. Police opened a criminal investigation into the attack but closed it within a month, citing the "low significance" of the attack and informing Pogorelov that police were unable to protect LGBTI persons. According to the Russian LGBT Network, the case was emblematic of authorities' unwillingness to investigate adequately or consider homophobia as a motive in attacks on LGBTI persons.

'There were reports that authorities failed to respond when credible threats of violence were made against LGBTI persons. For example, authorities failed to investigate the appearance of a website in spring 2018 called the Homophobic Game "Saw," which called for acts of violence against specific LGBTI persons and human rights defenders. While the site was blocked several times by Roskomnadzor [The Federal Service for Supervision of Communications, Information Technology, and Mass Media], it would periodically reappear under a new domain name. After the July 23 [2019] killing of LGBTI activist Yelena Grigoryeva, whose name appeared on the "Saw" list, the site was blocked again. Although police arrested a suspect on August 1 [2019] who apparently confessed to the crime, authorities gave no indication of his motive, and human rights defenders believed that

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<sup>41</sup> USSD, [HR Report 2019](#), Russia (Section 6), 11 March 2020

<sup>42</sup> USSD, [HR Report 2019](#), Russia (Section 2.A), 11 March 2020

investigators were pursuing the theory that the killing was unrelated to Grigoryeva's activism for the rights of LGBTI persons. On August 4 [2019], the Ministry of Internal Affairs informed individuals who had filed a complaint about the "Saw" site that, since the site was blocked and inaccessible, they were unable to investigate its contents. On August 14 [2019], the FSB [Federal Security Service] informed the individuals who filed the complaint about the site that they had examined it and found no evidence of a crime.'<sup>43</sup>

5.6.5 The report explained:

'In April 2018 the Russian LGBT Network released a report [which] noted the continuing trend of groups and individuals luring gay men on fake dates to beat, humiliate, and rob them. The report noted that police often claimed to have found no evidence of a crime or refused to recognize attacks on LGBTI persons as hate crimes, which impeded investigations and perpetrators' being fully held to account. During investigations of attacks, LGBTI persons risked being outed by police to their families and colleagues. LGBTI persons often declined to report attacks against them due to fears police would mistreat them or publicize their sexual orientation or gender identity.'<sup>44</sup>

5.6.6 The report further noted:

'There were reports that police conducted involuntary physical exams of transgender or intersex persons. For example, according to press reports, on May 1 [2019], police in Makhachkala, Dagestan, arrested Olga Moskvitina, who is intersex, at a protest. When police discovered that she was marked as male in her passport, she was forced to strip to the waist so that officers could examine her and was questioned about her genitals. She was reportedly humiliated and threatened by the officers. On May 1 [2019], her personal identifying information was published on social networks along with threats against her, which Moskvitina believed was done by or with the support of local police. On May 5 [2019], Moskvitina's landlord was reportedly visited by plainclothes officers, who pressured him to evict her from her apartment, which he did.'<sup>45</sup>

5.6.7 The Queerfest website referred to the eleventh Queerfest held in St. Petersburg in September 2019, noting: 'In contrast to the first 7 years of its existence, for the last 4 years QUEERFEST meets with no impediments from the authorities. Festival organizers informed the police about the festival to ensure security is provided, receiving a response that the police "rendered assistance in ensuring security of citizens and public order during the event".'<sup>46</sup>

5.6.8 See [Societal attitudes and treatment](#) for further information on these subjects. See [Violence and discrimination: further information](#) for more detailed information about the 'Saw' website and the issue of fake dates. See [SOGI organisations: state action and registration](#) for information about police responses to SOGI organisations. See [Hate speech](#) for further information about the police response to this issue. See [State and police](#)

<sup>43</sup> USSD, [HR Report 2019](#), Russia (Section 6), 11 March 2020

<sup>44</sup> USSD, [HR Report 2019](#), Russia (Section 6), 11 March 2020

<sup>45</sup> USSD, [HR Report 2019](#), Russia (Section 6), 11 March 2020

<sup>46</sup> Queerfest, '[About festival](#)', September 2019

[treatment: attitudes and experiences of LGBT community](#) for information concerning these subjects.

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## 5.7 State and police treatment: attitudes and experiences of LGBTI community

- 5.7.1 In 2020, Russian LGBT Network published a report about discrimination towards LGBTQ+ people in Russia; the report was based on 6,958 responses to an online questionnaire, which was completed at the end of 2019/beginning of 2020. It should be noted that over 90% of the respondents were under 25 years old, probably because the survey was available on social networking sites and LGBTQ+ friendly public pages, and living in urban areas. Nearly 75% of respondents were assigned female gender at birth. Responses were received from all Russian federal districts but only 2.3% of responses were from North Caucasus (which includes Chechnya). A wide range of gender identities and sexual orientations was represented among respondents.

The report found that 'Among respondents over 18 y.o. [years old] 3.5% of trans-men, 3% of trans-women, 2.8% of cis-men and 1.7% of cis-women were illegally arrested one or more times.'<sup>47</sup> The report further noted, '[...] in the NCFD [North Caucasus Federal District, which includes Chechnya] 5.2% of respondents had been unlawfully detained, while in the general sample only 2.2% experienced illegal detention.'<sup>48</sup>

- 5.7.2 The same report stated, '[...] research shows that law enforcement and the justice system are not seen as potential defenders of their rights by most of the respondents. [...] 73.3% do not fully or partially trust the police [...] which is higher than the general level of distrust towards [the police] among citizens of Russian Federation. Last year, distrust among respondents was at the same level [...]. In other words, the level of distrust to the police [...] remains stably high among LGBTQ+ people.'<sup>49</sup>

- 5.7.3 The report also noted findings specifically from North Caucasus Federal District, which includes Chechnya, stating, 'From two of the three people who filed police reports about discrimination and violence based on sexual orientation and/or gender identity the reports were not accepted at all. The level of confidence in the police and the judiciary in the region is low, but slightly higher than in the overall sample.'<sup>50</sup>

- 5.7.4 The report also provided information about those who reported violence to law enforcement; however, it should be noted that of the 219 cases mentioned below, 102 people did not experience difficulties in reporting their cases and a further 14 required 'additional efforts,' and it is not clear what is meant by this. Furthermore, we do not know exactly how the survey questions were asked, nor do we know if all complaints were credible:

'Of the 219 people who have reported violence and discrimination related to their sexual orientation and gender identity to law enforcement, more than

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<sup>47</sup> Russian LGBT Network, ['Monitoring discrimination against LGBTQ+ people in Russia'](#), 2020

<sup>48</sup> Russian LGBT Network, ['Monitoring discrimination against LGBTQ+ people in Russia'](#), 2020

<sup>49</sup> Russian LGBT Network, ['Monitoring discrimination against LGBTQ+ people in Russia'](#), 2020

<sup>50</sup> Russian LGBT Network, ['Monitoring discrimination against LGBTQ+ people in Russia'](#), 2020

half have experienced difficulties of various kinds. In 56 cases, the report was not accepted at all, 47 reports were neither reviewed nor investigated, and 14 reports required additional efforts. It can be concluded that the distrust of the respondents to law enforcement agencies is quite justified, because the latter are not only reluctant to accept and work with statements of LGBTQ+ people, but also subject people to illegal detention and, as indicated by several respondents, sometimes inflict violence towards them.<sup>51</sup>

5.7.5 In September 2019, Reuters reported:

‘Receiving photos of mutilated bodies with the warning “you’re next” rattled gay rights activist Nikita Tomilov but when he saw surveillance men outside his home, he fled Russia for good. The threats via social media came from Pila - Russian for “saw” - a homophobic group which has said it was behind the fatal stabbing in July of an LGBT+ activist whose name was among a dozen on their widely-circulated assassination “blacklist”. “I went to the police when I saw two masked men lurking outside my apartment, but they said they couldn’t do anything without proof that these men were there,” Tomilov, 22, told the Thomson Reuters Foundation via Skype from a European country. “What kind of proof could I bring them? And my family members started receiving threats as well. I realised it was too dangerous for me to stay in Russia.” [...]

‘LGBT+ campaigners say the [gay propaganda] law has helped authorities crack down on [LGBT] activists and contributed to a rise in anti-LGBT+ hate crimes as well as police reluctance to investigate them. The Russian LGBT Network, which offers legal aid to gay people, said only eight out of 64 cases of physical violence against LGBT+ people that it received in 2018 were investigated by the police.’<sup>52</sup>

5.7.6 See [State and police treatment](#), [Hate speech](#), [SOGI organisations: state action and registration](#) and [Transgender persons](#) for further information about police actions in respect of the LGBT community. See [Violence and discrimination: further information](#) for further details of the ‘Pila’, or ‘Saw’ group.

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## 5.8 Freedom of expression

5.8.1 The USSD HR Report 2019 noted that ‘Significant government pressure on independent media constrained coverage of numerous topics,’ including the subject of LGBTI persons<sup>53</sup>.

5.8.2 The same report stated:

‘During the year authorities invoked a 2013 law prohibiting the “propaganda” of “nontraditional sexual relations” to minors to punish the exercise of free speech by LGBTI persons and their supporters.

‘For example, on October 28 [2019], the Moscow branch of the Ministry of Internal Affairs opened an administrative case for suspected “propaganda of

<sup>51</sup> Russian LGBT Network, ‘[Monitoring discrimination against LGBTQ+ people in Russia](#)’, 2020

<sup>52</sup> Reuters, ‘[Masked men and murder: vigilantes \[...\]](#)’, 25 September 2019

<sup>53</sup> USSD, [HR Report 2019](#), Russia (Section 2.A), 11 March 2020

nontraditional sexual relations to minors” against the producers and participants of a YouTube video in which children interviewed a gay man, Maksim Pankratov, about his life. The video contained no discussion of sex, but included questions on Pankratov’s sexual orientation, how he would like other individuals to treat him, and his vision for his life in the future.

‘On November 2 [2019], the Moscow Region Investigative Committee launched a criminal investigation into the video’s producers and participants on suspicion of “violent sexual assault of a minor” younger than age 14, a crime punishable by 12 to 20 years in prison. According to press reports, the parents of the children in the video have experienced pressure from authorities to testify against the video’s producers and received visits from child protective services, which they interpreted as a threat to terminate their parental rights.

‘Pankratov reported receiving threats of physical violence from unknown persons following the opening of the criminal case. As of December [2019] Pankratov was in hiding in an undisclosed location in Russia, while the video’s producer, popular online celebrity Victoria Pich, had fled the country.’<sup>54</sup>

5.8.3 In the ‘Freedom in the World 2020’ report, Freedom House noted: ‘LGBT+ people are also subject to considerable discrimination, which has worsened in the last decade. Since 2013, a federal law banning the dissemination of information on “nontraditional sexual relationships” has been in force, making public discussion on homosexuality illegal. The European Court of Human Rights (ECHR) ruled the law discriminatory in 2017, saying it violated freedom of expression.’<sup>55</sup>

5.8.4 In an article dated October 2019, Human Rights Watch reported: ‘The [“Gay propaganda law”] has been used to target peaceful public protests, individuals’ social media posts, teachers, and Deti-404, a website providing psychosocial support for LGBT youth.’<sup>56</sup>

5.8.5 Human Rights Watch further stated:

‘A Saint Petersburg court ruled last week [in October 2019] that two lesbians, gay, bisexual, and transgender (LGBT) social media groups violated Russia’s notorious “gay propaganda” law and ordered the sites shuttered.

‘The groups – “Russian LGBT Community” and “Russia LGBT Network” – were hosted on VKontakte, a Russian social media platform similar to Facebook.

‘The court judgments state that the incriminating material was images representing same-sex relationships. The judge deemed this content as responsible for “rejecting family values, promoting non-traditional sexual relations and fostering disrespect for parents and/or other family members”.’<sup>57</sup>

5.8.6 In the Annual Review 2020, covering the year 2019, ILGA-Europe reported:

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<sup>54</sup> USSD, [HR Report 2019](#), Russia (Section 2.A), 11 March 2020

<sup>55</sup> Freedom House, [‘Freedom in the World 2020’](#), Russia (F4), 4 March 2020

<sup>56</sup> HRW, [‘Russia censors LGBT online groups’](#), 8 October 2019

<sup>57</sup> HRW, [‘Russia censors LGBT online groups’](#), 8 October 2019

'In February, the site "Barents Observer" was blocked due to an article about coming out. Its owners lost the resulting lawsuit in June, and appealed. Gay.ru, which was blocked last year by the censorship body Roskomnadzor, lost their court battle, but started a new website, xgay.ru, this year. In May, Moscow authorities warned municipalities to keep an eye out on performances of Friendzone. The Moscow Commissioner for Human Rights said that [a particular] pop-punk band promotes non-traditional sexual relations. On 30 May, the movie "Elton John" (aka "Rocketman") was released in Russia, but scenes featuring kisses and sex between men were completely cut. On 14 June, the Council on Complaints against the Press found that REN TV was unethical in its negative propaganda reporting on the Side by Side Film Festival. On 1 July, LGBT activist Alexander Yubors, member of the Callisto LGBT movement in Yaroslavl, was charged with spreading "propaganda of homosexuality among minors". [...] In November, a trans woman was sentenced to three years in prison, which she will serve in a men's penal colony. She was sentenced for distributing pornography after sharing manga pictures online.'<sup>58</sup>

- 5.8.7 In 'Freedom in the World 2020', Freedom House noted: ' [...] in 2019, [Yulia] Tsvetkova was fined 50,000 rubles (\$720) [approximately £565] for administrating two social media pages, one featuring the work of female artists and the other tackling LGBT+ issues.'<sup>59</sup>

- 5.8.8 Human Rights Watch released a report entitled 'No Support' in December 2018, which was '[...] based on [...] interviews conducted between October 2016 and April 2018 with 56 sexual and gender minority youth and 11 mental health providers and social workers in Russia, extensive review of court records and secondary source materials through November 2018, and prior Human Rights Watch research published in news releases and other public documents from 2014 to 2018.'<sup>60</sup> The report stated:

'The ban [on the promotion of non-traditional relations] includes but is not limited to information provided via the press, television, radio, and the internet. Passed unanimously by the Russian parliament, the law consists of amendments to the Law on Protection of Children from Information Harmful to Their Health and Development and to the Code of Administrative Violations.

'[...]

'But the availability and quality of online resources has been affected by the "gay propaganda" law.'<sup>61</sup>

- 5.8.9 See [Federal law number 135-FZ \('Gay propaganda law'\)](#) for further information on this subject. See [Attitudes of government, church and others in authority](#) for further information on this issue. See [LGBT youth](#) for the impact of restrictions of freedom of expression on young people.

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<sup>58</sup> ILGA-Europe, [Annual Review 2020](#), Russia, 4 February 2020

<sup>59</sup> Freedom House, ['Freedom in the World 2020'](#), Russia (F4), 4 March 2020

<sup>60</sup> HRW, ['No support'](#), 11 December 2018

<sup>61</sup> HRW, ['No support'](#), 11 December 2018

## 5.9 Freedom of assembly

### 5.9.1 The USSD HR Report 2019 reported:

‘Authorities continued to deprive LGBTI persons and their supporters of rights of free assembly. Despite 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. In November 2018 the ECHR ruled that the country’s blanket refusal to grant permission to hold public assemblies related to LGBTI matters could not be justified by public safety concerns and constituted a violation of the right to freedom of assembly.

‘On August 3 [2019], police and the National Guard in St. Petersburg forcefully dispersed approximately 50 single-person picketers advocating for the LGBTI community after city authorities turned down their request to hold a pride parade. Law enforcement authorities detained 12 persons, three of whom were hospitalized due to injuries that human rights activists said were the result of police brutality.

‘Moscow authorities refused to allow an LGBTI pride parade for the 14th consecutive year, notwithstanding a 2010 ECHR ruling that the denial violated the rights to freedom of assembly and freedom from discrimination.’<sup>62</sup>

### 5.9.2 In 2012, Moscow Pride was banned for 100 years<sup>63</sup>.

### 5.9.3 In the Annual Review 2020, which covered the year 2019, ILGA-Europe reported:

‘On 6 May [2019], the ruling of the European Court of Human Rights in the *Alekseev and Others v. Russia* case entered into force, establishing that the prohibition of LGBT public events in Russia is unjustified and violates the Convention. However, events continued to be de facto banned this year [2019].

‘Activists were detained by police in St. Petersburg on a Day of Silence rally in April; on IDAHOBIT at the Rainbow Flashmob in St. Petersburg; in Volgograd for holding a protest against persecution in Chechnya in July; and at a Pride event in St. Petersburg in August. Extremists disrupted an LGBT-themed discussion in April in Yekaterinburg; and the Side by Side Festival in Moscow in May and St. Petersburg in November. The Statutory Court of St. Petersburg ruled in May that the authorities’ practice of banning LGBT events in “hyde parks” under the pretext that other events had already been scheduled, is unlawful. In September, the Queerfest human rights festival was successfully held in St. Petersburg. At the request of Coming Out and the St. Petersburg Ombudsman, the police ensured the safety of

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<sup>62</sup> USSD, [HR Report 2019](#), Russia (Section 2.B), 11 March 2020

<sup>63</sup> FCO, [‘Foreign Travel Advice’](#) (Laws and customs), updated 13 August 2020

participants.’<sup>64</sup>

- 5.9.4 The same report noted, ‘On 24 July [2019], several political organisations held a rally in St. Petersburg to protest the arbitrariness of the local elections, featuring flags and signs. The Alliance of heterosexual and LGBT people for equality was told by the organisers to remove their rainbow flags. A week later, a similar protest took place in Moscow featuring rainbow flags. No incidents were reported.’<sup>65</sup>
- 5.9.5 See [State and police treatment](#) for information about police attitudes towards events for LGBTI persons.

