



Russia's Compliance with International Convention on Civil and Political Rights: LGBTI Rights

Submitted by The Advocates for Human Rights

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and

Moscow Community Center for LGBT+ Initiatives

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The Advocates for Human Rights (The Advocates) is a volunteer-based nongovernmental organization committed to the impartial promotion and protection of international human rights standards and the rule of law. Established in 1983, The Advocates conducts a range of programs to promote human rights in the United States and around the world, including monitoring and fact finding, direct legal representation, education and training, and publications.

Moscow Community Center for LGBT+ Initiatives (MCC) was established in 2015 as a resource for LGBT+ initiatives in the greater Moscow region of the Russian Federation. It is a volunteer-based organization where community members can experience an atmosphere of friendship, support, and acceptance. MCC initiates and implements unique projects serving LGBT individuals, including legal services and psychosocial care. Through education and outreach, the Center is committed to bringing together the region's activists to build an LGBTQI movement in Moscow and across Russia and to fight anti-gay discrimination.

EXECUTIVE SUMMARY

1. Russian authorities foster homophobia and transphobia in Russia, and they create a climate of impunity for violence and discrimination targeting individuals based on sexual orientation and gender identity and expression. They deny that LGBTI persons in the North Caucasus region are subjected to abductions, extrajudicial killings, and torture, signaling to local authorities and private actors that they will not be held accountable. Homophobic and transphobic government rhetoric has coincided with escalating hate speech targeting the LGBTI community, discouraging targets of such hate speech from turning to law enforcement for remedies. Despite some legal protections against discrimination, LGBTI individuals experience violence and discrimination in a wide variety of spheres, including employment, housing, health care, education, and family rights. So-called “conversion therapy” is offered in many regions and goes largely unregulated. Authorities have used laws prohibiting promotion of non-traditional sexual relations to minors to stifle free expression and to encourage vigilante harassment of alleged offenders and vigilante reporting of alleged violators of those laws. Efforts are underway to strip same-sex couples of parental rights and to eliminate legal recognition of transgender persons.

The Russian Federation fails to uphold its obligations under the International Covenant on Civil and Political Rights

I. LGBTI individuals in the North Caucasus experience abduction, extrajudicial killing, and torture; State and non-State perpetrators act with impunity (List of Issues paragraph 3).

2. In the List of Issues, the Committee requested “up-to-date information, including statistics, on the progress in the investigation of the serious past and ongoing human rights violations, including abduction, extrajudicial killings, torture and ill-treatment, secret detention and acts of violence against women and lesbian, gay, bisexual, transgender and intersex individuals, in the North Caucasus, including the murder of human rights defender Natalia Estemirova. Inform the Committee about the status of the investigation of cases of enforced disappearance in the region and whether family members of disappeared persons are informed of the progress of investigations and on the identification of their remains.”¹
3. The Russian Federation does not mention any investigations of these human rights violations, other than the murder of Natalia Estemirova. Rather, it responds that “[s]ince 2015, no cases of abductions, extrajudicial killings, torture and ill-treatment, secret detention or violence against women or lesbian, gay, bisexual, transgender and intersex persons in the North Caucasus Federal Area have been identified and no reports of such illegal acts have been received. Regarding the abduction and murder of N.K. Estemirova, the search for A.A. Bashaev, a member of an illegal armed group, is ongoing. Charges were brought against him in February 2010 and an international wanted notice has been issued through the International Criminal Police Organization (INTERPOL) for his arrest and extradition.”²

¹ Human Rights Committee, *List of issues in relation to the eighth periodic report of the Russian Federation* (14/06/2020), U.N. Doc. CCPR/C/RUS/Q/8, ¶ 3.

² Human Rights Committee, *Replies of the Russian Federation to the list of issues in relation to its eighth periodic report* (29/03/2021), U.N. Doc. CCPR/C/RUS/RQ/8, ¶¶ 16-17.

4. As set forth in the authors' report to the Committee at the List of Issues stage, there is extensive evidence of serious ongoing human rights violations against LGBTI people in the North Caucasus, including enforced disappearances. National and local authorities have ignored—and in some cases exacerbated—the situation.³
5. A recent study by the Russian LGBT Network, based on a survey of almost 3,500 people located in every region of the country, as well as expert interviews and secondary data analysis of monitoring information and in-depth archive work, found the North Caucasus region overall to be the most dangerous region in the country for LGBTQ people.⁴ The study further found that in the North Caucasus region, the most common human rights violations against LGBT+ persons are unlawful arrests and violations of parental rights. Law enforcement officials cover up such persecution and actively contribute to it.⁵ The North Caucasus region ranks first in the country for frequency of physical violence targeting LGBT+ individuals, particularly on the part of relatives and work or school colleagues. Approximately 29% of respondents in the region reported such violence, compared with 9% in the region with the next-highest rate of violence.⁶ Violence in the North Caucasus was more likely to come from colleagues, classmates, family members, and other familiar persons, rather than from homophobic organizations or strangers.⁷
6. Lesbian and bisexual women and transgender men in the North Caucasus are the most vulnerable. According to a 2020 report, they face an entire system of physical, sexual, and psychological violence, including violent religious practices, early and forced marriage, restrictions on freedom of movement and communication, FGM, and “honor killings.” Federal law enforcement agencies not only do not protect these people but often support this systemic violence.⁸
7. Abductions of LGBTI people continue in the North Caucasus, frequently carried out by private parties colluding with law enforcement. For example, the Russian LGBT Network reports that in June 2021, a woman who had fled Chechnya was kidnapped and forcibly returned, with the assistance of law enforcement. Police officers in Dagestan raided a shelter for survivors of domestic violence in Makhachkala, looking for Khalimat Taramova, who had fled Chechnya the previous month after her family had subjected her to beatings, threats, and what amounted