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## 5.10 Arrests and detentions

- 5.10.1 In the ‘Freedom in the World 2020’ report, Freedom House stated, ‘In December [2019], LGBT+ and feminist activist Yulia Tsvetkova was placed under house arrest in Khabarovsk on charges of distributing pornography. She faces a 6-year prison sentence if convicted.’<sup>66</sup> On 18 May 2020, Amnesty International reported that she had been released from house arrest on 16 March but continued to face criminal and administrative proceedings for her women’s and LGBTI rights work<sup>67</sup>. On 10 July 2020, US News reported that Tsvetkova had been fined the equivalent of \$1,000 [approximately £785] for publishing drawings of same-sex couples with children online under the ‘gay propaganda’ law. She is still awaiting trial on separate charges of ‘producing and disseminating pornography,’ which carries a maximum punishment of six years in prison<sup>68</sup>.
- 5.10.2 See also [Charges, Court judgments and sentencing](#).
- 5.10.3 In the same article of July 2020, US News noted that, ‘Dozens of women were arrested in Moscow [in June 2020] at a protest against [Yulia Tsvetkova’s] trial.’<sup>69</sup>
- 5.10.4 In May 2019, France 24 reported:
- ‘Four people were arrested [...] during a protest by LGBT activists in central Saint Petersburg, Russia’s second city [...]. Around 10 people took part in the protest as they marked international day against homophobia and transphobia and were quickly surrounded by a group of riot police. [...] Moscow city hall had Wednesday rejected four requests for demonstrations, including a gay-pride march, made by Nikolai Alexeyev, a gay community leader in Russia who said the city authorities had rejected such rallies for 14 years.’<sup>70</sup>
- 5.10.5 In August 2018, The Independent reported: ‘Russian police detained around 25 gay rights activists who took part in an unsanctioned rally in St

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<sup>64</sup> ILGA-Europe, [Annual Review 2020](#), Russia, 4 February 2020

<sup>65</sup> ILGA-Europe, [Annual Review 2020](#), Russia, 4 February 2020

<sup>66</sup> Freedom House, [‘Freedom in the World 2020’](#), Russia (F4), 4 March 2020

<sup>67</sup> AI, [‘Yulia Tsvetkova released from house arrest’](#), 18 May 2020

<sup>68</sup> US News, [‘Russian LGBT Activist Fined for "Gay Propaganda" Family Drawings’](#), 10 July 2020

<sup>69</sup> US News, [‘Russian LGBT Activist Fined for "Gay Propaganda" Family Drawings’](#), 10 July 2020

<sup>70</sup> France 24, [‘Four arrests in Russian LGBT protest’](#), 17 May 2019

Petersburg. A few dozen activists gathered at Palace Square on Saturday afternoon in defiance of a ban on holding the rally. Organisers had said they would stage one-man protests to demand freedom of association after city authorities turned down their request to hold a parade.<sup>71</sup>

5.10.6 See also [Freedom of assembly](#).

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## 5.11 Treatment in detention

5.11.1 The USSD HR Report 2019 did not report specifically on the treatment of LGBTI persons in detention. However, with regard to the prevalence of ill-treatment or torture generally, it stated:

‘Although the constitution prohibits such practices, numerous credible reports indicated law enforcement personnel engaged in torture, abuse, and violence to coerce confessions from suspects, and authorities only occasionally held officials accountable for such actions.

‘A Levada Center poll released in June indicated that one in 10 persons in the country had been subjected to what they perceived to be torture by law enforcement bodies.

‘There were reports of deaths as a result of torture.

‘Physical abuse of suspects by police officers was reportedly systemic and usually occurred within the first few days of arrest in pretrial detention facilities. Reports from human rights groups and former police officers indicated that police most often used electric shocks, suffocation, and stretching or applying pressure to joints and ligaments because those methods were considered less likely to leave visible marks. The problem was especially acute in the North Caucasus.’<sup>72</sup>

5.11.2 The Organization for Security and Co-operation in Europe (OSCE) published a report in December 2018 on the situation for LGBT persons in Chechnya, noting:

‘They [perceived LGBT persons] were taken to interrogation rooms and beaten with police sticks, plastic tubes and cables, which resulted in severe injuries like broken ribs, jaws and bruises. Some were also treated with electric shocks, usually at the fingers. The purpose was to make them confess that they were gay and to give names of other gays. During the time in detention they usually were not receiving food, in some cases even not water, except if relatives of other inmates brought food, which was shared. In some cases they were not allowed to wash themselves or clean the wounds. No medical assistance is reported. Some had to do certain works like washing the floor or cleaning cars. They were mistreated and tortured on a daily basis mostly for about two weeks or until they made and signed a confession or reported others or expressed their willingness to cooperate. In most cases relatives were not informed and there was no access to legal assistance. Persons who could not stand the torture because of their age or

<sup>71</sup> The Independent, [‘Russian police arrest 25 gay rights activists \[...\]’](#), 4 August 2018

<sup>72</sup> USSD, [HR Report 2019](#), Russia (Secion 1c), 11 March 2020

other reasons or could bring shame on the authorities or administration allegedly were killed.’<sup>73</sup>

5.11.3 The OSCE report also mentioned the situation for gay women, stating, ‘It appears that some have also been unlawfully detained and underwent beatings and pressures to produce confessions.’<sup>74</sup>

5.11.4 For further information about the treatment of LGBT persons in detention in Chechnya, see [Events from 2017 on](#).

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## 5.12 Charges, court judgments, sentencing: for attacks on LGBTI persons

5.12.1 In March 2019, ECRI noted: ‘The UN expressed its concern about the fact that Article 63 [of the Russian Federation Criminal Code which details 16 different types of aggravating circumstances<sup>75</sup>] on aggravating circumstances does not appear to have ever been applied to cases involving violence against LGBT persons, in spite of a high number of such incidents.’<sup>76</sup>

5.12.2 In the Annual Review 2020, which covered the year 2019, ILGA-Europe reported, ‘In February, a court in Tatarstan sentenced a man to one year in prison for physically attacking a teenager who he thought was gay. In March, a district court in St. Petersburg sentenced two men to 10 and 3.5 years in prison for seriously injuring two gay tourists during the World Cup last year.’<sup>77</sup>

5.12.3 In the Annual Review 2019, covering the year 2018, ILGA-Europe noted that ‘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. In 2018, LGBTI group “Coming Out” brought several people to trial for such crimes; one perpetrator was sentenced to the maximum 5.5 years of imprisonment. However, the motive of hatred was not investigated or taken into account.’<sup>78</sup>

5.12.4 See [Violence and discrimination: further information](#) for examples of ‘set-up’ dates.

5.12.5 In November 2017, Reuters reported: ‘The number of sentences for crimes against LGBT people increased to 65 in 2015 from 18 in 2010, the St. Petersburg-based researchers said, drawing on court records and data from judicial watchdog RosPravosudie. Most victims were gay men. [The judicial watchdog Ros.Pravosudie has since shut down].’<sup>79</sup>

5.12.6 In September 2016, Equal Rights Trust noted:

‘In 2012, a man used tear gas to attack participants at an LGBT public assembly. He shouted “sodomy is a mortal sin” and later argued in his defence that the LGBT assembly was unlawful and contrary to public morals.

<sup>73</sup> OSCE, [‘Rapporteur’s Report under the Moscow Mechanism \[...\]’](#) (page 13), 13 December 2018,

<sup>74</sup> OSCE, [‘Rapporteur’s Report under the Moscow Mechanism \[...\]’](#), 13 December 2018

<sup>75</sup> WIPO, [‘Criminal Code of the Russian Federation’](#), updated March 2012

<sup>76</sup> ECRI, [‘The Russian Federation’](#), 5 March 2019

<sup>77</sup> ILGA-Europe, [Annual Review 2020](#), Russia, 4 February 2020

<sup>78</sup> ILGA-Europe, [Annual Review 2019](#), Russia, May 2019

<sup>79</sup> Reuters, [‘LGBT hate crimes double in Russia after ban \[...\]’](#), 21 November 2017

He was convicted of hooliganism with the use of a weapon under Article 213(1)(a), the Court having found that there was no hate motive for his offence which would allow a conviction for hooliganism on the basis of hatred. When one of the victims of the attack later brought a civil action against the offender arguing that his actions had been discriminatory because they were motivated by hatred against LGBT persons, a different District Court dismissed the discrimination argument as “ungrounded” without providing further explanation.’<sup>80</sup>

5.12.7 In the same report, Equal Rights Trust noted:

‘Despite the Criminal Code allowing for the prosecution of hate-motivated violence against LGBT groups and for the imposition of higher sentences in such cases, there has been a limited number of criminal cases against individuals or groups whose activities specifically targeted LGBT persons. In 2015, nine members of a criminal group were convicted of a number of crimes, including the threat of murder, infliction of grave bodily harm, torture, battery and deliberate infliction of bodily harm. [...] In this case, all of the crimes were found to have a hate motive towards a social group, which the Court referred to as “persons of non-traditional sexual orientation”.’<sup>81</sup>

5.12.8 See [Judiciary](#) for further information about the approach of the Courts.

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## 5.13 Charges, court judgments, sentencing: of LGBTI persons

5.13.1 In January 2020, Human Rights Watch reported:

‘In June [2019], a same-sex Russian couple with two adopted children had to flee the country after being targeted by authorities. Russian law bans adoptions for same-sex couples. Authorities charged the case workers assigned to the family with inadequate performance of duties, a criminal offense.

‘In November [2019], authorities opened a criminal case into alleged sexual assault of children over a YouTube video of children talking to a gay man about his life.’<sup>82</sup>

5.13.2 In December 2019, Human Rights Watch stated:

‘A Russian court has sentenced a 53-year-old trans woman to three years in prison, on bogus “distribution of pornography depicting minors” charges for sharing nude anime drawings on social media.

‘[...] Michelle, a survivor of bladder cancer who worked as an epidemiologist at a local clinic before she was fired because of the criminal case, has been on hormone therapy for transitioning for about two years. But she is legally recognized as male. She will therefore be forced to serve her sentence in a men’s penal colony.’<sup>83</sup>

5.13.3 The Oxford Human Rights Hub, which is an organisation that ‘aims to bring

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<sup>80</sup> Equal Rights Trust, [‘Justice or Complicity’](#), September 2016

<sup>81</sup> Equal Rights Trust, [‘Justice or Complicity’](#), September 2016

<sup>82</sup> HRW, [World Report 2019](#), Russia, 14 January 2020

<sup>83</sup> HRW, [‘Russian Trans Woman Sentenced to Three Years \[...\]’](#), 6 December 2019

together academics, practitioners, and policy-makers from across the globe to advance the understanding and protection of human rights and equality,'<sup>84</sup> noted the following in November 2018:

'Maxim Neverov, 16, was the first minor charged for "promoting homosexuality," under the Russian Federal Law. [...] However, in a surprising turn of events, after an appeal and a number of hearings, the judge held that there was insufficient evidence to establish guilt and retracted Neverov's fine. This case has not received wide publicity but is potentially significant. It is very rare for the Russian courts to acquit people accused of "gay propaganda".'<sup>85</sup>

- 5.13.4 See also [Arrests and detentions](#), [Gay marriage and parental rights](#), [Freedom of expression](#), [Violence and discrimination: further information](#) and [Employment](#).

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## 5.14 Judiciary

- 5.14.1 In May 2019, RFE/RL reported: 'A gay Russian man who says he was abducted and tortured by police in Chechnya has filed a complaint with the European Court of Human Rights (ECHR) after Russian investigators refused to open a criminal case in the matter, according to his lawyers.'<sup>86</sup>
- 5.14.2 See [Events from 2017 on](#) for further information about events in Chechnya.
- 5.14.3 In 2016, Equal Rights Trust noted: 'It is [...] clear that courts are largely failing to recognise or acknowledge homophobic hatred as either an aggravating factor in sentencing, or as an element in the commission of hooliganism. These failings of both the authorities and the courts have rightly criticised as falling short of human rights obligations.'<sup>87</sup>
- 5.14.4 See [Charges, Court judgments and sentencing: those who attack LGBT persons](#) for further information about the motive of hatred.
- 5.14.5 In the same report, Equal Rights Trust stated: 'Our research identified over 70 court cases challenging refusals to permit LGBT public assemblies. In most cases, the applicants raised discrimination arguments. However, despite the fact that in at least 10 cases the courts accepted that the refusal of permission to hold an assembly was unlawful, in no case was it found that the authorities' actions were discriminatory.'<sup>88</sup>
- 5.14.6 See [Freedom of assembly](#) for further information on this subject.

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## 5.15 Judiciary: attitudes of LGBTI community

- 5.15.1 In 2020, Russian LGBT Network published a report about discrimination towards LGBTQ+ people in Russia; the report was based on 6,958 responses to an online questionnaire, which was completed at the end of

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<sup>84</sup> Oxford Human Rights Hub, ['About us'](#), no date

<sup>85</sup> Oxford Human Rights Hub, ['A Small Success for LGBT Rights in Russia'](#), 21 November 2018

<sup>86</sup> RFE/RL, ['Russian files Chechnya "Gay Purge" complaint with European \[...\]'](#), 24 May 2019

<sup>87</sup> Equal Rights Trust, ['Justice or Complicity'](#), September 2016

<sup>88</sup> Equal Rights Trust, ['Justice or Complicity'](#), September 2016

2019/beginning of 2020. The report found:

'[...] research shows that law enforcement and the justice system are not seen as potential defenders of their rights by most of the respondents. [...] 65.2% do not trust the courts, which is higher than the general level of distrust towards [this institution] among citizens of Russian Federation. Last year, distrust among respondents was at the same level [...] In other words, the level of distrust to the [...] judicial authorities remains stably high among LGBTQ+ people.'<sup>89</sup>

- 5.15.2 The report further noted the findings specifically for North Caucasus Federal District, which includes Chechnya, stating, 'The level of confidence in the [...] the judiciary in the region is low, but slightly higher than in the overall sample.'<sup>90</sup>

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Section 6 updated: 11 November 2020

## 6. Chechnya

### 6.1 Status of Chechnya

- 6.1.1 Chechnya is an autonomous republic within the Russian Federation with a population of approximately 1 million people. Chechnya's President is Ramzan Kadyrov, who is pro-Russian and was nominated for the presidency by Russian President, Vladimir Putin<sup>91</sup>.

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### 6.2 Events from 2017 on

- 6.2.1 In May 2017 Human Rights Watch reported:

'In February 2017, Chechnya's law enforcement and security officials launched an anti-gay purge. They rounded up dozens of men on suspicion of being gay, held them in unofficial detention facilities for days, humiliated, starved, and tortured them. They forcibly disappeared some of the men. Others were returned to their families barely alive from beatings. Their captors exposed them to their families as gay and encouraged their relatives to carry out honor killings. Although Chechnya's leader, Ramzan Kadyrov has denied the round-ups, the information presented in this report shows that top-level local authorities in Chechnya sanctioned them. Russia's federal government has pledged to investigate, but intense and well-founded fear of official retaliation and honor killings, and overwhelming stigma will prevent many victims from coming forward. [...]

'The wave of punitive detentions continued at least through the first week of April 2017, with a lull in mid-March, and apparently affected over 100 people. Once they captured their victims, police would scour their cell phones looking for contacts of other men who might be gay, torture the men into naming other gay men, and capture those named. Hence the numbers

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<sup>89</sup> Russian LGBT Network, '[Monitoring discrimination against LGBTQ+ people in Russia](#)', 2020

<sup>90</sup> Russian LGBT Network, '[Monitoring discrimination against LGBTQ+ people in Russia](#)', 2020

<sup>91</sup> BBC, '[Chechnya profile](#)', 17 January 2018

of victims grew. Several individuals allegedly died as a result of the purge.’<sup>92</sup>

6.2.2 The same report continued:

‘Some gay and bisexual men chose to flee Chechnya despite not being directly affected by the purge because they fear information about them was found in victims’ cell phones or revealed by victims under torture.

‘Police abducted and detained their victims unlawfully. Security officials kept the men in several unofficial facilities, which Chechen authorities have been maintaining for years to hold and torture individuals suspected of some form of dissent or sabotage. The men interviewed by Human Rights Watch were held in unofficial detention facilities in Grozny, Chechnya’s capital, and Argun. They told Human Rights Watch that Chechen officials, including two high-level ones, visited these detention facilities and humiliated the detainees.

‘[...]

‘Chechen authorities responded to allegations of the violent anti-gay purge by variously denying the existence of gay people in Chechnya, suggesting obliquely that families kill their gay relatives, and accusing people who document or express concern about the round-ups of seeking to destabilize the republic. Novaya Gazeta, a leading Russian independent newspaper, broke the story of the purge on April 1, 2017, and published several follow-up reports. Chechen officials and public and religious figures made repeated, public, and serious threats against the newspaper for its allegations.

‘[...]

‘The Russian LGBT Network, a leading LGBT rights group in the country, opened a special hotline to provide emergency support to those who find themselves in immediate danger. Through mid-May [2017], the Russian LGBT Network provided evacuation-related assistance to nearly 40 persons, putting them up in safe houses in central Russia and/or taking care of their basic needs. The organization also arranged for the former detainees in their care to get medical assistance, as some of them had suffered injuries due to torture and ill-treatment while in captivity, and all of them appeared severely traumatized by their ordeal.

‘People targeted by the anti-gay purge in Chechnya are not safe in Russia. They remain at great risk of being hounded by Chechen authorities or their own relatives as long as they remain in Russia.’<sup>93</sup>

6.2.3 The Russian LGBT Network published a report in 2017 based on the testimonies of LGBT persons who fled Chechnya; the report noted:

‘According to the testimonies, the first wave of persecution of LGBT people in the Chechen Republic began with the accidental arrest of W [anonymous victim]. W was a drug user. In his phone, the police officers found evidence that he was a homosexual man and that he engaged in same-sex relationships with other Chechen men. He was detained and pressured to collaborate with the authorities in order for them to find more gay men in the

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<sup>92</sup> HRW, [‘They have long arms and can find me’](#) (Summary), 26 May 2017

<sup>93</sup> HRW, [‘They have long arms and can find me’](#) (Summary), 26 May 2017

Republic. He became the source of names of multiple men, who later became the victims of hate crimes.

'[...] The scheme they used had the following pattern. Potential victims were contacted via cell phones or mobile apps (AirWaveChat, Hornet, Mobimeet) by gay men who were previously detained. If the victim didn't know that the person who contacted them was incarcerated, the invitation to see each other didn't seem suspicious. Some men had known each other for a long time, some were acquaintances, and some had even just met. They arranged a meeting. Yet, on the other side of the messenger, there were members of the Special Division of First Responders (SOBR) or military personnel. Thus, when they arrived at the meeting point, they were detained. The criminals exerted pressure on the victims to threaten them as much as they could and to submit to their demands. They brought the victims to the police stations and then distributed them to the incarceration units, located in the aforementioned stations or unofficial prisons.

'All the testimonies mention that the police officers and military personnel harassed the victims both verbally and physically. Most received severe physical injuries: broken jaws, ribs, and multiple bruises.'<sup>94</sup>

6.2.4 The same report noted:

'The testimonies undoubtedly argue that the crisis in the Chechen Republic was sponsored by the regional governmental authorities. The perpetrators were the employees of the Department of Internal Affairs, which is a part of the General Division of the Ministry of Internal Affairs of the Russian Federation. The victims also testify against the local division of the union "Rosgvardia", called the Special Division of First Responders (SOBR) "Terek", local police officers, and military divisions.'<sup>95</sup>

6.2.5 The same Russian LGBT Network report, based on the testimonies of LGBT persons who fled events in Chechnya, and other witnesses to these events, stated:

'Most of the testimonies confirmed that the [Chechen] Republic's officials took part in torturing the victims. Different evidence confirms that at least the following highest officials took part in executing this crime against humanity:

- the spokesperson of the Parliament of the Chechen Republic, Magomed Daudov (also known as "the Lord");
- the head of the Ministry of Internal Affairs of the Russian Federation in Argun, Aiub Kataev;
- the head of the Special Division of First Responders (SOBR) "Terek", Abuzaid Vismuradov (also known as "the Patriot").'<sup>96</sup>

6.2.6 The report further stated: 'The victims also said that the perpetrators filmed the tortures and forwarded them to "the Lord". The fact that the officials were aware that these criminal offenses were happening and were also involved

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<sup>94</sup> Russian LGBT Network, ['LGBT persecution in the North Caucasus: A Report'](#), 2017

<sup>95</sup> Russian LGBT Network, ['LGBT persecution in the North Caucasus: A Report'](#) (page 15), 2017

<sup>96</sup> Russian LGBT Network, ['"They said that I'm not a human, that I am nothing \[...\]"](#) (page 17), 2017

in these crimes against humanity showcases that this campaign was statesponsored.’<sup>97</sup>

6.2.7 The same report noted that victims were threatened with ‘criminal persecution,’ such as being accused of committing an as-yet unsolved crime, if they fled Chechnya<sup>98</sup>.

6.2.8 In April 2017, The Guardian reported, ‘Journalists at the Russian newspaper Novaya Gazeta, which first reported the story, say they have incontrovertible evidence that at least three gay men have been killed since the operation started, and believe the full death toll could be much higher.

‘[...]

‘Alvi Karimov, spokesman for Kadyrov, has denounced the reports of anti-gay operations in Chechnya as “absolute lies and disinformation”, insisting that there are no gay people in Chechnya to round up. “You cannot detain and persecute people who simply do not exist in the republic,” he told Interfax news agency.

‘[...]

‘Putin’s spokesman Dmitry Peskov said he had no information about the allegations and advised those with complaints to contact authorities: an unlikely recourse given the authorities themselves are implicated.

‘[...]

‘Human rights activists are attempting to get dozens of gay Chechens out of Russia, as they believe the men are not safe from potential reprisals from Chechen authorities or their own relatives even in Moscow or other Russian cities.

‘[...]

‘Akhmed [a gay Chechen man] has personally heard other stories of torture and seen photographs of torture-inflicted wounds sent by other gay Chechen men who managed to escape, but the fate of the majority of men is simply unknown, due to the extreme code of silence, and the shame of the families. In most cases, he has no idea if people are in hiding, still being held captive, or dead.

““Nobody knows how many people have been killed,” said Akhmed. “It’s just impossible to contact most people or to find anything out. But I would be amazed if it was only three.””<sup>99</sup>

6.2.9 In December 2018, the OSCE Office for Democratic Institutions and Human Rights stated: ‘It happened in several “waves” or “purges”. The first wave happened from December 2016 to February 2017, while the second wave started in March 2017 and went until May 2017, the month of Ramadan, after which a third wave started, which largely stopped because of the international outcry. However, there are still new cases as recent as

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<sup>97</sup> Russian LGBT Network, [“They said that I’m not a human, that I am nothing \[...\]”](#) (page 18), 2017

<sup>98</sup> Russian LGBT Network, [“They said that I’m not a human, that I am nothing \[...\]”](#) (page 19), 2017

<sup>99</sup> The Guardian, [‘Chechens tell of prison beatings and electric shocks \[...\]’](#), 13 April 2017

September and October 2018. The detentions followed a certain pattern.’<sup>100</sup>

6.2.10 In December 2018, OSCE reported:

‘As foreseen by the mandate [given to the OSCE rapporteur] the focus of [this] report is on “allegations of impunity for reported human rights violations and abuses in Chechnya”. As there is a large number of reports and testimonies available, the main concern had to be not to duplicate that work but to review these allegations for their credibility and to corroborate the evidence provided with own research and to conduct an in-depth analysis and comparison of the material available. The findings indeed do confirm the major allegations and show that there is a problem of total impunity of the security forces. [...] The evidence [regarding Chechnya’s ordering of gay purges] is at least in part also corroborated by the work of competent human rights institutions of the Russian Federation like the Human Rights Ombudsman Tatyana Moskalkova or the Presidential Human Rights Council presided by Mr. Mikhail Fedotov.

‘However, no evidence could be found about cases where law enforcement officers were brought to justice because of the human rights violations or violations of the law committed by them. Accordingly, there is a climate of impunity which is detrimental to any accountability for human rights violations. On the contrary, those from civil society or the media who investigate human rights violations become targets of repression.’<sup>101</sup>

6.2.11 The FCO Human Rights and Democracy report 2019, which was published in July 2020 and covered the year 2019, noted:

‘While polling suggested that public attitudes might be shifting in some big cities, in Chechnya LGBT people continued to face systematic persecution, including arrest, torture, and murder, according to the Lavada-Center. In 2018, the UK was one of 15 states to invoke the Organization for Security and Cooperation in Europe’s (OSCE) Moscow Mechanism over human rights violations in Chechnya, requiring an investigation without Russian consent. The resulting December 2018 report documented a culture of impunity in Chechnya. The authorities did not respond to the OSCE’s request for a full investigation, and reports indicated that persecution intensified in January, with at least 2 gay men dying in custody having been subjected to torture. The UK publicly condemned these abuses. In March, the UK and 31 other countries delivered a statement to the UN Human Rights Council on the persecution of LGBT people in Chechnya.’<sup>102</sup>

6.2.12 In the World Report 2020, which covered events of 2019, Human Rights Watch reported: ‘In December 2018 and January 2019, police in Chechnya carried out a new round of unlawful detentions, beatings, and humiliation of men they presumed to be gay or bisexual. No one was held accountable for this or for Chechnya’s 2017 anti-gay purge. Russian LGBT Network, an NGO, estimated that 20 men were held. All were believed to have been released.’<sup>103</sup>

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<sup>100</sup> OSCE, [‘Rapporteur’s Report under the Moscow Mechanism \[...\]’](#), 13 December 2018

<sup>101</sup> OSCE, [‘Rapporteur’s Report under the Moscow Mechanism \[...\]’](#), 13 December 2018

<sup>102</sup> FCO, [Human Rights and Democracy: the 2019 FCO report](#), Russia (chapter 4), 16 July 2020

<sup>103</sup> HRW, [‘World Report 2019’](#), Russia, 14 January 2020

6.2.13 The USSD HR Report 2019 stated:

‘According to human rights defenders, during the year police in Chechnya continued a campaign of unlawful detentions and torture of men presumed to be gay or bisexual. Media reports and human rights groups estimated that the number of victims during the year was as high as 50. In May [2019], for example, the NGO Human Rights Watch released a report based on interviews with four men who were detained for periods of three and 20 days between December 2018 and February 2019 at the Grozny Internal Affairs Department compound, where law enforcement officials reportedly kicked them, beat them with sticks and pipes, denied them food and water, and tortured three of the four with electric shocks. One was reportedly raped with a stick. In an interview the four men described being held with many others subjected to the same treatment because of their real or perceived sexual orientation. According to the Russian LGBT Network, as of April 1 [2019], more than 150 LGBTI persons had fled Chechnya because of this campaign, the majority of whom had also left the country.’<sup>104</sup>

6.2.14 In the ‘Freedom in the World 2020’ report, published in May 2020, Freedom House noted: ‘Chechnya remains particularly dangerous for LGBT+ people, with authorities launching a crackdown in January 2019 that ensnared nearly 40 people. According to the Russian LGBT Network, an LGBT+ advocacy group, they were identified when police seized the phone of an LGBT+ social media group’s administrator and accessed its contacts. Two detainees reportedly died after they were tortured by police.’<sup>105</sup>

6.2.15 In the Annual Review 2020, covering events of 2019, ILGA-Europe reported:

‘Despite interventions of the Parliamentary Assembly of the Council of Europe (PACE), the European Parliament and the UN, perpetrators of murder, torture and ill-treatment of LGBTI people in Chechnya have continued persecuting LGBT people with impunity.

‘On 11 January, the independent Russian newspaper Novaya Gazeta reported that at least 40 LGBT people had been detained, imprisoned and tortured since December 2018 and at least two people died. Both men and women were targeted this time. PACE condemned these attacks on 15 January. The European Parliament’s LGBTI Intergroup, the Council of Europe Human Rights Commissioner Dunja Mijatović, and seven UN Special Procedures mandate holders, the Council of Europe’s anti-torture Committee, and more than 30 states at the 40th Session of the UN Human Rights Council, made similar statements.

‘On 26 February, the Federal Investigative Committee in Russia referred a report by the Russian LGBT Network to its Investigation Department in Chechnya, about new waves of persecution. Therefore the perpetrators were tasked with investigating whether or not they were participating in the persecution.’<sup>106</sup>

6.2.16 In May 2019, The Independent reported:

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<sup>104</sup> USSD, [HR Report 2019](#), Russia (Section 1.C), 11 March 2020

<sup>105</sup> Freedom House, [‘Freedom in the World 2020’](#), Russia (F4), 4 March 2020

<sup>106</sup> ILGA-Europe, [Annual Review 2020](#), Russia, 4 February 2020

‘Activists coordinating the emergency evacuation of Chechnya of at-risk LGBT+ people claim there has been a disturbing attack at the home of one of their members in St Petersburg.

‘Seven men reportedly barged into the apartment of a woman volunteer before threatening to kill her. Initially, the men presented themselves as police officers. Later, they said they had come to “avenge” the family of a lesbian woman who had fled Chechnya, and to “find and kill” David Isteev, the coordinator of the emergency evacuation programme.

‘The alleged attack, which reportedly took place on 17 May [2019], raises serious questions about the safety of LGBT+ people and frontline responders working in the Russian North Caucasus. Since 2017, local authorities have been implicated in at least three deaths and the torture of dozens of others. Several activists have received death threats. None of these potential crimes have been investigated effectively.

‘Igor Kochetkov, head of the Russian LGBT Network, told The Independent that the precise targeting suggested, at the very least, the men had close links to authorities. “It seems likely the girl’s relatives turned to Chechen law enforcement for help tracking her down,” he said. “The Chechen police may be at the forefront of attacks on gay people but they also have ways of accessing central databases.

‘[...]

‘Mr Kochetkov, who has headed the front line response since the first reports, said Chechen authorities are actively blocking efforts to evacuate at-risk populations. In particular, police have begun illegally confiscating passports from suspected LGBT+ people, making travel outside of the republic near impossible, he said. “There are various situations and we always look for the safest way out,” he said. “But without documents, a complicated situation becomes even more complicated.”

‘[...]

‘Mr Kochetkov, who earlier this year was also the target of a death threat on YouTube, brushed aside by police, says LGBT+ activists are routinely subjected to harassment and intimidation because of their Chechnya work.’<sup>107</sup>

- 6.2.17 For further information about the conditions in detention, particularly for LGBT persons, see [Treatment in detention](#).

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## 6.3 Lesbians

- 6.3.1 The 2017 report published by Russian LGBT Network stated:

‘In the context of violent reprisals and ill-treatment, lesbian women in Chechnya and nearby republics of the North Caucasus appear to be the most vulnerable in front of the complex traditionalist rhetoric. There is alarming news about harassment and ill-treatment of Chechen, Ingush, and Dagestan women available, yet these cases are very rarely reported within

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<sup>107</sup> The Independent, ["Gay purge" responders in Russia attacked \[...\]](#), 30 May 2019

the framework of the 2017 anti-LGBT campaign. Female voices have always been silenced by the oppressing customs of masculinity-focused culture. Women in the North Caucasus have always been stripped of their rights due to religious and cultural confines. They could become the victims of honor killings on grounds of almost anything, even rumors, as they are treated as second-class people in general. There is a set of restrictions and rules that Caucasian women are supposed to follow, even if their families are secular.

[...]

‘Despite the fact that the female survivors were not massively taken to prisons, some of them also suffered detention and torture. The repressions and extreme violence were mostly coming from their brothers. The women also claim that they were rejected when asking for understanding or tolerance from their female relatives who are less affected by the ordeals of men. Lesbian and bisexual women withstood humiliation, abuse, and threats to “come, find, and kill” them, or “beat-it-out-of-them” warnings that came from their brothers and male relatives, or from the friends of lesbian women in the Republic. Some female survivors are persecuted by their relatives, who are recruited as security agents. This brings worries for the outed lesbians because they can easily be monitored, and if their ruthless relatives want to kill them, they could have the means and sources to determine their location and attempt a reprisal.’<sup>108</sup>

- 6.3.2 In May 2019, Open Democracy published an article on lesbians in Chechnya, which included a report of the author’s meeting with the head of Russian LGBT Network, Igor Kochetkov:

‘Kochetkov believes Chechen women to be the most vulnerable group in the region’s anti-LGBT purges, and laments at the extreme difficulty his organisation faces when trying to assist them.

“I have to start by telling you that we know nothing about the women who are currently in these prisons. And this grieves us,” Kochetkov began. “We know that women were detained, that they were tortured as much as men, some were raped. We know for sure that the detention of lesbian women began in 2018.

“In the summer of 2018, we received information that two girls were detained. Their fate is still unclear. We know that in November [2018] at least two girls were also detained - they were also subjected to torture. [...] Unfortunately, this is all that we can say in full certainty, because we do not know their names or where they are kept.”

‘Nevertheless, at least 12 Chechen women have appealed to the organisation so far. All of them reported suffering threats and violence from their families and even visits from the police between 2017 and 2018.

‘Some of these women were successfully evacuated from Chechnya and have already left the country. While I offered to guarantee the anonymity of the women, the LGBT Network staff told me that they had either left the country already or refused to give interviews. Kochetkov explained that,

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<sup>108</sup> Russian LGBT Network, [“They said that I’m not a human, that I am nothing \[...\]”](#) (page 23), 2017

having essentially been hostages in their own homes, these women were still afraid to share their stories and refused all contact with journalists.’<sup>109</sup>

6.3.3 The same article stated:

‘[W]hen a Chechen woman runs away from home, [...], her family will often use all the means at their disposal to retrieve her, including everything from threats of violence to enlisting law enforcement. “A woman’s family will try to get her name on the federal wanted list, meaning that police all over Russia will be searching for her,” Kochetkov said. “The reasons can be absurd. But once they find her in any part of the country, the police are obliged to notify the department [back in Chechnya] that filed the missing case. Once they know where she is, the family immediately comes over. And then the police have to repatriate her to Chechnya whether she likes it or not.” [...]

‘Ekaterina [Ekaterina Petrova, feminist and LGBT activist] has also witnessed the region’s strictly patriarchal social norms first hand as an activist and human rights defender. While there may be more information about the persecution of gay men in Chechnya, Ekaterina is also convinced that women remain the most vulnerable group in the region. She says that she has seen women physically barred from leaving homes without permission, their documents held by parents or male relatives. She also knows of many cases of so-called honour killings, mostly committed by families who have been scandalised in the public eye.

‘[...]

“There is a proverb in Chechnya,” added Ekaterina. “If a son embarrasses himself, he puts shame on himself. If a daughter embarrasses herself, she puts shame on her whole family.’ And in the current situation, it seems that the shame brought by a single woman spreads to the entire republic, and by extension the entire Chechen nation.”<sup>110</sup>

6.3.4 The June 2020 joint submission to CEDAW list of issues by Advocates for Human Rights and Moscow Community Center for LGBT+ Initiatives stated: ‘Even before the COVID-19 pandemic, the situation in Chechnya was particularly dangerous for LBT women. Women have faced detention and torture for their sexual orientation, gender identity, or gender expression. LBT women are controlled entirely by their male family members, and therefore are unable to leave the family home or the region without their authorization. Family members subject LBT women to threats, violence, and even so-called honor killings. This violence occurs with impunity, and often even with the assistance of law enforcement. [...]

‘Moscow Community Center for LGBT+ Initiatives has received information from the “Assistance Group for Queer Women of the North Caucasus” about the effects of the COVID-19 pandemic on lesbian and bisexual women and transgender persons in the North Caucasus region of the Russian Federation. The situation in the North Caucasus region is alarming. Since March 2020, there has been a significant increase in cases of violence against women in the region, especially in Ingushetia, Dagestan, and Chechnya. Since March, the Assistance Group has noted an increase in

<sup>109</sup> Open Democracy, [‘The unbearable silence of Chechnya’s lesbians’](#), 29 May 2019

<sup>110</sup> Open Democracy, [‘The unbearable silence of Chechnya’s lesbians’](#), 29 May 2019

requests for assistance from lesbian and bisexual women from the region. These women continue to be exposed to continuing violence. In May 2020, the Assistance Group conducted a survey of lesbian and bisexual women and transgender persons on access to legal protection and medical care in cases of gender-based violence. 23% of respondents reported that domestic conflicts have increased during the pandemic. One woman in the Chechen republic who requested help from the Assistance Group has been confined to her family home and subject to physical and sexual violence because of her sexual orientation. One of her relatives subjects her to blackmail and threats of “corrective rape.” She is unable to obtain assistance from police or medical providers and she cannot leave her home or the Chechen Republic due to death threats and quarantine measures in the region.

‘[...]

‘There are few personal accounts of LBT women in Chechnya because they face more violence than gay and bisexual men. Unlike gay and bisexual men, who are free to leave their region, LBT women are controlled entirely by their fathers, brothers, and husbands. In some cases, the family member is recruited as a security agent, allowing authorities to easily monitor outed lesbians, “and if their ruthless relatives want to kill them, they could have the means and sources to determine their location and attempt a reprisal.” Instead of going to prison, LBT women typically experience violence at the hands of their brothers, male relatives, or friends. For example, one woman’s brother beat her, and her sister threatened to kill her after someone took screenshots of her correspondence with a girlfriend and forwarded them to her uncle. Though the woman managed to escape her family multiple times, her relatives ultimately tracked her down. On one occasion, a relative tracked her down and signed her into a psychiatric facility for three months. Her brother confronted her with a pistol and asked her to kill herself, explaining that “it would be easier to explain to others that it was an accident if I shot myself.” A week after they caught her again trying to flee Chechnya, she died from suspected poisoning, even though the death certificate says she died from “organ rejection, in consequence of complications after having the flu.” Her girlfriend was also caught and the girlfriend’s brother subjected her to torture in the form of electric shocks.

‘Another woman reported that she married a man in order to hide the fact that she was a lesbian, “so as not to ruin the reputation of my family.” After she left the region, her family became aware that the marriage was a sham, and since that time she has been “attacked with threats from my male relatives, who are seeking to punish me for the lie and my lifestyle.”

‘Another lesbian woman reported receiving threats from unknown persons who “promised to find us and kill us, or to inform our parents about our sexual orientation to let them execute us.” She noted that if a lesbian woman’s “opponents” were to find out about her sexual orientation, “they would beat me and rape me, film it, and then share it with others, or simply kill me.” She observed that “honor killings” of females in Chechnya never result in punishment, either “by public opinion [ ] or from the legal point of view.” Chechen women can face extrajudicial executions simply for living

alone in a city outside Chechnya.’<sup>111</sup>

6.3.5 On 3 July 2020, the online media outlet Caucasian Knot reported:

‘At least ten gays were killed in Chechnya over the past three years; while evacuation of LGBT people from the republic is hampered by falsification of criminal cases against them, Olga Baranova, an employee of the Moscow Community Centre, said in her interview with the "Meduza". [...] She has stated that this is a new tactics of Chechen authorities. Under torture, a person is forced to sign a confession; and then no one can help him/her. Olga Baranova works in a support group for queer women of Northern Caucasus - lesbians, transgender and bigender (non-binary gender) people. According to her story, in three years, they helped about 50 women to leave the region.’<sup>112</sup>

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## 6.4 Transgender persons

6.4.1 In September 2018, Pink News reported on the situation for women and transgender persons in Chechnya:

‘[...] the gay purge, as it has been dubbed, is not just affecting men—lesbian and transgender women are being targeted, too.