³ The Advocates for Human Rights and Moscow Community Center for LGBTQ+ Initiatives, *Russian Federation's Compliance with the International Covenant on Civil and Political Rights: Suggested List of Issues Relating to Discrimination Based on Sexual Orientation, Gender Identity, and Gender Expression* (1 June 2020), ¶¶ 7-8.

⁴ Russian LGBT Network, *Исследование дискриминации в отношении ЛГБТ+ людей в России: качественные данные*, 7 Oct. 2021, at 16 available at <https://lgbtnet.org/upload/iblock/09d/Diskriminatsiya.-Kachestvennyy-analiz.docx.pdf>.

⁵ Russian LGBT Network, *Russian LGBT Network Conducted Extensive Study on Discrimination against LGBT+ across Russia*, 15 Oct. 2021, available at https://lgbtnet.org/en/news/2021/rezultaty_issledovaniya_diskriminatsii_v_otnoshenii_lgbt_lyudey_po_vsey_rossii/.

⁶ Russian LGBT Network, *Исследование дискриминации в отношении ЛГБТ+ людей в России: качественные данные*, 7 Oct. 2021, at 14, available at <https://lgbtnet.org/upload/iblock/09d/Diskriminatsiya.-Kachestvennyy-analiz.docx.pdf>.

⁷ Russian LGBT Network, *Исследование дискриминации в отношении ЛГБТ+ людей в России: качественные данные*, 7 Oct. 2021, at 14-15, available at <https://lgbtnet.org/upload/iblock/09d/Diskriminatsiya.-Kachestvennyy-analiz.docx.pdf>.

⁸ *Queer Women of North Caucasus, Стратегии выживания гомосексуальных, бисексуальных женщин и трансгендерных персон на Северном Кавказе: Отчет по результатам качественного исследования* (2020), at 155, available at <https://www.nhc.no/content/uploads/2020/07/>.

to house arrest for six months on account of her sexual orientation. Even though Ms. Taramova had earlier publicized a video explaining that she had left home of her own volition and did not want anyone to search for her, her family had reported her missing, providing a pretext for police to raid the shelter. While police were questioning her, she expressed concern that Chechen “enforcers” would break into the shelter to kidnap her and force her to return. The police officers confirmed that she was staying in the shelter of her own free will and told her that it would be unlawful for anyone to break into the shelter. They advised her to call the police for assistance if anything should transpire. Within hours of the police raid, a group of Chechen “enforcers” broke into the shelter wearing military camouflage and dragged several people from the shelter to the local police station. Ms. Taramova’s father, who is considered to be an associate of Ramzan Kadyrov, head of the Chechen Republic, entered the shelter and left only after Ms. Taramova threatened to throw herself off the fourth-floor balcony. When she went to the Department of Internal Affairs, an official encouraged her to write a report stating that she had been coerced to leave Chechnya, but she refused. Police officers told her that her “lifestyle” does not conform to traditions and urged her to return to her husband. Officers eventually told her that they would guarantee her safety and assist her in departing the building, but when she exited through a back door, she was taken to a group of Chechens in Jeeps and practically shoved into a car. Police refused to take a statement from her colleague, who had witnessed the events. Her father has since reported that his daughter is home in Grozny, Chechnya.⁹

II. Russian authorities fail to address homophobic hate speech (List of Issues paragraph 5).

8. The Committee requested that the Russian Federation “respond to concerns regarding the significant amount of hate speech in the media and on the Internet and report on measures taken to address racist and homophobic hate speech, including by politicians and religious leaders.”¹⁰
9. The Russian Federation’s response focuses exclusively on “racism, xenophobia and racial profiling.”¹¹ It does not mention any measures taken to address homophobic hate speech, but instead makes passing reference to the establishment of a “criminal offence to commit acts intended to incite hatred or enmity or to degrade individuals or groups of persons on the grounds of . . . or membership of any social group if these acts are performed in public,”¹² discussed in greater detail in paragraphs 20-21 below. It also acknowledges that a 2018

⁹ Russian LGBT Network, *Raiding of Shelter in Makhachkala Ends in Kidnapping of Khalimat Taramova: Forcibly Taken to Chechnya, Her Persecution Result of Sexual Orientation*, 15 June 2021, available at https://lgbtnet.org/en/news/2021/pokhishchenie_khalimat_taramovoy_sobrali_khroniku_togo_chno_izvestno_na_tek_ushchiy_moment_/?fbclid=IwAR1KYJvH4mBvpcIMsBFm7wm5WVzkaCwt0YxnKQ3rVSYBdCkOFzCwQjbPifo.