‘Zamira, a transgender woman from Chechnya, tells PinkNews she found out about the anti-LGBT purge last year. Although she didn’t believe it for a long time, she lived her life in hiding.

“I did not go out, I communicated with very few people. So I saw this information online only and like many others I believed that it was not true,” she says, speaking on condition of anonymity. “Until the moment they started to hunt me.”

‘Zamira managed to flee Chechnya with the help of human rights activists working on the ground in the Russian autonomous region. She is now out of the region and living in relative safety in an undisclosed location, but she is still afraid. [...] “This fear stays even with those who left Russia.”’<sup>113</sup>

6.4.2 Hornet, a social media site for gay persons, reported the following in September 2017:

‘Leyla grew up in Chechnya when the region was still part of the Soviet Union. [...] Leyla left Chechnya in 2002 and began to understand her gender identity more so in college. After college, she moved to Moscow and began living as a woman.

‘[...]

‘Although Leyla stopped visiting Chechnya and kept minimal contact with her relatives there, one day in 2015 her relatives began harassing her in Moscow. An angry cousin showed up on her doorstep, and when she ran to police, they told her, “Go to gay Europe.” Barely a week later, an assailant stabbed her in the back while she was removing groceries from her car. The

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<sup>111</sup> CEDAW, [Advocates for Human Rights and Moscow Community Center \[...\]](#), 15 June 2020

<sup>112</sup> Caucasian Knot, [A detention](#), 3 July 2020

<sup>113</sup> Pink News, [Chechnya's gay purge's forgotten lesbian and trans \[...\]](#), 8 September 2018

attacker said, “We are so tired of you and your shame,” as she lost consciousness. She suffered a collapsed lung.

‘When she considered pressing charges, a policeman told her that doing so would require her to return to Chechnya, a place where the judge or police might try to kill her.

‘A few months later, she claims images of her passport got posted on social media, and Chechnya’s leader allegedly posted her phone number on his Instagram account. She started receiving death threats.’<sup>114</sup>

#### 6.4.3 In June 2017, Open Democracy reported on a transgender Chechen woman:

‘Sabrina (not her real name), a transgender woman, was born and grew up in Grozny. She’s felt that she was a woman since childhood. Once she reached adulthood, she realised that it wasn’t safe for her in Chechnya and moved to Moscow. After a group of Chechens learned of their compatriot, a hunt began for Sabrina. Eventually, in fear for her life, she moved to the US.

‘Sabrina: I worked as a volunteer at a human rights organisation. Once I was told that that someone needed my help. It was an acquaintance from Dagestan, a transgender woman. She had problems; she was in danger. I immediately took her in, because she didn’t have any money. While I was trying to help her, someone I considered a friend made copies of my documents and posted them all over the internet along with my phone number and photo, sending them to his Chechen acquaintances with a following note: “Are there are no men left in Chechnya who could remove this shame?” After that, photos of my documents were shared across WhatsApp.

‘[...]

‘On 10 October 2015 I was attacked. [...] I heard a man’s voice: “This is a gift to you from your uncle”. [...] Then I heard another sentence, but in Chechen: “How long are you going to disgrace the family, scum?” [...] I woke up in hospital, where I learnt that I had two stab wounds in my right lung.

‘OC Media: Which room were you sent to: the men’s or the women’s?

‘I have old documents with my male name, but the doctor understood everything and put me in the women’s room. I am very thankful to him for this. When I first saw his name on the door, I was crazily afraid — a Muslim name, from the North Caucasus. He turned out to be a decent man. I am grateful for his attitude towards me.

‘I spent more than a month in hospital. Last February I received threats. They called me, relatives wrote to me, strangers, some unknown people. A nightmare began. Neighbours and some distant relatives came to my family, demanding that I move back to Chechnya to prove that this [the sex change] was all a lie. [...]

‘How did your family cope with this pressure?

‘Sabrina: They still cope with it. Some elderly people from the street approached my mum once. They told her: “You gave birth to a freak who

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<sup>114</sup> Hornet, [This Trans Chechen Woman Has a Harrowing Tale of Escape \[...\]](#), 1 September 2017

disgraced not only your family, but the entire republic. We cannot touch you, because you are a pious woman, but you must leave". My Mum couldn't take any more and put a noose around her neck. Luckily, neighbours came and saved her.

'During that time I had to switch flats several times a day. I would move into one flat and in a few hours a car would park under my windows with the number 95 the plate, from the region [Chechnya], and tinted windows. After the third time I understood that something was wrong. My friends, human rights activists, checked the numberplates; it turned out that they were looking for me.

'How did you leave the country?

'Activists helped me. I don't want to say their names, for safety reasons, but I want to say that I remember everyone, they really helped me.

'With their help I left the country, but something unbelievable happened. I still cannot understand how it was possible.

'[...]

'Right before my departure from Moscow, I purchased a new SIM card in order to call my mother once I arrived. I bought it without registration, without documents, without anything. I broke my previous sim card and put it in the bin. I arrived and checked into my hotel. The number was registered to a stranger. I put the SIM card in my phone. I tried to call my mother through WhatsApp and at the same moment I received a message: "Do you think you are safe because you left the country? We have our people where you are; they know your hotel. We even your room number. It's 115". Can you imagine? This was indeed my room number.

'Do you keep in touch with your relatives?

'Only with my mother and sisters. However we don't discuss the sex change — this is a taboo. Traditional Caucasian moments are still inside me. No matter how strongly I want to, I cannot ignore this psychological barrier. I always say that while my mum is alive, I will do my best to do everything not to upset her. If we have a video chat, I do try to look like the person she remembers I was in the past, I mean in the male form. However it is very hard to do.'<sup>115</sup>

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## 6.5 Release from detention

6.5.1 The LGBT Network published a report in 2017 which documented the experiences of some of those LGBT persons who were released from detention in Chechnya, stating:

'Bisexual and homosexual men who went through the horrors of unlawfulness and barbaric treatment were formally released. However, the price they paid for being released was extremely high. The procedure did not resemble the reacquiring of freedom. It took the form of a ceremonial event of shaming the sins of those who dared to dishonor their kin. The release

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<sup>115</sup> Open Democracy, [A transgender life in Chechnya](#), 28 June 2017

involved a visit from the honored representatives of the Chechen authorities, who advised the victims' relatives on how they should treat their next of kin. Their relatives were advised to find a "proper solution" to get rid of the "sick" members of their family, who spoiled the teip [kinship clan]. The authorities guaranteed that if the family decided to kill the gay/bisexual family member (to wash the shame away with blood), they would not be prosecuted for this crime. During one such ceremony, the relatives of one of the detainees asked why the authorities didn't kill the inmates themselves. The representative of the authorities said that they could "take them to the forest, accuse them of terrorist sentiments, and kill them, but it would be better if the parents took care of their children." The victims were told that from this moment on, they could not leave the Republic or try to flee, because law enforcement officers would come with random searches to check on the victims' movements.

'Being released from the prison also involved paying a ransom. The perpetrators also demanded money from the families in exchange for not disclosing the real reason why the person in question was detained. The financial donation was mandatory; it was a symbolic way of buying out the guilt in front of the Chechen people.'<sup>116</sup>

6.5.2 The same report further noted: 'After most of the victims were released, some of the former inmates went missing. Some became the victims of honor killings. Some families falsified an honor killing and even held fake funerals to cover up the fact that their LGBT relatives fled the Republic.'<sup>117</sup>

6.5.3 The same report also noted that after release:

'The victims were strictly advised not to flee the Republic, and that their location could be checked by law-enforcement personnel. After a month and a half of the anti-gay campaign, the crisis received immense coverage in the media, and the police were pressured to release all the detainees. However, using all the data that they had unlawfully recorded, the state officials were able to figure out the fates of those who had been detained. They could check whether they were killed by their relatives or if they had fled the Republic. If the victim fled, the authorities demanded that the relatives sign a statement saying that they had no complaints about the work of the Law Enforcement Officers of the Chechen Republic. The relatives were forced to give false testimonies. The Novaya Gazeta recorded data that said that they were also forced to contact the victims and pressure them to keep silent about their experiences in Chechnya'.<sup>118</sup>

6.5.4 The report further stated:

'There is firm evidence that such anti-LGBT violence has spread outside of the region [Chechnya]. Some victims of mass persecution were not Chechen by nationality. We know of at least 3 such cases. The Chechen authorities have comprehensive data that allows them to exert pressure on these people even when they are not in the Republic. According to the information we have (from the Chechen authorities, from the victims, and from their

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<sup>116</sup> Russian LGBT Network, ["They said that I'm not a human, that I am nothing \[...\]"](#) (p 16-17), 2017

<sup>117</sup> Russian LGBT Network, ["They said that I'm not a human, that I am nothing \[...\]"](#) (page 20), 2017

<sup>118</sup> Russian LGBT Network, ["They said that I'm not a human, that I am nothing \[...\]"](#) (page 20), 2017

relatives), there were at least two such cases. In both cases, the Chechen authorities went to the Russian regions where these people lived. The Chechen authorities were in contact with the local authorities. We have evidence that in one case, the victim was not abducted only because they were warned and managed to hide from the persecutors. In another case, our sources say that the victim was murdered. This information is not verified yet. Both of these cases happened outside of the Chechen Republic. This leads to the conclusion that the Chechen authorities have enough access to the data that it allows them to locate the victims and their relatives. The relatives release this information under severe pressure. The authorities are able to exert pressure and intimidate even those who do not reside permanently in the Chechen Republic. They use interregional mechanisms of police cooperation and receive assistance from Russian law enforcement agencies in various regions.’<sup>119</sup>

- 6.5.5 In the report of May 2017, Human Rights Watch stated that ‘Many of those who have been released have fled Chechnya, but they still face the double risk of being hunted down and harmed by both Chechen security forces and their own families as long as they remain in Russia’s territory.’<sup>120</sup>
- 6.5.6 See [Chechnya: family members of LGBT persons](#) for further information on this subject.

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## 6.6 Social norms and family members

- 6.6.1 In 2017 Human Rights Watch reported: ‘Chechnya is a highly conservative, traditional Muslim society; homophobia is intense and rampant, and homosexuality is generally viewed as a stain on family honor. People still carry out, or threaten to carry out, “honor killings” to “cleanse” perceived stains to their family’s honor, including against young women suspected of promiscuity and family members who are lesbian, gay, bisexual, or transgender (LGBT).’<sup>121</sup>
- 6.6.2 The OSCE 2018 report stated ‘The situation of females with non-heterosexual orientation is also important to mention. They are particularly vulnerable because of the traditional society. [...] the main punishment seems to have been psychological, in cooperation with their male relatives who were put under pressure to wash away the shame from the family.’<sup>122</sup>
- 6.6.3 In April 2017, The Guardian reported:
 

‘Igor Kochetkov, a gay rights activist from St Petersburg, [stated that many gay people] are in hiding from both their families and the authorities. [...]

‘Chechen society is extremely conservative and homophobic, and there are fears that some gay men may have been killed by their families after being outed by authorities. [...]

‘Alvi Karimov, spokesman for Kadyrov, [stated] “If there were such people [i.e. gay people] in Chechnya, the law-enforcement organs wouldn’t need to

<sup>119</sup> Russian LGBT Network, [‘Monitoring of discrimination and violence based on \[...\]’](#), 2018

<sup>120</sup> HRW, [‘They have long arms and can find me’](#) (Summary), 26 May 2017

<sup>121</sup> HRW, [‘They have long arms and can find me’](#) (Summary), 26 May 2017

<sup>122</sup> OSCE, [‘OSCE Rapporteur’s Report under the Moscow Mechanism \[...\]’](#), 13 December 2018

have anything to do with them because their relatives would send them somewhere from which there is no returning.”

‘[...]

‘In Chechnya’s ultra-traditional society, based on strong codes of family and clan allegiance as well as Islamic faith, having a gay relative is seen as a stain on the entire extended family. Brothers and sisters of a known gay man would find it hard to get married as the family would be seen as tainted.

‘Many gay Chechens are married, and lead double lives or suppress their feelings, so as not to cause grief to their families. The men with whom the Guardian spoke said they had never told a single family member or non-gay friend about their sexuality. Meetings and even conversations with other gay men were carried out using extreme conspiratorial methods.

“These people have lived in a completely closed society and have spent their whole lives exercising absolute discretion,” said Kochetkov. “Many of them are physically unable even to say the word ‘gay’.”<sup>123</sup>

6.6.4 Russian LGBT Network published a report in 2017 which noted:

‘The psychological and moral pressure also affected the relatives of the victims. Even the slightest assumption about the non-heterosexuality of a person bears consequences not only for their lives, but for the lives of their relatives. Public opinion and social pressure have an immense effect on the general population in the North Caucasus. People are forced to feel their responsibility for the teip [kinship group]. This pressure of social responsibility forces the relatives to at times employ extreme efforts to protect members of their family from social persecution - kangaroo courts, arsons, etc.’<sup>124</sup>

6.6.5 The same report stated:

‘Chechen society is divided by teips, or kinship clans. This kinship-based structure becomes highly susceptible to the society’s intrusion into family affairs. Families are vulnerable. If someone suspects a person is committing something that is against the law, the whole family will be held responsible. Traditions in the North Caucasus suggest that the family should renounce problematic relatives or undergo a series of severe punishments. In Chechen society, people mark homosexuality as one such “problematic personality trait”; one that can be resolved by honor killing. By such severe execution, the family demonstrates that it not only renounces its relative in accordance with the Chechen tradition, but also that it values these traditions higher than kinship ties. Every victim who was outed to the family experienced violence on the side of their relatives. The victims who were able to hide their sexuality were assured that if their relatives knew they were homosexuals, they would be executed under the rule of honor killing.’<sup>125</sup>

6.6.6 The report further noted:

‘However, among some families, there were supportive parents or relatives

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<sup>123</sup> The Guardian, [‘Chechens tell of prison beatings and electric shocks \[...\]’](#), 13 April 2017

<sup>124</sup> Russian LGBT Network, [“‘They said that I’m not a human, that I am nothing \[...\]’”](#) (page 21), 2017

<sup>125</sup> Russian LGBT Network, [“‘They said that I’m not a human, that I am nothing \[...\]’”](#) (page 22), 2017

who tried to keep the survivors from reprisal. They provided them with safe houses or even organized their fleeing from the Republic to keep their gay or lesbian children, siblings, or nephews alive. Helping their LGBT relatives find sanctuary is a risky affair for the relatives. Along with social sanctions, the relatives can become the subject of persecution themselves. The testimonies showcase that in some cases, the brothers of the outed homosexual men and the spouses and children of outed bisexual men were persecuted by the authorities. Children and spouses in these circumstances become the most vulnerable, not only because they lose the head of the family, but also because they lose their social status without an opportunity to reinstate it.<sup>126</sup>

- 6.6.7 Open Democracy published an article in May 2019, which stated, 'Yet another group of hidden victims [...] are the wives of gay men who have fled Russia. The stigma attached to them and their children is truly enduring.'<sup>127</sup>
- 6.6.8 In the report of May 2017, Human Rights Watch noted, 'The families of anyone who might step forward, and families who refuse to meet demands of officials or relatives to force their gay loved ones to return to Chechnya, may also be at acute risk of threats, harassment, and retaliation.'<sup>128</sup>
- 6.6.9 See also [Chechnya: release from detention](#).

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## 6.7 Ramzan Kadyrov and Russian federal authorities

### 6.7.1 In 2017 Human Rights Watch reported:

'High-level Chechen officials, including Ramzan Kadyrov, have repeatedly condoned honor killings [of LGBT persons].

'However, longstanding societal homophobia does not explain the 2017 anti-gay purge. Rather it was ordered and conducted by officials in Chechnya. Although for years police in Chechnya have illegally detained men perceived to be gay to extort money from them under threat of exposing them to their families, the systematized round-ups and torture of gay men in 2017 are unprecedented.

'Kadyrov has governed Chechnya for more than a decade and has gradually built a tyranny—ruthlessly eradicating even the mildest forms of dissent. Kadyrov has done so with the blessing of the Kremlin, which has given him free rein to engage in any human rights violations and repression he chose. Under Kadyrov's leadership, law enforcement and security officials in Chechnya have used illegal detention, torture, collective punishment, public humiliation, and other abuses against many "undesirables"—ranging from alleged Islamist militants and their family members to those simply perceived as Kadyrov's critics. In spring 2017, they specifically targeted men suspected of being gay.'<sup>129</sup>

### 6.7.2 In May 2019, The Independent published an article which stated, 'The region's leader, Ramzan Kadyrov, who has been given free rein as part of a

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<sup>126</sup> Russian LGBT Network, ["They said that I'm not a human, that I am nothing \[...\]"](#) (page 23), 2017

<sup>127</sup> Open Democracy, ['The unbearable silence of Chechnya's lesbians'](#), 29 May 2019

<sup>128</sup> HRW, ['They have long arms and can find me'](#) (Summary), 26 May 2017

<sup>129</sup> HRW, ['They have long arms and can find me'](#) (Summary), 26 May 2017

security deal struck with the Kremlin, has denied knowledge of any clampdown. But in a menacing interview given soon after the first reports of torture emerged, he insisted there were “no gays” in Chechnya. And, even if there were, he added, they should be removed – “far away from us ... to purify our blood”.<sup>130</sup>

6.7.3 The 2017 Human Rights Watch report continued:

‘Russian federal authorities initially dismissed reports about the violence. Following a growing international scandal, several federal agencies launched inquiries. On May 5 [2017], President Vladimir Putin said he intended to speak with the prosecutor general and interior minister about the reports. Kadyrov then claimed he is “ready to cooperate” with federal inquiries, but at the same time continued to deny the existence of gay people in Chechnya.

‘Russian officials do not appear to acknowledge the depth and legitimacy of victims’ fears about coming forward. There are grounds for concern that if victims remain fearful of coming forward, federal officials will simply dismiss the anti-gay purge as rumor.’<sup>131</sup>

6.7.4 In their report of 2017, Russian LGBT Network stated: ‘The Federal authorities followed the same pattern of remaining in denial, but with less involvement of homophobic rhetoric, as the questions about what is happening in the Chechen Republic started to suddenly appear on a regular basis. The Press Secretary of the President of the Russian Federation, Dmitry Peskov, stated that it is not the Kremlin’s prerogative to initiate any criminal proceedings in this regard.’<sup>132</sup>

6.7.5 The OSCE report stated: ‘There is the impression that institutions of the Russian Federation that are doing valid work in general, do have difficulties in addressing the situation in Chechnya, which is treated like a special case, an area of exception, where the institutions of the Russian Federation are not effective and a special regime of impunity is tolerated for the sake of stability.’<sup>133</sup>

6.7.6 In their Review of 2019, published in April 2020, Amnesty International reported, ‘The mounting evidence of abduction, torture and killing of gay men by the authorities in Chechnya over previous years, was consistently ignored by the federal authorities. In May [2019], Maxim Lapunov, a survivor who failed to attain any justice in Russia filed a complaint at the ECtHR [European Court of Human Rights [...]].’<sup>134</sup> In a report dated December 2018, the OSCE noted that Mr Lapunov, who was abducted in March 2017 and held for 12 days, had fled to other parts of Russia/Moscow after his release from detention in Chechnya, but that he left Russia in October 2017 due to concerns regarding his safety<sup>135</sup>.

6.7.7 In May 2019, Human Rights Watch reported:

‘Despite a sharp international outcry and Russian authorities’ repeated

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<sup>130</sup> The Independent, [“Gay purge” responders in Russia attacked \[...\]](#), 30 May 2019

<sup>131</sup> HRW, [‘They have long arms and can find me’](#) (Summary), 26 May 2017

<sup>132</sup> Russian LGBT Network, [“They said that I’m not a human, that I am nothing \[...\].”](#) (page 25), 2017

<sup>133</sup> OSCE, [‘Rapporteur’s Report under the Moscow Mechanism \[...\]](#), 13 December 2018

<sup>134</sup> AI, [‘Russian Federation 2019’](#), Russia, 16 April 2020

<sup>135</sup> OSCE, [‘OSCE Rapporteur’s Report under the Moscow Mechanism \[...\]](#), December 2018

promises to investigate the 2017 crackdown [in Chechnya], the government has taken no action. No criminal case has been opened into an October 2017 complaint by a survivor of the purge, and the Russian authorities did not provide him with the protection he repeatedly requested. In May 2018, Russia's justice minister, Aleksander Konovalov, told the United Nations Human Rights Council (UNHRC): "The investigations that we carried out ... did not confirm evidence of rights' violations, nor were we even able to find representatives of the LGBT community in Chechnya".<sup>136</sup>

- 6.7.8 In May 2019, The Independent reported on an attack on the home of one of the activists assisting with the evacuation of LGBT persons from Chechnya:

'The response of central Russian authorities is not much better [than that of the Chechen authorities], the activist [Igor Kochetkov, head of the Russian LGBT Network] stressed. Despite international outcry, there has been no effective investigation of complaints. Indeed, the Kremlin denies the very possibility of an anti-gay purge. That approach makes attacks a "foregone conclusion", said Tanya Lokshina, lead Russian researcher for Human Rights Watch.

"Unless Russian authorities put an end to this intolerable impunity, new attacks seem inevitable," Ms Lokshina told The Independent. "Impunity emboldens perpetrators, so the raid of the apartment of one of the LGBT Networks volunteers could hardly be considered surprising, albeit very disturbing."

'Mr Kochetkov, who earlier this year was also the target of a death threat on YouTube, brushed aside by police, says LGBT+ activists are routinely subjected to harassment and intimidation because of their Chechnya work.'<sup>137</sup>

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Section 7 updated: 11 November 2020

## 7. Societal attitudes and treatment

### 7.1 Social norms

- 7.1.1 The USSD HR Report 2019 noted, 'LGBTI persons reported significant societal stigma and discrimination, which some attributed to official promotion of intolerance and homophobia.'<sup>138</sup>

- 7.1.2 In June 2020, The Independent reported on an advert produced by media groups:

'The year is 2035. Two gay men are in the process of adopting a child. A worried boy asks where his mother is. Orphanage workers look on with concern. An effeminate actor in eyeliner, "mum", gets out of his car.

"Is this the Russia you choose?" asks a voice from off-screen. "Decide the future of your country and vote for amendments to the constitution." [...]

'The homophobia card certainly worked the last time it was road-trialled in a

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<sup>136</sup> HRW, '[Russia: New Anti-Gay Crackdown in Chechnya](#)', 8 May 2019,

<sup>137</sup> The Independent, '["Gay purge" responders in Russia attacked \[...\]](#)', 30 May 2019

<sup>138</sup> USSD, '[HR Report 2019](#)', Russia (Section 6), 11 March 2020

major way in 2013. Then, the introduction of the much-derided law on “gay propaganda,” Russia’s Section 28, divided society and bolstered Vladimir Putin’s rating. But fast forward to 2020 and it is less clear what effect, if any, it can have on electoral dynamics. The context is quite different given the coronavirus pandemic, a multi-year economic squeeze, and increasingly liberal mindsets among the younger generation.

‘A poll published last year suggested half of Russians were now in favour of equal rights for LGBT+ people, up from 39 per cent in 2013.

‘Marianna Muravyeva, professor of gender and law at Helsinki University, suggested Mr Prigozhin’s [Yevgeny Prigozhin, a Russian oligarch and the person believed to be responsible for the advert] advisors were working to an “outdated script.” “It’s a dumb strategy,” she said. “It comes from people who believe that the nation is made up of dark, unenlightened masses. They don’t understand it hasn’t been like that for some time.”

‘Signs of Russia’s increasingly tolerant reality were also evident in a strong counter-reaction to the video. Going under the hashtag #davyberu, or #yesIchoose, a stream of commentators took to the internet to explain why they would, in fact, choose a Russia with gay parents. Artists published scenes of idealised gay families; one post garnered 15,000 likes within a couple of hours of posting.’<sup>139</sup>

- 7.1.3 The Moscow Times reported in May 2019 on a poll involving 1625 respondents from 50 Russian regions which was conducted in the spring 2019<sup>140</sup> by Levada Centre Pollster, a Russian non-governmental research organization, which regularly conducts sociological research<sup>141</sup> which showed: ‘47% of Russian respondents agreed that “gays and lesbians should enjoy the same rights as other citizens,” [...], while 43 percent disagreed. When asked the same question in 2013, the year the “gay propaganda” law passed, 8 percent fewer Russians agreed that LGBT people deserve equal rights (39 percent).’<sup>142</sup>

- 7.1.4 In May 2019, The Independent reported:

‘Activists say the new Levada poll [of May 2019] fell in line with their own data. Igor Kochetkov, head of the Russian LGBT+ network, said homophobia in Russia had “peaked” and an aggressive Kremlin campaign had “failed.”

“Of course, Russian society remains extremely homophobic, but it’s less than at the beginning of the decade,” he says. “The good news is that it isn’t getting worse.”

‘[...] In a 2018 poll, half of Russians aged 18-28 said they refused to recognise there was such a thing as gay propaganda – more than twice the level in the general population.’<sup>143</sup>

- 7.1.5 For further information see [135- FZ \(gay propaganda law\)](#).

- 7.1.6 In January 2018, The Moscow Times reported on a different poll conducted

<sup>139</sup> The Independent, [‘How liberal outrage pushed a homophobic troll video \[...\]’](#), 5 June 2020

<sup>140</sup> ILGA-Europe, [Annual Review 2020](#), Russia, 4 February 2020

<sup>141</sup> Levada Centre, [‘About us’](#), no date

<sup>142</sup> The Moscow Times, [‘Russian Support for LGBT Rights hits 14-year high \[...\]’](#), 23 May 2019

<sup>143</sup> The Independent, [‘Almost one in three Russians would \[...\]’](#), 23 May 2019

by the Levada Centre which had 1600 respondents from 48 Russian regions:

‘An overwhelming majority of Russians believe it is “reprehensible” for people of the same gender to have sex. [...] In Thursday’s [10 January 2018] poll, 83% of respondents said it was “always reprehensible” or “almost always reprehensible” for two adults of the same gender to have sexual relations.

‘[...] This year, only 8% of respondents said there was nothing objectionable about sexual relations between adults of the same gender.

‘Levada also found that while people under 31 years of age were much more tolerant of same-sex relations than older generations in 2008, that distinction has not disappeared.’<sup>144</sup>

#### 7.1.7 The Moscow Times reported in January 2019:

‘Russia’s cultural capitol [sic], St. Petersburg, has also distinguished itself as the most tolerant of the LGBT community, according to the results of a recent survey.

‘[...] St. Petersburg came in first place among 20 Russian cities whose residents are the most gay-friendly, according to the Zoom Market agency’s research [research in Russian] published Saturday [26 January 2019]. Novosibirsk and Moscow placed second and third, followed by Voronezh, Krasnodar and Kaliningrad.

‘On the opposite end of the ranking, the marketing agency named Saratov, Chelyabinsk and Kazan as the three least tolerant of Russian cities toward LGBT people.

‘Zoom Market surveyed 2,400 respondents from 20 Russian cities on how they feel about sexual minorities and whether any of their friends are gay.’<sup>145</sup>

#### 7.1.8 In June 2017, Open Democracy reported as follows: ‘The data reveals 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 in these cities, their relative indexes are actually the lowest.’<sup>146</sup>

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## 7.2 Lesbians

### 7.2.1 There is little information about lesbians as a specific group, and even in the following article, which is written by lesbians, the women frequently refer to themselves a LGBTQ group. The Calvert Journal, part of the Calvert 22 Foundation, published an article entitled, ‘What is intimacy? 10 Russian queer women talk candidly about love,’ on 14 May 2019, which stated:

‘In order to stay safe, Russia’s lesbian couples are often forced to hide their relationships. In a strongly patriarchal country they face a double stigma:

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<sup>144</sup> The Moscow Times, [‘Four out of Five Russians find gay sex \[...\]’](#), 11 January 2018

<sup>145</sup> The Moscow Times, [‘St. Petersburg named Russia’s most LGBT-friendly city’](#), 28 January 2018

<sup>146</sup> Open Democracy, [‘Charting Russia’s most dangerous cities for LGBT people’](#), 29 June 2017

they are vulnerable both as women, and as LGBTQ people. “The most difficult thing is the constant sense of worry, and the degrading secrecy,” says 23-year-old Yana.

‘But thanks to the internet — and a new wave of LGBTQ, feminist communities — it’s becoming easier for queer women in large Russian cities to seek out support and each other, despite the homophobia and misogyny that form a constant backdrop to their lives.’<sup>147</sup>

7.2.2 In the same article, Sonya, one of the women interviewed, said:

“‘In Russia, LGBTQ people ‘don’t exist’. There are no films or television series which features our lives, which upsets me a lot as an actress. I’m not happy about the ‘gay propaganda’ law and the fact that we don’t have Pride: you can’t walk down the street with a rainbow flag and feel like part of the community. It would be great if teenagers and kids who are only just starting to discover themselves and their sexuality could get real, accurate information about being LGBTQ.” And Chloe added “...the most difficult thing about being a queer person in Russia is overcoming the fear. You can encounter aggression anywhere: on the street, in the metro, in shops, even at the gynecologist. It’s a difficult thing to live with day by day.”<sup>148</sup>

7.2.3 The Moscow Times reported on 12 December 2019 about a young lesbian who was attacked in St Petersburg:

‘Yekaterina Lysikh, 18, was attacked and beaten by a group of men who had pursued her and her three friends into a café after harassing them on the street and trying to take their belongings.

“‘They started to insult us with harsh language because the girls with us have a non-typical appearance. They started to call us names, saying things like: ‘What’re you, lesbians?’...”

‘Baza [Telegram, a subscription channel] reported that police had detained and charged three males, aged 16 to 19, for attacking Lysikh.

“‘The detainees admitted that they didn’t like how Yekaterina had been holding hands with her friend,” Baza reported.’<sup>149</sup>

7.2.4 The June 2020 joint submission to CEDAW list of issues by Advocates for Human Rights and Moscow Community Center for LGBT+ Initiatives stated, ‘The COVID-19 pandemic has placed lesbian, bisexual, and transgender women at heightened risk, particularly as they are confined to the family home—an environment where many LBT women do not feel safe.’<sup>150</sup>

The same report said: ‘Discrimination, harassment, and threats against LBT women have increased, coinciding with the government’s rhetoric that LGBT relationships are a threat to traditional families. [...] These women also report experiencing high levels of discrimination at work and school, and they also report unlawful detention, barriers to accessing healthcare, discrimination in housing, and unauthorized access to personal information.

<sup>147</sup> The Calvert Journal, [‘What is intimacy? 10 Russian queer women talk candidly \[...\]’](#), 14 May 2019

<sup>148</sup> The Calvert Journal, [‘What is intimacy? 10 Russian queer women talk candidly \[...\]’](#), 14 May 2019

<sup>149</sup> Moscow Times, [‘7 Men Attack Teenager in Russia for ‘Lesbian’ Appearance’](#), 12 December 2019

<sup>150</sup> CEDAW, [Advocates for Human Rights and Moscow Community Center \[...\]](#), 15 June 2020

LBT women do not trust the police or courts to address discrimination and violence based on sexual orientation, gender identity, or gender expression.’<sup>151</sup>

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### 7.3 Transgender persons

7.3.1 Gay social media site, Hornet, reported in September 2017 on a transgender Chechen woman living in Russia: ‘Once in Russia she faced harassment over the fact that her official passport still listed her gender as male. Police officers accused her of being a Chechen militant disguised as a woman and threatened to confiscate her passport and share pictures of it online, effectively making her a target for violent vigilantes.’<sup>152</sup>

7.3.2 In May 2017, The Moscow Times also reported on a transgender Chechen woman living in Russia:

‘After moving to Moscow, Leila says fellow Chechens started harassing her. Meanwhile, back home, unknown men visited her parents and informed them that they must kill her, or someone else would. In October 2015, a man did try to kill Leila in downtown Moscow, stabbing her twice in the chest with a knife. But Leila survived.

‘She says the Moscow police ignored her reports that someone was trying to hurt her. Officers apparently told her, “Either screw off to Europe, or we’ll escort you back to Chechnya ourselves.”

‘After the murder attempt, Leila moved to a new apartment, stayed hidden, and eventually decided to emigrate to Argentina, later deciding on the U.S., instead.’<sup>153</sup>

7.3.3 See also [Attitudes of government, church and others in authority](#) and [Documentation](#) and for further information about the position of transgender persons. See [State treatment](#) and [State and police treatment: attitudes and experiences of LGBTI community](#) for further information on this subject.

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### 7.4 Intersex persons

7.4.1 Ilia, the lawyer of Association of Russian Intersex (ARSI), gave an interview in April 2020 in which he stated that ‘Disability, document change, denial of medical care, transphobia violence’ are the issues for which intersex persons often approach him for help<sup>154</sup>.

7.4.2 In the same interview, Ilia mentioned:

‘There is no mention of intersex variations and gender disorders in the law itself, but there are separate acts, in the form of the Orders of the Ministry of Health, which are called standards of medical care and procedures of medical care - and these standards are in many diagnoses. Standards of specialized medical care for children with intersex variations are set by

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<sup>151</sup> CEDAW, [‘Advocates for Human Rights and Moscow Community Center \[...\]’](#), 15 June 2020

<sup>152</sup> Hornet, [‘This trans Chechen woman has a harrowing tale \[...\]’](#), 1 September 2017

<sup>153</sup> The Moscow Times, [‘Chechnya’s “First Transgender Woman” Comes Forward’](#), 18 May 2017

<sup>154</sup> NFP Plus, [“‘Freaks have no rights” or how to fight \[...\]’](#), 18 April 2020

orders of the Ministry of Health of Russia No.852n from 09.11.2012 and No1074n from 20.12.2012. They include recommendations for most intersex variations. These include the necessary medical interventions for the diagnosis and treatment of intersex variations, including the provision of medical psychologist advice and "psychological adaptation". Also provided consultations neurologist and psychiatrist - it does not say that it must be appointed, but for some reason gender disorders and other endocrinological diagnoses in the minds of doctors are associated with some psychological problem, so it is recommended to consult a psychiatrist.<sup>155</sup>

- 7.4.3 The USSD HR Report 2019 stated: 'The Association of Russian Speaking Intersex reported that medical specialists often pressured intersex persons (or their parents, if they were underage) into having so-called normalization surgery without providing accurate information about the procedure or what being intersex means.'<sup>156</sup>

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## 7.5 Hate speech

- 7.5.1 In their Annual Review 2020, covering the year 2019, ILGA-Europe reported, 'In a handful of cases, authorities in Yekaterinburg imposed fines (70EUR) on individuals for posting homophobic comments on the VKontakte social network. These are the first instances where hate speech was penalised.'<sup>157</sup>

- 7.5.2 RFE/RL released an article in September 2018 which stated:

'Internet users in Russia have faced criminal hate-speech charges for mocking religion on social media [...]. But when a Russian LGBT activist complained to police about online comments saying, "faggots should be pummelled" or "snuffed out," they said no laws were broken - and that sexual minorities are not a group protected under hate-speech laws.

'[...]

'Plyusnina [Anna Plyusnina, a lawyer with the LGBT Resource Center] [...] says that she decided to file formal complaints in March [2018] after local news portals refused to delete homophobic comments - some involving violent imagery - posted under articles about LGBT issues.

'The complaints eventually landed on the desk of the counterextremism department of the regional Interior Ministry, which last month sent the responses to Plyusnina's three complaints.

'One response cites an expert analysis as conceding that the comments feature "rude, profane, insulting" language about gay men and "discuss violent actions against them" - including one reading, "It's not a sin to thrash gays."

'But police concluded that the targets of the abuse are not covered under criminal statutes used to prosecute online speech. Under Russian law, someone can be sentenced to five years in prison for public actions -- including Internet posts - aimed at "stoking hatred" or demeaning people

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<sup>155</sup> NFP Plus, ["Freaks have no rights" or how to fight \[...\]](#), 18 April 2020

<sup>156</sup> USSD, [HR Report 2019](#), Russia (Section 6), 11 March 2020

<sup>157</sup> ILGA-Europe, [Annual Review 2020](#), Russia, 4 February 2020

based on “gender, race, nationality, language, heritage, attitude toward religion, or affiliation with a social group.”

“The police said LGBT individuals are not a social group, and for that reason you can't stoke hatred against them,” Plyusnina says.

‘Aleksandr Verkhovskiy, head of the Moscow-based Sova Center, which tracks the use and abuse of antiextremism laws in Russia, tells RFE/RL that it's “typical” for the authorities not to recognize sexual minorities as a “social group” under hate-speech protections.

‘The lack of a clear definition for the term under Russian law means that “arbitrariness is inevitable,” Verkhovsky says. “And prejudice here, of course, plays a role.”<sup>158</sup>

- 7.5.3 See [Relevant law](#) and [State and police treatment](#) for further information on these subjects.

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## 7.6 Violence and discrimination: prevalence

- 7.6.1 In the ‘Freedom in the World 2020’ report, Freedom House stated that official statistics on hate crimes are not maintained<sup>159</sup>.
- 7.6.2 In March 2019, ECRI noted, ‘[...] According to the information available to ECRI, there is no government funding or research in relation to identifying and monitoring discrimination against LGBT persons in Russia.’<sup>160</sup>
- 7.6.3 In the review of 2019, published in April 2020, Amnesty International stated, ‘Discrimination and harassment of LGBTI people remained pervasive [...]. Threats against LGBTI rights activists were common, their perpetrators enjoying impunity.’<sup>161</sup> In the Annual Review 2020, covering the year 2019, ILGA-Europe stated, ‘Hate crimes against LGBTI people, including murder, physical violence and extortion were committed again this year. The authorities failed to classify them as anti-LGBTI hate crimes.’<sup>162</sup>
- 7.6.4 The SOVA Center for Information and Analysis, ‘a Moscow-based Russian nonprofit organization founded in October 2002,’ which ‘conducts research and informational work on nationalism and racism,’<sup>163</sup> published a report in February 2020, covering the year 2019, which stated: ‘The number of attacks against the LGBT community was higher than in the preceding year – one killed, seven injured and beaten (vs. one killed and five injured and beaten in 2018). There are no official statistics in Russia on victims of violence against the LGBT. As before, we have to emphasize that our data is minimal and the true level of homophobic violence is unknown.’<sup>164</sup>
- 7.6.5 In 2020, Russian LGBT Network published a report about discrimination towards LGBTQ+ people in Russia; the report was based on 6,958 responses to an online questionnaire, which was completed at the end of

<sup>158</sup> RFE/RL, [“Not A Sin To Thrash Gays”: as Russian Meme \[...\]”](#), 19 September 2018

<sup>159</sup> Freedom House, [‘Freedom in the World 2020’](#), Russia (F4), 4 March 2020

<sup>160</sup> ECRI, [‘The Russian Federation’](#), 5 March 2019

<sup>161</sup> AI, [‘Russian Federation 2019’](#), Russia, 16 April 2020

<sup>162</sup> ILGA-Europe, [Annual Review 2020](#), Russia, 4 February 2020

<sup>163</sup> SOVA, [Home](#), no date

<sup>164</sup> SOVA, [‘Criminal Activity of the Ultra-Right. \[...\]’](#), Attacks against the LGBT, 5 February 2020

2019/beginning of 2020. The conducted research covered mainly young (under 25 years) urban audiences actively using social networks and following LGBTQ+ friendly public pages. The survey represented residents of all federal districts with a wide range of gender identities and sexual orientations. The report stated:

‘Many of those interviewed had experienced one or more types of violence due to their gender identity and/or sexual orientation. In the general sample, 11.6% were victims of physical violence one or more times, 4% experienced sexual violence, and more than half of the respondents (56.2%) experienced mental violence. Among the respondents under 18 y.o.[years old], 14% experienced physical violence, 50% experienced mental violence and 3.6% experienced sexual violence. This shows that the majority of LGBTQ+ people still do not feel safe. [...]

‘[...] the most vulnerable group is trans-women. Transgender people in general are more likely to be subjected to each of the three types of violence. Among cis people, women were more likely to be subjected to sexual violence, while men were more likely to be subjected to physical and psychological violence. [...] respondents most often mentioned strangers and relatives as sources of physical and mental violence. Strangers and acquaintances were most often mentioned as sources of sexual violence. In general, educational, labor and professional spheres were the safest for the respondents: colleagues are the least likely source of each form of violence.’<sup>165</sup>

7.6.6 The report noted that 738 respondents had faced damage to property<sup>166</sup>.

7.6.7 The same report also examined responses solely from the North Caucasus Federal District, which includes the republic of Chechnya, stating:

‘In this study a total of 151 questionnaires were received from people living in the North Caucasus Federal District [NCFD] (and only 2 from Chechnya). [...]

‘As well as residents in all other regions, residents of the NCFD face violence and discrimination due to their sexual orientation and/or gender identity. 17.8% of LGBTQ+ have experienced physical violence, 59% mental violence and 8% sexual violence. It is worth mentioning that the respondents from the NCFD were more likely to experience sexual violence and slightly more likely to experience physical violence than the respondents from the general sample (sexual violence - 4%; physical violence - 11.57%).’<sup>167</sup>

7.6.8 See [Chechnya](#) for further information on the situation there.

7.6.9 The Russian LGBT Network reported on a monitoring programme carried out in 2016-2017 in a report published in 2018. They recorded 366 cases of discrimination and violence towards LGBT people in Russia during this time period. However, the Network cautioned that levels of violence against LGBT persons was much higher than these figures might suggest, as not everyone

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<sup>165</sup> Russian LGBT Network, '[Monitoring discrimination against LGBTQ+ people in Russia](#)', 2020

<sup>166</sup> Russian LGBT Network, '[Monitoring discrimination against LGBTQ+ people in Russia](#)', 2020

<sup>167</sup> Russian LGBT Network, '[Monitoring discrimination against LGBTQ+ people in Russia](#)', 2020

was aware of the project, and amongst those who were, not everyone would be willing to talk about their experiences<sup>168</sup>. The figure of 366 included 104 cases of physical violence<sup>169</sup>. It also included eleven murders, five of which were committed in the Chechen Republic<sup>170</sup>.

- 7.6.10 In May 2019, Russia Beyond noted: ‘Between 2010 and 2016, at least 267 hate crimes (including murders, beatings and robberies) were committed against LGBT people throughout Russia. And these are only the cases where the courts specifically emphasized the victims’ sexual orientation – which they don’t always do.’<sup>171</sup>

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## 7.7 Violence and discrimination: further information

- 7.7.1 The SOVA Center for Information and Analysis published a report in February 2020, covering the year 2019, which stated:

‘In 2019, the victims [of violence directed against the SOGI community] were comprised primarily of pickets or participants of other events associated with the LGBT; but there were also street attacks on individuals who were mistaken for the LGBT due to their appearance, as happened in Yekaterinburg when a group of aggressive young men attacked a man they suspected of being gay and in St.-Petersburg when the girls mistaken for lesbians were beaten.

‘[...]

‘In addition to physical assault, the LGBT activists regularly face threats from anti-gay individuals and right-wing radicals of all sorts. For example, threats from Bulatov [Timur Bulatov, who believes he leads a “moral jihad” against members of the LGBT community<sup>172</sup>] have continued [...], with Karolina Kanaeva, an activist from Saransk, being one of the recipients. On July 1, the [...] “Pila” [“Saw”] group published a hit list of the activists that it was threatening. On July 17, the LGBT Resource Center in Yekaterinburg received a letter signed by “Pila” demanding the Center’s shutdown by the end of July and the transfer of its funds to the charity “Podari Zhizn” [Gift of Life].

‘National Conservative Movement (NKD), led by Valentina Bobrova and Mikhail Ochkin, was very actively engaged in anti-gay acts throughout the past year. Together with Archpriest Vsevolod Chaplin, NKD opposed “the LGBT lobby and anti-Christian trends’ offensive against Russia” by holding various anti-gay actions and pickets. And on August 28 in Moscow, a play at Teatr.doc about the situation of homosexuals in Russia was disrupted by NKD, the pro-Kremlin SERB group, and the National Liberation Movement (NOD) activists.’<sup>173</sup>

- 7.7.2 See [Employment](#) for further information about Timur Bulatov.

<sup>168</sup> Russian LGBT Network, [‘Monitoring of discrimination and violence \[...\]’](#) (Introduction), 2018

<sup>169</sup> Russian LGBT Network, [‘Monitoring of discrimination and violence \[...\]’](#) (Violence), 2018

<sup>170</sup> Russian LGBT Network, [‘Monitoring of discrimination and violence \[...\]’](#) (Violence), 2018

<sup>171</sup> Russia Beyond, [‘What’s it like to “come out of the closet” in Russia?’](#), 16 May 2019

<sup>172</sup> HRW, [‘Russian LGBT Activist Under House Arrest is Facing New Charges’](#), 22 January 2020

<sup>173</sup> SOVA, [‘Criminal Activity of the Ultra-Right. \[...\]’](#), Attacks against the LGBT, 5 February 2020

### 7.7.3 On 23 July 2019, RFE/RL reported:

'The Saw list started circulating on Russian websites and social media earlier this year, its name taken from a series of American cult horror films. There were dozens of names on it: Russian gays, lesbians, activists and supporters of LGBT causes, even journalists. Readers were encouraged to hunt them down.

'Yelena Grigoryeva, an outspoken activist in St. Petersburg, was among those on the list, which disappeared publicly from the Internet sometime around July 17. Four days later, Grigoryeva's body was found in her St. Petersburg apartment, stabbed multiple times, according to activists and acquaintances.

'The killing has stunned gay people across Russia, where members of the LGBT community and advocates for their rights have faced worsening threats for years now. It's not yet clear whether Grigoryeva, 41, a member of the St. Petersburg-based Alliance of Heterosexuals and LGBT People for Equal Rights, was targeted for her activism. But friends and supporters say the facts paint a stark and frightening picture: She was repeatedly threatened as a result of her activism, those threats were reported to police, and, nothing was done, they contend.

"Of course, people are shocked" by the killing, said Svetlana Zakharova of the Russian LGBT Network, one of the country's largest advocacy organizations for gays and lesbians. "People are scared, people don't know what to do. And we are absolutely outraged that police haven't done anything to find the people behind this list," she told RFE/RL. [...]

'Idrisov [Dinar Idrisov, a political opposition activist] [...] said that Grigoryeva [...] had reported threats of violence to the police but that they took no action. On July 23, Fontanka [a St Petersburg news site] reported that a man who worked as a janitor in Grigoryeva's apartment building was being questioned in connection with the killing.

'It is unclear who exactly is behind the Saw lists, which have been circulating for years on social-media networks and "dark web" sites, calling for readers to locate and attack gay people in Russia. In early 2018, the group went public, with its first listed website, according to LGBT-rights activists.

'Since then, the site has promoted an event called "Chechnya Comeback" - a reference to a so-called gay purge in which media investigations and harrowing personal accounts revealed that gay and bisexual men in the Chechnya region were being targeted. It has also published personal details about gays and lesbians in Russia, such as addresses and phone numbers, and sold the information to people willing to pay for it.

'According to a screenshot provided to RFE/RL, one page from the website, dated July 1, features a hangman's noose, and says the site is marking its fifth anniversary. The site says it promises new "very dangerous and harsh gifts" for an LGBT advocacy group in the Urals city of Yekaterinburg as well as more than a dozen other activists including Grigoryeva. [...]

'Zakharova said that activists were unable to confirm that anyone had been attacked specifically as a result of the site.

‘Another list that also targeted LGBT activists began circulating as early as the spring of 2018, Zakharova said. Activists across Russia, Grigoryeva included, had complained to local police as well as to federal regulators who routinely block websites deemed to violate the country’s stringent anti-extremism laws. Kremlin critics say those laws are applied selectively as a tool to quash dissent.

‘Zakharova told RFE/RL that the Russian LGBT Network had filed a legal complaint with federal authorities on July 17. That same day, Russia’s main media regulator, Roskomnadzor, appeared to block the site, she said.’<sup>174</sup>

- 7.7.4 Huck magazine, a British online publication which ‘celebrates independence, seeking out the artists, activists and creative pioneers who are challenging mainstream culture,’ published an article on 15 August 2019, which reported an apparent lack of action by the authorities to deal with ‘Saw.’

‘41-year-old campaigner Elena Grigorieva was just one of several names included. A longtime activist, she came out as bisexual earlier this year and soon received a steady flow of death threats. These threats became more severe and more frequent in early July, when her name was first listed. Fearing for her life, she teamed up with local activists and ultimately succeeded in shutting down the site, but on 18th July she posted a Facebook status urging her followers to stay vigilant and pressure law enforcement to find the creators and bring them to justice. Two days later, she was murdered.

‘[...] A 40-year-old was quickly arrested and then released, but authorities suspect several people were involved in the dispute. Earlier this month, another suspect, Alexey Volnyanko, was arrested. According to Crime Russia, he confessed to murdering Elena while drunk after she called him a “loser”.

‘However, friends have said that they believe Elena’s activism played a role in her death. Authorities are refusing to investigate potential links between the website and Grigoryeva’s murder, and although it remains offline for the moment, past shutdowns have only been temporary.

‘Although website creators have extorted people on the list and provided enough detail to ensure attacks could pass without difficulty, authorities are seemingly refusing to investigate the website at all. [...]

‘This lack of action has sparked campaigns by NGOs like All Out, which defends the rights of vulnerable LGBTQ people worldwide, to bring down the list. “By publishing an anti-LGBTQ blacklist, the Russian group ‘Saw’ has been inciting their supporters to violence,” Senior Campaigns Manager Yuri Guaiana outlines in an email to Huck. “This is a serious crime and must be treated as such.”

‘According to The Independent, Elena’s friends said that the death threats, some of which included images of daggers and extreme homophobic slurs, were reported to police, who ultimately ignored them. The police denied ever receiving the information. The Russian LGBT Network’s research found that no attacks had been directly linked to the website, but whether or not the list

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<sup>174</sup> RFE/RL, [‘Days After A Hit List for Gays And Lesbians Disappears \[...\]’](#), 23 July 2019

was the root cause of Elena's murder, it's clear a more detailed investigation is needed.

"It's so important to talk about this climate of impunity," says Svetlana Zakharova, a representative of the activist collective. "We do not know why Elena was murdered, but I am sure that 'Saw' is a project created to make LGBTQ people feel scared and targeted. The fact that this has existed for more than a year and that nobody has been punished sends a very dangerous message."

'All Out's petition has already racked up more than 30,000 signatures, but activists on the ground are calling for more support and opening up about the fear they're feeling. "My name is one of many which was mentioned there several times," says prominent LGBTQ activist Mikhail Tumasov in an emotional campaign video. "I don't know what can happen to me, my family or friends, because we don't know what kind of people are behind [this site]." It's clear that Elena felt this same terror before she was killed; the death threats became so intense that she even made arrangements for a close friend to look after her cat in the event of her murder. [...]

'To say that lives are at stake is no understatement. Earlier this year, Russian LGBT Network volunteer David Isteev was one of several activists reportedly subjected to an aggressive home invasion, which was later referenced in some of the death threats sent to Elena. Attacks like these make it unclear whether the "Saw" group is directly involved, and even what they want: the aim could simply be to strike fear into the hearts of LGBTQ people, or it could be motivated by extortion and cash bribes to remove names from the list.'<sup>175</sup>

- 7.7.5 In the Annual Review 2020, covering events of 2019, ILGA-Europe reported, 'On 5 August, the Directorate for Countering Extremism under the Ministry of Internal Affairs decided to stop investigations trying to identify the creators of the ['Saw'] list. Their reasoning stated that the website had already been taken down.'<sup>176</sup> The same report noted that, following the murder of Elena Grigorieva, 'LGBT activist, Nikita Tomilov was identified by Saw as their next target. Tomilov left Russia to seek asylum in the EU.'<sup>177</sup>
- 7.7.6 The ILGA State Sponsored Homophobia report released in March 2019 stated: 'NGO documentation and media reportage have demonstrated that, based on their SOGIESC [Sexual orientation, gender identity, gender expression and sex characteristics], people are routinely subjected to unpunished verbal and physical abuse in Russia.'<sup>178</sup>
- 7.7.7 In the Annual Review 2020, covering the year 2019, ILGA-Europe reported: 'In January, Igor Kochetkov, Director of the Russian LGBT Network, was sent a YouTube video in which he was threatened with murder unless he stayed away from Chechnya. Kochetkov reported the threat of the Prosecutor's Office and the Ministry of Internal Affairs. Following the inaction of the authorities, Kochetkov sued the police and a St. Petersburg court

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<sup>175</sup> Huck, ['The sinister story behind Russia's LGBTQ "kill list"',](#) 15 August 2019

<sup>176</sup> ILGA-Europe, [Annual Review 2020](#), Russia, 4 February 2020

<sup>177</sup> ILGA-Europe, [Annual Review 2020](#), Russia, 4 February 2020

<sup>178</sup> ILGA, ['State-sponsored homophobia 2019'](#), March 2019

ruled in his favour in June. The police appealed the judgment. On 4 February, Human Rights Commissioner Dunja Mijatović called on Russia's law enforcement and investigative authorities to ensure his safety and investigate the threats.

'In mid-July, the Yekaterinburg LGBT Resource Centre received threats. The senders claimed that they already "liquidated gays in Chechnya and Ukraine" and warned the centre would be next if it did not shut down. The letter referenced the website of the extremist group Saw [...]

'Activist Anna Dvornichenko, based in Rostov-on-Don, was attacked twice.'<sup>179</sup>

- 7.7.8 The ILGA-Europe report, released in February 2019 and covering the year 2018, stated: '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. In 2018, LGBTI group "Coming Out" brought several people to trial for such crimes; one perpetrator was sentenced to the maximum 5.5 years of imprisonment. However, the motive of hatred was not investigated or taken into account.'<sup>180</sup>
- 7.7.9 In June 2018, the BBC reported that 'An organisation providing a "safe space" for LGBT and ethnic-minority football fans in Russia says it was evicted from its premises in St Petersburg on the eve of the World Cup. Diversity House was supposed to open for the duration of the tournament. It aimed to provide a tolerant environment for gay and non-white football fans to watch matches. But at the last minute the building's owners locked the organisers out and terminated their contract.'<sup>181</sup>
- 7.7.10 See [State and police treatment](#) for further information about the police response to the 'Saw' website and to fake dates. See [Charges, Court judgments and sentencing](#) for information about sentencing of those responsible for 'set-up' dates.

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Section 8 updated: 23 September 2020

## 8. Access to services

### 8.1 Documentation

#### 8.1.1 The USSD HR Report 2019 stated:

'Transgender 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.'<sup>182</sup>

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<sup>179</sup> ILGA-Europe, [Annual Review 2019](#), May 2019

<sup>180</sup> ILGA-Europe, [Annual Review 2019](#), May 2019

<sup>181</sup> BBC, ['World Cup 2018: "Safe space" for Russia LGBT football fans shut'](#), 17 June 2018

<sup>182</sup> USSD, [HR Report 2019](#), Russia (Section 6), 11 March 2020

8.1.2 In the Annual Review 2020, covering the year 2019, ILGA-Europe noted, 'Two new medical commissions, which can issue medical certificates for trans people wanting to change their legal gender, were established this year [2019].'<sup>183</sup>

8.1.3 See [Transgender persons](#) for further information on this subject.

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## 8.2 Personal data

8.2.1 In 2020, Russian LGBT Network published a report about discrimination towards LGBTQ+ people in Russia; the report was based on 6,958 responses to an online questionnaire, which was completed at the end of 2019/beginning of 2020. The report stated: 'In general the most common type of discrimination related to illegal access to respondents' personal data. This problem was encountered by 29% of trans women, 24.4% of trans-men, 9.8% of cis-men and 5.8% of ciswomen. Among the respondents under 18 [...] violations related to illegal access to personal data are also the most frequent. Exceptions are trans-females who are slightly more likely to face theft or property damage.'<sup>184</sup>

8.2.2 The same report noted that, 'The Internet is an unsafe space for LGBTQ+ people - many respondents have faced theft and misuse of their data (1113 persons).'<sup>185</sup>

8.2.3 See [Societal attitudes and treatment](#) for further information on this subject.

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## 8.3 Education

8.3.1 The Constitution of the Russian Federation states:

'Article 43

1. Everyone shall have the right to education.
2. Guarantees shall be provided for general access to and free pre-school, secondary and high vocational education in state or municipal educational establishments and at enterprises.
3. Everyone shall have the right to receive on a competitive basis a free higher education in a state or municipal educational establishment and at an enterprise.
4. The basic general education shall be free of charge. Parents or persons in law parents shall enable their children to receive a basic general education.
5. The Russian Federation shall establish federal state educational standards and support various forms of education and self-education.'<sup>186</sup>

8.3.2 The Human Rights Watch report, 'No Support,' published in December 2018, included a letter from the Ministry of Education, dated December 2018,

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<sup>183</sup> ILGA-Europe, [Annual Review 2020](#), Russia, 4 February 2020

<sup>184</sup> Russian LGBT Network, '[Monitoring discrimination against LGBTQ+ people in Russia](#)', 2020

<sup>185</sup> Russian LGBT Network, '[Monitoring discrimination against LGBTQ+ people in Russia](#)', 2020

<sup>186</sup> Russian Government, '[Chapter 2. Rights and Freedoms of Man and Citizen](#)', adopted 1993

stating that the Ministry ‘[...] was responsible for ensuring that education was “based on the spiritual and moral values of the people of the Russian Federation, and historic and national-culture traditions” which included “awareness and acceptance of their traditional family values and awareness of the responsibility towards the family, society, state and humanity”.’<sup>187</sup>

8.3.3 The same letter from the Ministry of Education noted, ‘In accordance with Article 5 of the Federal Law of December 29, 2012 No. 273 “On Education in the Russian Federation” every person is guaranteed the right to receive an education, regardless of gender, race, nationality, language, origin, property, social and official positions, place of residence, attitude to religion, beliefs, membership of public associations, as well as any other circumstances.’<sup>188</sup>

8.3.4 The same Human Rights Watch report stated:

‘While some LGBT youth told us that teachers had supported and protected them, many others said their teachers characterize LGBT people as a symptom of perversion imported from Western Europe or North America, mirroring the political homophobia that motivated the passage of the “gay propaganda” law in the first place.

‘For some, peers are a source of relative support and openness - when compared with how their parents and teachers relate to issues of sexual orientation and gender identity. Others, however, face harassment, bullying, and discrimination at the hands of their classmates, who often repeat the stereotypes, misinformation, and noxious anti-LGBT rhetoric pervasive in Russian media. Some students heard comments from classmates suggesting that LGBT people do not deserve to live.’<sup>189</sup>

8.3.5 The report continued:

‘Russian schools are hostile environments for LGBT students. LGBT youth told Human Rights Watch they frequently overheard anti-LGBT slurs from teachers and fellow students. While staff were supportive in some cases, in others, teachers specifically targeted LGBT students for abuse.

‘Some students felt sufficiently confident in themselves to express their sexual orientation or gender identity but received negative reactions from adults. In many cases, those who asked school staff about LGBT topics received ignorant or prejudiced responses from teachers that caused the students to think of their identities as pathological or problematic—exacerbating the fear and isolation they already felt.’<sup>190</sup>

8.3.6 The Human Rights Watch also noted: ‘Some older interviewees reported that the environment at universities and colleges was significantly better than that they had experienced in secondary school. Nonetheless, deep-seated social hostility against LGBT people, fuelled in part by the “gay propaganda” law, continued to impinge on their sense of dignity and security.’<sup>191</sup>

8.3.7 The USSD HR Report 2019 stated:

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<sup>187</sup> HRW, [‘No support’](#), 11 December 2018

<sup>188</sup> HRW, [‘No support’](#), 11 December 2018

<sup>189</sup> HRW, [‘No support’](#) (Summary), 11 December 2018

<sup>190</sup> HRW, [‘No support’](#), 11 December 2018

<sup>191</sup> HRW, [‘No support’](#), 11 December 2018

‘LGBTI students, as well as those suspected of being LGBTI persons, also reported discrimination at schools and universities. Roman Krasnov, a vice rector at the Ural State University of Economics in Yekaterinburg, admitted that the institution monitored the social media accounts of its students in order to ensure that they showed proper “moral character,” which students claimed was monitoring targeted at LGBTI individuals. A student who wished to remain anonymous told media outlets in September that Krasnov threatened him with expulsion after his social media accounts showed that he might identify as LGBTI because he was sympathetic to LGBTI matters.’<sup>192</sup>

- 8.3.8 See [LGBT youth](#) for further information about the situation for young people.

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## 8.4 Employment

- 8.4.1 The International Labour Organisation noted the Russian Federation Labour Code:

‘Article 3. Prohibition of discrimination in the sphere of labour

‘Everyone shall have equal opportunities to realize his/her labour rights.

‘No one can be constrained in his/her labour rights and freedoms or get any advantages irrespective of sex, race, colour of skin, nationality, language, origins, property, social or position status, age, domicile, religious beliefs, political convictions, affiliation or non-affiliation with public associations as well as other factors not relevant to professional qualities of the employee.

‘Establishment of distinctions, exceptions, preferences as well as limitation of employees' rights which are determined by the requirements inherent in a specific kind of work as set by federal laws or caused by especial attention of the state to the persons requiring increased social and legal protection shall not be deemed discrimination.

‘The persons considering themselves to be discriminated against in the sphere of labour shall be entitled to petition the federal labour inspectorate bodies and/or courts applying for restoration of their violated rights, compensation of the material loss and redress of the moral damage.’<sup>193</sup>

- 8.4.2 In 2020, Russian LGBT Network published a report about discrimination towards LGBTQ+ people in Russia; the report was based on 6,958 responses to an online questionnaire, which was completed at the end of 2019/beginning of 2020. The report stated:

‘[...] the spheres of education and employment are not safe spaces for LGBTQ+ people. 13.4% of respondents experienced various types of discrimination during their studies or at their workplaces. 0.31% of respondents were dismissed, another 0.85% were forced to resign, 1% were denied employment and 10.5% had to provide incomplete information about themselves in order to be hired. [...] homosexual people most often face dismissals and other types of discrimination due to sexual orientation. About

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<sup>192</sup> USSD, [HR Report 2019](#), Russia (Section 6), 11 March 2020

<sup>193</sup> International Labour Organisation, [‘Labour code of the Russian Federation \[...\]’](#), 2001

1.69% of trans-women, 0.77% of cis-men, 0.42% of trans-men, and 0.12% of cis-women were dismissed.<sup>194</sup>

- 8.4.3 In March 2018 the Russian LGBT Network reported that ‘17% of LGBT people in Russia have faced problems with their employer or colleagues on the grounds of their own sexual orientation or gender identity.’<sup>195</sup>
- 8.4.4 The USSD HR Report 2019 stated, ‘High levels of employment discrimination against LGBTI persons reportedly persisted [...]. Activists asserted that the majority of LGBTI persons hid their sexual orientation or gender identity due to fear of losing their jobs or homes as well as the risk of violence.’<sup>196</sup>
- 8.4.5 The same report stated: ‘Employment discrimination based on sexual orientation and gender identity was a problem, especially in the public sector and education. Employers fired LGBTI persons for their sexual orientation, gender identity, or public activism in support of LGBTI rights. Primary and secondary school teachers were often the targets of such pressure due to the law on “propaganda of nontraditional sexual orientation” targeted at minors.’<sup>197</sup>
- 8.4.6 See [Legislation: 135-FZ \(Gay propaganda law\)](#) for further information on this subject.
- 8.4.7 On 22 January 2020, Human Rights Watch reported on ‘[...] a homophobic agitator Timur Bulatov, who in his view leads a “moral jihad” against LGBT people [...]. Bulatov is particularly known for identifying allegedly LGBT teachers, outing them to school principals, and demanding their dismissal to guard children against “gay propaganda.” In 2016, he boasted that 65 teachers lost their job as a result of his complaints.’<sup>198</sup>
- 8.4.8 In September 2016 The Equal Rights Trust reported: ‘Legal cases challenging discrimination in the labour sphere based on sexual orientation or gender identity are almost non-existent throughout Russia, although violations of labour rights on a discriminatory basis have been reported by Russian LGBT organisations. [...] Some courts have simply disregarded allegations of discrimination on the basis of sexual orientation.’<sup>199</sup>
- 8.4.9 In ‘Freedom in the World 2020’, Freedom House noted, ‘A rare victory for LGBT+ rights was recorded in April [2019], when a St. Petersburg court ruled that a transgender woman was illegally dismissed from her job; her employer was ordered to reinstate her.’<sup>200</sup>

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## 8.5 Accommodation

- 8.5.1 In October 2015, The Russian LGBT Network reported that discrimination

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<sup>194</sup> Russian LGBT Network, [‘Monitoring discrimination against LGBTQ+ people in Russia’](#), 2020

<sup>195</sup> Russian LGBT Network, [‘The Coalition of LGBT Organisations submits \[...\]’](#), March 2018

<sup>196</sup> USSD, [HR Report 2019](#), Russia (Section 6), 11 March 2020

<sup>197</sup> USSD, [HR Report 2019](#), Russia (Section 7.D), 11 March 2020

<sup>198</sup> HRW, [‘Russian LGBT Activist Under House Arrest is Facing New Charges’](#), 22 January 2020

<sup>199</sup> Equal Rights Trust, [‘Justice or Complicity’](#), September 2016

<sup>200</sup> Freedom House, [‘Freedom in the World 2020’](#), Russia (F4), 4 March 2020

experienced by the LGBT community had dropped 'slightly' from the previous year, but 'violation of housing rights' was an exception, as discrimination in this area was twice that of the previous year (it rose from 7% to 15%, with 1,346 persons having been asked)<sup>201</sup>.

8.5.2 For further information see [Discrimination](#) and [Societal attitudes](#).

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## 8.6 Healthcare: general

8.6.1 The World Trade Organisation noted the Fundamentals of the Legislation of The Russian Federation on Health Protection, which was updated in December 2015, stating:

'Article 17. The Right of Citizens of the Russian Federation to Health Protection.

- Citizens of the Russian Federation shall enjoy the inalienable right to health protection. This right shall be guaranteed by environmental protection, the creation of favourable conditions for labour, everyday life, rest, education and instruction of individuals, the production and sale of good-quality foodstuffs, and also by the provision of medico-social aid accessible to the population.
- The State shall provide its citizens with health protection, regardless of sex, race, nationality, language, social background, official status, place of residence, religion, beliefs, membership of public associations, or other circumstances.
- The State shall guarantee to its citizens protection against any form of discrimination based on disease. Persons guilty of violating this provision shall bear responsibility as stipulated by law.
- Citizens of the Russian Federation staying abroad shall have the guaranteed right to health protection in conformity with the international agreements of the Russian Federation.'<sup>202</sup>

8.6.2 In March 2017, The Equal Rights Trust reported:

'The Code of the Professional Ethics of a Physician of the Russian Federation (2012) states that a doctor will not allow any considerations based on sexual orientation, amongst other factors, to prevent him or her from exercising his or her duties to the patient.

'The Code of Ethics of the Russian Psychological Society (2012) states that one of the core ethical principles of psychologists is respect for individual, cultural and role differences, including those of age, disability, education, ethnicity, gender, language, national origin, race, religion, sexual orientation, marital or family status and socio-economic status.

'In addition, it should be noted that in 2006, the Russian Ministry of Health and Social Development issued guidelines which stated that respecting a regime of tolerance towards MSM (men who have sex with men) should be a

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<sup>201</sup> Russian LGBT Network, '[The level of violence against LGBTQ+ \[...\]](#)', 29 October 2015

<sup>202</sup> WTO, '[Fundamentals of the Legislation of the Russian Federation \[...\]](#)', updated 2015

prerequisite for the success of prophylaxis measures aimed at preventing the spread of HIV.’<sup>203</sup>

- 8.6.3 The USSD HR Report 2019 stated: ‘Medical practitioners reportedly continued to limit or deny LGBTI persons health services due to intolerance and prejudice. The Russian LGBT Network’s report indicated that, upon disclosing their sexual orientation or gender identity, LGBTI individuals often encountered strong negative reactions and the presumption they were mentally ill.’<sup>204</sup>
- 8.6.4 The report further stated that, ‘According to NGO activists, men who have sex with men were unlikely to seek antiretroviral treatment, since treatment exposed the fact that these individuals had the virus, while sex workers were afraid to appear in the official system due to threats from law enforcement bodies.’<sup>205</sup>
- 8.6.5 In March 2017, The Equal Rights Trust reported that, ‘People in same-sex relationships cannot obtain medical information about their partner or attend as next of kin in an emergency room in the hospitals. In addition, they cannot access assisted reproductive technologies as a couple, an option open only to different-sex couples.’<sup>206</sup>
- 8.6.6 In 2020, Russian LGBT Network published a report about discrimination towards LGBTQ+ people in Russia; the report was based on 6,958 responses to an online questionnaire, which was completed at the end of 2019/beginning of 2020. The report found that ‘Discrimination related to access to medicine was experienced by 24% of transgender women, 15.3% of transgender men, 5% of cis-men and 2.9% of cis-women.’<sup>207</sup>

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## 8.7 Healthcare: mental health

- 8.7.1 The ‘No Support’ report, published by Human Rights Watch in December 2018, noted the difficulties for psychologists caused by the ‘gay propaganda’ law:

‘Psychologists told Human Rights Watch that the “gay propaganda” law has limited their ability to be fully candid on questions of sexual orientation and gender identity. Some explained that they felt forced to speak about sexual orientation and gender identity only in euphemisms, or to say explicitly at the outset of counseling sessions that they cannot and will not disseminate “gay propaganda” in attempts to dispel in advance any notion that they are violating the law.

‘By sending an official message approving the marginalization of LGBT people, psychologists told us, the “gay propaganda” law increases the challenges youth face. And by erecting legal barriers between marginalized youth and the support services and information they need, the law does

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<sup>203</sup> Equal Rights Trust, [‘Equality and Non-discrimination in Russia \[...\]’](#) (page 46), 14 March 2017

<sup>204</sup> USSD, [HR Report 2019](#), Russia (Section 6), 11 March 2020

<sup>205</sup> USSD, [HR Report 2019](#), Russia (Section 6), 11 March 2020

<sup>206</sup> Equal Rights Trust, [‘Equality and Non-discrimination in Russia \[...\]’](#), 14 March 2017

<sup>207</sup> Russian LGBT Network, [‘Monitoring discrimination against LGBTQ+ people in Russia’](#), 2020

significant harm.’<sup>208</sup>

- 8.7.2 The same report noted: ‘A psychologist in Moscow told Human Rights Watch that her LGBT clients often reported that they struggled to find mental health care because therapists they visited attributed whatever symptoms they showed to their sexual orientation or gender identity—and focused almost exclusively on measures to change their sexuality.’<sup>209</sup>
- 8.7.3 For further information about the ‘gay propaganda law,’ see [Federal law number 135-FZ \(‘Gay propaganda law’\)](#). For further information about the impact of the ‘gay propaganda law’ on mental healthcare for young people, see [LGBT youth](#).

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Section 9 updated: 23 September 2020

## 9. LGBTI Community, culture and support

### 9.1 Demography

- 9.1.1 In March 2019, ECRI noted, ‘There is no official data on the size of the LGBT population in Russia. According to Article 10 of the Personal Data Protection Act, data relating inter alia to a person’s health or sex life are considered as “special categories of personal data” which cannot be collected, stored, used or disseminated without the person’s written consent.’<sup>210</sup>
- 9.1.2 In May 2013, The Independent stated that ‘Russia, by the law of averages, is likely to have more than 10 million gays and lesbians [...]’.<sup>211</sup>

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### 9.2 Openness about sexual orientation/gender identity

- 9.2.1 The map<sup>212</sup> below, which shows the federal districts of Russia, is included as an aid to understanding the findings of the report referenced in this section:

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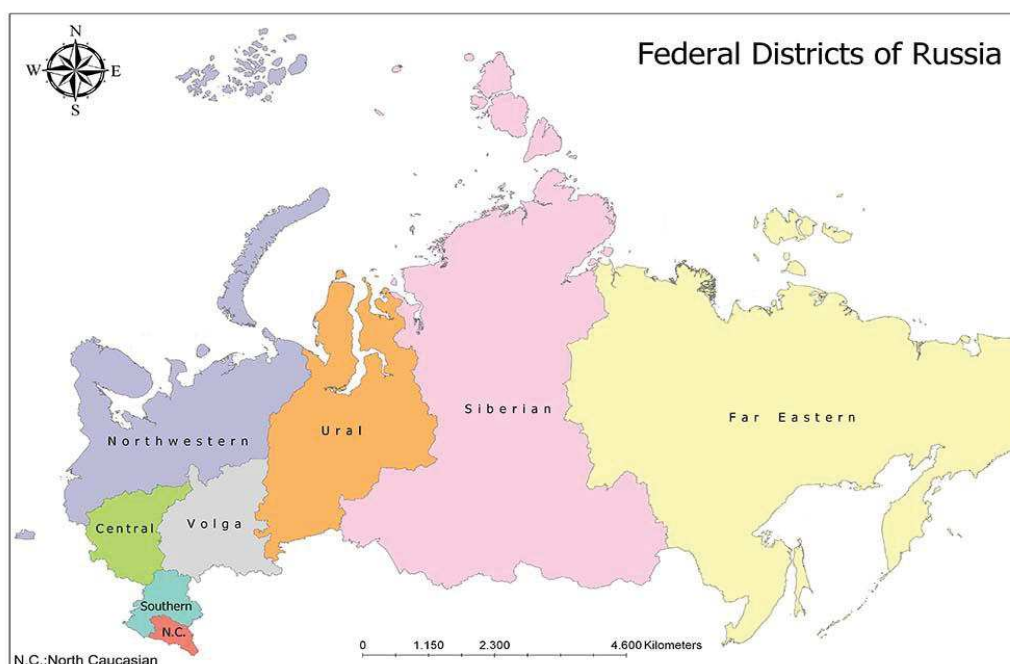
<sup>208</sup> HRW, [‘No support’](#) (Summary), 11 December 2018

<sup>209</sup> HRW, [‘No support’](#), 11 December 2018

<sup>210</sup> ECRI, [‘The Russian Federation’](#), 5 March 2019

<sup>211</sup> The Independent, [‘Russia: The country that hates gay people’](#), 14 May 2013

<sup>212</sup> Map Universal, [‘Federal Districts of Russia’](#), posted on January 2019



9.2.2 In 2020, Russian LGBT Network published a report about discrimination towards LGBTQ+ people in Russia; the report was based on 6,958 responses to an online questionnaire, which was completed at the end of 2019/beginning of 2020. The report stated:

‘When answering the question on openness of one’s gender identity and sexual orientation, it was possible to choose several options simultaneously. 12.1% completely hide their gender or sexual identity. As in previous studies most of the respondents are open to their friends and hide their identity in front of their families: 81.5% and 11.6% respectively. This indicates that the family continues to be one of the most insecure environments for LGBTQ+. The distribution of forms of openness which depend on gender identity and sexual orientation [...] confirms this pattern: in any category, the respondents were most open to friends and the least open to their family. It is also notable that trans\*people were generally more open than cis people. Homosexual people turned out to be the most open about sexual orientation in most categories, except for openness to friends, where pansexual people have the highest rate (91.4%). The Northwest Federal District and St. Petersburg remains the most open region while the North Caucasus Federal District generally remains the most closed region, where 19.8% of LGBTQ+ people do not disclose their identity at all, and where the percentage of openness to the whole family is the lowest at 6.6%.’<sup>213</sup>

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### 9.3 LGBTI community

9.3.1 In August 2019, Pink News reported: ‘The queer Russian underground already exists: there are raves, drag parties, online publications and support

<sup>213</sup> Russian LGBT Network, '[Monitoring discrimination against LGBTQ+ people in Russia](#)', 2020

networks and, most importantly, a new crop of outspoken role models for whom queerness is an integral part of their identity.’<sup>214</sup>

- 9.3.2 The same article noted that, ‘it’s much harder to lead queer life outside of Moscow and St Petersburg [...]’ and continued:

‘Rejection and alienation are part of the Russian queer experience nationwide, and is perhaps summed up best by artist and activist Slava Rusova: “The most difficult is the constant feeling that you’re being evicted from your own home. You were born here, grew up here, fell in love for the first time here — yet you’re constantly being shown the door. The rise of queer culture we’re all feeling now offers a lot of strength, hope and the feeling that you’re not alone.”

“Looking back even three or four years, the rise of the queer community is obvious,” Nikita Egorov-Kirillov [one of the people who organises ‘the biggest LGBT+ rave,’ Popoff Kitchen] agrees. [...]

‘Although the community is growing, there is still a lot of work to be done.

“I would like to see the Russian queer community become more united and open. [...],” says musician Angel Ulyanov.’<sup>215</sup>

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## 9.4 LGBTI youth

- 9.4.1 Human Rights Watch’s report, ‘No support,’ published in December 2018, stated:

‘Lesbian, gay, bisexual, and transgender (LGBT) youth in Russia face formidable barriers to enjoying their fundamental rights to dignity, health, education, information, and association. In Russia, antipathy towards homosexuality and gender variance is not new—LGBT people there have long faced threats, bullying, abuse inside their families, and discrimination—but the 2013 “gay propaganda” law has increased that social hostility. The law has also had a stifling effect on access to affirming education and support services, with harmful consequences for LGBT youth. [...]

‘The law has been used to shut down websites that provide valuable information and services to teens across Russia and to bar LGBT support groups from working with youth. But the law’s effects have been much broader: individual mental health professionals have curtailed what they say and what support they give to students, and the law gives the strong imprimatur of the Russian state to the false and discriminatory view that LGBT people are a threat to tradition and the family. Significantly, mental health providers we spoke with said the law interferes with their ability to offer honest, scientifically accurate, and open counseling services, leading some to self-censor themselves or set out explicit disclaimers at the start of sessions to avoid running afoul of the law.

‘[...] As one mental health provider explained, “The whole situation is just worsening. As of today, teachers and teachers-psychologists are not allowed to speak positively [on LGBT topics]. They can’t just say to a kid, ‘Hey,

<sup>214</sup> Pink News, [‘LGBT in Russia: smashing stereotypes and creating a queer future’](#), 3 August 2019

<sup>215</sup> Pink News, [‘LGBT in Russia: smashing stereotypes and creating a queer future’](#), 3 August 2019

everything is normal with you.”

‘LGBT youth interviewed by Human Rights Watch described feelings of intense fear of disclosing their sexual orientation or gender identity in their daily lives, as well as distrust in the individuals and systems that should provide them safety and refuge. This fear extends beyond the school walls: some of the students Human Rights Watch interviewed said that others in their communities also threatened [sic] and physically abused them.’<sup>216</sup>

#### 9.4.2 The report continued:

‘Nearly all of the youth we spoke with described intense feelings of isolation, which they attributed to persistent anti-LGBT rhetoric and hostile social attitudes. Their sense of isolation was exacerbated, they said, by the “gay propaganda” law. Repeatedly, they explained that their primary struggle is not coming to terms with being different as such, but rather finding accurate information about gender and sexuality in a hostile environment.

‘In the absence of accurate information and safe access to community spaces, or support from teachers and school mental health staff, many LGBT youth turn to the internet—an embattled, politicized, and often-censored space in Russia. However, the “gay propaganda” law has also restricted access to information about gender and sexuality online.

‘Mental health professionals we spoke with strongly echoed what LGBT youth said. They spoke of growing fear and anxiety among such youth since the law passed and an increase in demands for counselors attuned to LGBT issues, but also pervasive ignorance among psychologists and new self-censorship even among those who understand the issues and want to play a positive role in the lives of LGBT youth. One psychologist described how even in situations where it is clinically relevant to discuss a child client’s sexual orientation, he feels constrained by the law: “Teenagers often wait for me to ask a direct and precise question about his or her sexual orientation or gender identity, but the law prevents me from doing that.” A social worker pointed out that the law “is an effective means of intimidation.”

‘[...]

‘By sending an official message approving the marginalization of LGBT people, psychologists told us, the “gay propaganda” law increases the challenges youth face. And by erecting legal barriers between marginalized youth and the support services and information they need, the law does significant harm.’<sup>217</sup>

#### 9.4.3 The same report stated:

‘A psychologist in Vladivostok told Human Rights Watch that she had met with child clients whose parents brought them to her and asked her to “fix” them, as well as parents who brought their children in and asked for psychological support to accept their child. This psychologist stressed that whether a LGBT youth or a parent received knowledgeable, supportive care from a psychologist depended on a chance encounter with a supportive professional who was willing to risk running afoul of the law. Many of her

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<sup>216</sup> HRW, [‘No support’](#) (Summary), 11 December 2018

<sup>217</sup> HRW, [‘No support’](#) (Summary), 11 December 2018

peers in mental health services did not receive appropriate training about sexual orientation and gender identity-related issues. Discussing an in-patient rehabilitation centre where she worked for two years, she said: “Theoretically, such a teenager could reach out there, but I don’t know if he would receive appropriate help”.<sup>218</sup>

- 9.4.4 In May 2019, Russia Beyond noted, ‘According to psychologist Yekaterina Petrova, who conducted a study on the experiences of adult LGBT people coming out to their parents, for 55% of parents in Russia, the initial reaction is denial. “Many parents don’t at first take their child’s non-heterosexual orientation seriously - they consider their sexuality ‘a phase’, or ‘a rebellion’,” Petrova writes.’<sup>219</sup>
- 9.4.5 See [Education](#) for further information about the situation for LGBT young people.

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## 9.5 SOGIE organisations: state action and registration

- 9.5.1 In June 2018, Human Rights Watch explained the issue of registration as a ‘foreign agent:’
- ‘Under the 2012 law, groups must register with the Justice Ministry as “foreign agents” if they receive even a minimal amount of funding from any foreign sources, governmental or private, and engage in “political activity.” The definition of political activity under the law is so broad and vague that it effectively extends to all aspects of advocacy and human rights work. Initially, the law required all nongovernmental organizations that met these criteria to register with the ministry and to identify themselves as “foreign agents” in all their public materials, with legal consequences for failure to comply. [...] In May 2014 Russia’s parliament amended the “foreign agents” law to authorize the Justice Ministry to register groups as “foreign agents” without their consent.
- ‘In May 2016, parliament adopted another set of amendments to the law, expanding the controversial definition of “political activity” to include, among other things, any attempt by an independent group to influence public policy, regardless of the group’s mandate.’<sup>220</sup>
- 9.5.2 The ILGA report dated March 2019 stated: ‘The “Foreign Agent” legislation has been employed to fine several LGBT organisations, which activists have criticised for discrediting the work that they carry out. Being labelled as a “foreign agent” also imposes further 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.’<sup>221</sup>
- 9.5.3 The ILGA-Europe 2020 Annual Review 2020, covering the year 2019, noted: ‘In June, the Centre for Societal and Informational Initiatives “Action”, which focuses on HIV prevention and LGBT community support, was fined 300,000 roubles (4,250EUR) for refusing to register on the “foreign agents” list

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<sup>218</sup> HRW, [‘No support’](#), 11 December 2018

<sup>219</sup> Russia Beyond, [‘What’s it like to “come out of the closet” in Russia?’](#), 16 May 2019

<sup>220</sup> HRW, [Russia: Government vs. Rights Groups](#), 18 June 2018

<sup>221</sup> ILGA, [‘State-sponsored homophobia 2019’](#), March 2019

despite foreign funding it had received.

‘On 16 July, the European Court of Human Rights unanimously ruled in the case of *Zhdanov and Others v. Russia* that Russia’s refusal to register LGBT associations violated their freedom of association and was discriminatory. Organisations’ registration requests were refused by authorities and domestic courts because of formal irregularities in their applications or because they were said to destroy the morals of society. Russia was ordered to pay 42,500EUR in damages.’<sup>222</sup>

- 9.5.4 The same report noted, ‘In March [2019], the police raided the Rakurs LGBT initiative’s community centre in Arkhangelsk and seized informational brochures, accusing the group of “gay propaganda”. The court refused to process the case.’<sup>223</sup>

- 9.5.5 See [State and police treatment](#) for further information on this subject.

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## 9.6 SOGIE organisations: individual groups

- 9.6.1 This section provides information about some of the SOGI NGOs and support groups in Russia; it is by no means intended to be exhaustive.

- 9.6.2 The Russian LGBT Network provided (undated) information on its website, stating:

‘The Russian LGBT network was founded in April 2006. In October 2008, the All-Russian Conference of civic organizations in support of the LGBT movement was held in Moscow. During this conference, the network transformed into an interregional public movement. The Charter and Strategy were created, and governing bodies were elected.

‘Mission: The Russian LGBT Network is an interregional, non-governmental human rights organization that promotes equal rights and respect for human dignity, regardless of sexual orientation and gender identity. We unite and develop regional initiatives, advocacy groups (at both national and international levels) and provide social and legal services.’<sup>224</sup>

- 9.6.3 The Russian LGBT Network provided the following (undated) information about its activities:

- ‘Develop a direct dialogue with the authorities, political parties, human rights and civic activists
- ‘Hold nationwide information campaigns
- ‘Help unite and organize LGBT people in the regions of Russia
- ‘Provide LGBT people with psychological and legal support, regardless of their place of residence and other discriminating factors
- ‘Help the parents and friends of LGBT
- ‘Conduct research on the socio-legal status of LGBT people in Russia

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<sup>222</sup> ILGA-Europe, [Annual Review 2020](#), Russia, 4 February 2020

<sup>223</sup> ILGA-Europe, [Annual Review 2020](#), Russia, 4 February 2020

<sup>224</sup> Russian LGBT Network, [‘Who are we’](#), no date

- 'Provide international organizations, which control Russia's observance of its international human rights obligations (UN, the Council of Europe, OSCE), with alternative reports on the situation of LGBT people in the country.
- 'Hold round table discussions, seminars, conferences, trainings etc.
- 'Publish informational, educational and methodological materials
- 'Provide professional assistance with strategic legal cases
- 'Provide the LGBT community with distant informational, psychological and legal support
- 'Hold nationwide trainings for leaders of the LGBT-movement'<sup>225</sup>

9.6.4 The Russian LGBT Network also listed its achievements:

- 'We have helped create LGBT groups and organizations in 20 different regions of Russia
- 'We have established regular and direct contact with the Human Rights Commissioner of Russia, members of the Presidential Council for human rights, as well as various ministries and other authorities of the Russian Federation
- 'We got the leading Russian human rights organizations to acknowledge the need to protect the rights of the LGBT community
- 'We had Measures against discrimination based on sexual orientation and gender identity included in the recommendations for the Russian Federation (UN Human Rights Committee, 2009; CEDAW, 2010, etc);
- 'We have gained the support of major international organizations, such as the UN and the Council of Europe
- 'National networks of lawyers and psychologists have been created to provide LGBT people with various forms of support, including face-to-face and distant consultations
- 'We have a hotline that is available in all parts of the country
- 'Thanks to our work, a lot of LGBT people in Russia have found the courage to come out and be who they are
- 'We have helped to draw public attention to the issues of homophobia and discrimination based on sexual orientation and gender identity
- 'We are recognized by the leading human rights organizations
- 'We have our own office and staff

'At this point in time the Russian LGBT Network has [regional divisions](#) in 14 regions of the Russian Federation.'<sup>226</sup>

9.6.5 The website of Russian NGO 'Coming Out' provided the following (undated) information:

<sup>225</sup> Russian LGBT Network, '[Who are we](#)', no date

<sup>226</sup> Russian LGBT Network, '[Who are we](#)', no date

‘Since 2008, "Coming Out" works for universal recognition of human dignity and equal rights of all regardless of sexual orientation or gender identity (SOGI). We base our work on the principles of collaboration, visibility, and community involvement.

‘Coming Out is a public initiative and all the services that we provide for the LGBT community and the public are free of charge. This is possible thanks to the support of international funds, selfless work of dozens of volunteers, and the people who donate their own money for this difficult and important work.’<sup>227</sup>

9.6.6 The website also provided (undated) information about the activities of Coming Out, stating:

‘The LGBT group has several programs. We provide free psychological and legal support to the LGBT community and their relatives, organize informational events - hold meetings, seminars, round tables, and produce information materials on LGBT issues and allied topics. "Coming Out" organizes sociocultural events in St. Petersburg, creating a platform for dialogue between different parts of society. As a result of our work, International Queer Fest of Russia took place in St. Petersburg for 7 consecutive years.

‘Among our programs are:

- Strategic litigation;
- Legal assistance;
- Psychological support;
- Monitoring of discrimination;
- Parents’ club;
- Trans\*mission;
- Community centre;
- Rainbow families;
- Volunteer team.’<sup>228</sup>

9.6.7 Moscow Community Centre published the following (undated) information on its website:

‘Welcome to the Moscow Community Center for LGBT+ initiatives (MCC).

‘This is a safe space for the LGBT+ community, where any person can receive help as well as find understanding and support.

‘MCC opened its doors on December 1st, 2015. From the very beginning our aim was to create a safe and comfortable space for the LGBT+ community, free of stigma, prejudice, aggression, homophobia and descrimination. Today our centre is the first and only place in Moscow where queer and

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<sup>227</sup> Coming Out, [‘About us’](#), no date

<sup>228</sup> Coming Out, [‘About us’](#), no date

transgender people can feel safe and free.’<sup>229</sup>

9.6.8 In November 2019, Breitbart reported on the shelter provided by Moscow Community Centre:

‘Nicole spent nine months this year locked up at home, where his parents “beat and humiliated” him for wanting to transition to female, before escaping and seeking refuge in Russia’s first LGBT shelter.

‘The sanctuary, in a guarded complex on the edge of Moscow, can take up to 14 people. It opened in April [2017] to house gay men fleeing Russia’s Chechnya region after revelations of jailings and police torture there. Then in October [2017], gay support group Moscow Community Center opened up the shelter to other LGBT (lesbian, gay, bisexual, transgender) people who are homeless or vulnerable.

‘The idea to create such a space in Russia had been long discussed but the crackdown on Chechen gays helped the Moscow Community Center to raise funds, said director Olga Baranova. “We opened this shelter for all those LGBT people in Russia who are suffering.” These include people who are transitioning, those thrown out by their families and others who have lost jobs or been attacked, she said.

‘The three occupants who spoke to AFP [Agence France-Press, a news agency] all come from the Caucasus region, where, they said, entrenched homophobia is rife. Nicole, whose long dark hair is tied back in a ponytail, is from ex-Soviet Azerbaijan while the others are from Russia.

‘After Nicole [...] grew his hair long and started taking female hormones, his family locked him in their flat for long periods. [...] His parents finally agreed to let him leave for Russia and helped him buy a ticket but threatened to kill him and themselves if he ever came back. “When I got here, I couldn’t stand on my feet, my muscles had atrophied,” he said, saying he suffered pain and swollen legs for days from long lack of use. [...]

‘The occupants of the refuge said they saw no future in Russia and, with help from its organisers, plan to go abroad. Nicole [...] moved to the shelter after asking the United Nations for support and hopes to eventually move to the Netherlands. “I have a few operations ahead and I want to build a new life and get new ID papers. Here I won’t be able to do that,” he said. [...]

‘Another resident Grigory Chibirov, 22, is confident with bright blond hair and blue nail varnish. “I feel safe there, among my own kind,” he says of the shelter. “We’re all friendly and support each other - because no one else does.” Coming from Vladikavkaz, a city in North Ossetia, he said his parents and brothers felt “disgraced” by him being gay. “I can’t live there because of who I am,” he said simply. He was bullied from a young age in the region bordering Chechnya and his family even forcibly shaved his hair off when he dyed it. “Fearing for my life, I left,” he recalled. As an adult, he says he has been sacked from jobs, been attacked and had people yell “fag” at him in the street. He plans to move to France and wants to work in fashion. “In this country I won’t be able to fulfil my potential,” he says. [...]

‘The shelter offers a stay of six weeks in rooms with two or three beds, with

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<sup>229</sup> Moscow Community Centre, [‘About’](#), no date

free food, advice and counselling.

'It has had 37 applications since last month [October 2017] from all over Russia including Moscow and the far north - more than twice the number of available places - Baranova said.

'She stresses the organisers pick people with an achievable plan for their stay while trying to offer appropriate help to the rest. Most residents are gay men, while around a quarter are transsexuals and 20 percent are women, Baranova said.

'One transsexual resident, 31-year-old Nika comes from Karachai-Cherkessia region in the North Caucasus. She plans to go to France for hormone treatment and surgery. [...] she says she had been threatened by relatives over her orientation, but feels safe in the shelter.'<sup>230</sup>

- 9.6.9 In June 2020, The Moscow Times reported, "In all of Russia there is only one shelter for LGBT people and it's in Moscow," Zakharova [Svetlana Zakharova of the Russian LGBT Network] said. "Homelessness is a huge problem but for many reasons including this ['gay propaganda'] legislation, there are no organizations that work specifically with homeless LGBT people or homeless LGBT minors."<sup>231</sup>

- 9.6.10 Quoting other sources, the Immigration and Refugee Board (IRB) of Canada provided information about other LGBTI groups:

'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

<sup>230</sup> Breitbart, ['Finding refuge in Russia's first LGBT shelter'](#), 27 November 2017

<sup>231</sup> The Moscow Times, ['Quarantined With Family, Russia's LGBT Youth \[...\]'](#), 4 June 2020

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’<sup>232</sup>

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<sup>232</sup> IRB of Canada, [RUS106279.E](#), 27 February 2020

# Terms of Reference

A 'Terms of Reference' (ToR) is a broad outline of what the CPIN seeks to cover. They form the basis for the [country information section](#). The Home Office's Country Policy and Information Team uses some standardised ToRs, depending on the subject, and these are then adapted depending on the country concerned.

For this particular CPIN, the following topics were identified prior to drafting as relevant and on which research was undertaken:

- Legal context
  - Constitution
  - Legislation
  - Criminal/Penal Code
  - Law in practice
- State attitudes and treatment
  - Arrests and detention
  - Arrest of LGBT persons and prosecutions for other offences
  - Prosecution of same-sex acts
  - Police violence
  - Police responses to reports of anti-LGBT violence
  - Public statements by government officials
  - Homophobic rhetoric
  - Ombudsman/Complaints mechanism(s)
- Societal attitudes and treatment
  - Societal norms
  - Public opinion
  - Violence and discrimination
  - Anti-LGBT protests
  - Pro-LGBT marches/gay pride
  - Gay 'scene' or 'community'
  - LGBT websites
  - Family treatment
  - Religious attitudes/treatment
  - Media attitudes
- Access to services
  - Healthcare

- Accommodation
  - Employment
  - Education
- LGBT groups, civil society and human rights NGOs
  - Government recognition of LGBT NGOs
  - Restrictions on Civil Society Groups

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# Version control

## Clearance

Below is information on when this note was cleared:

- version **1.0**
- valid from **27 October 2020**

## Changes from last version of this note

This is the first Country Policy and Information Note to be written on Russia: SOGIE.

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