¹⁰ Human Rights Committee, *List of issues in relation to the eighth periodic report of the Russian Federation* (14/06/2020), U.N. Doc. CCPR/C/RUS/Q/8, ¶ 5.

¹¹ Human Rights Committee, *Replies of the Russian Federation to the list of issues in relation to its eighth periodic report* (29/03/2021), U.N. Doc. CCPR/C/RUS/RQ/8, ¶¶ 22-24.

¹² Human Rights Committee, *Replies of the Russian Federation to the list of issues in relation to its eighth periodic report* (29/03/2021), U.N. Doc. CCPR/C/RUS/RQ/8, ¶ 22.

amendment bars prosecution under this law for “one-off offence[s] . . . [that] do not present a serious threat to the constitutional order or national security.”¹³

10. As set forth in the authors’ report to the Committee at the List of Issues stage, discrimination, harassment, and threats of violence against LGBTI individuals have increased in recent years, coinciding with the government’s rhetoric that LGBTI persons and their relationships are a threat to traditional families.¹⁴ Not only have authorities failed to address homophobic hate speech, laws and policies have also fueled such hate speech. The State party provides no evidence that the criminal offense mentioned above has been used to prosecute individuals for homophobic hate speech.
11. According to the above-mentioned study by Russian LGBT Network, nearly 78% of respondents distrust the police, an increase by 5 percentage points over the previous year.¹⁵ The study found that law enforcement refused to accept reports submitted in 25% of cases submitted by LGBT+ persons. Respondents also stated that law enforcement officers expressed homophobic and transphobic attitudes and actively attempted to interfere with LGBT+ activism. At the same time, they refused to investigate attacks on LGBT+ people committed by far-right groups.¹⁶ The study concluded that “going to the police, in many cases, seems to be almost as dangerous as the offense itself, and quite often it turns out to be. Police officers can become abusive, using homophobic or transphobic language, accusing the victim, refusing to accept a report, or ignoring a report after accepting it. In all federal regions, the report documented cases of discrimination, blackmail, and violence by police officers against LGBTQ persons.”¹⁷ The report also noted that ultra-conservatives and other anti-LGBTI entities are aware that most LGBTQ people will not go to the police because they fear ill-treatment and discrimination at the hands of law enforcement. These human rights violators therefore operate in a state of impunity.¹⁸

¹³ Human Rights Committee, *Replies of the Russian Federation to the list of issues in relation to its eighth periodic report* (29/03/2021), U.N. Doc. CCPR/C/RUS/RQ/8, ¶ 23.

¹⁴ The Advocates for Human Rights and Moscow Community Center for LGBQ+ Initiatives, *Russian Federation’s Compliance with the International Covenant on Civil and Political Rights: Suggested List of Issues Relating to Discrimination Based on Sexual Orientation, Gender Identity, and Gender Expression* (1 June 2020), ¶¶ 9-10.

¹⁵ Russian LGBT Network, *Исследование дискриминации в отношении ЛГБТ+ людей в России: количественные данные*, 7 Oct. 2021, at 8-9, available at https://lgbtnet.org/upload/iblock/8d6/Diskriminatsiya.-Kolichestvennyy-analiz.docx-_1_.pdf.

¹⁶ Russian LGBT Network, *Russian LGBT Network Conducted Extensive Study on Discrimination against LGBT+ across Russia*, 15 Oct. 2021, available at https://lgbtnet.org/en/news/2021/rezultaty_issledovaniya_diskriminatsii_v_otnoshenii_lgbt_lyudey_po_vsey_rossii/.

¹⁷ Russian LGBT Network, *Исследование дискриминации в отношении ЛГБТ+ людей в России: качественные данные*, 7 Oct. 2021, at 36, available at <https://lgbtnet.org/upload/iblock/09d/Diskriminatsiya.-Kachestvennyy-analiz.docx.pdf>.

¹⁸ Russian LGBT Network, *Исследование дискриминации в отношении ЛГБТ+ людей в России: качественные данные*, 7 Oct. 2021, at 36-37, available at <https://lgbtnet.org/upload/iblock/09d/Diskriminatsiya.-Kachestvennyy-analiz.docx.pdf>.

III. Efforts to prevent or combat all forms of discrimination based on sexual orientation and gender identity, and to address harassment and violence against LGBTI persons, have fallen short (List of Issues paragraph 6).

Discrimination, harassment, and violence

12. The Committee requested that the Russian Federation “report on recent measures taken or planned to prevent and combat all forms of discrimination based on sexual orientation and gender identity, including in employment, housing, health and family law, and to address harassment and violence against such individuals.”¹⁹
13. The Russian Federation’s response overlooks the Committee’s mention of “family law” but states that “[t]he applicable Russian legislation on work and employment, health care and housing prohibits discrimination, including on grounds of sexual orientation and gender identity.”²⁰ The response does not describe any efforts to prevent such discrimination, nor does it suggest that victims of such discrimination are able to use the legislation effectively to obtain remedies or redress for discrimination. The response does not describe any measures to address harassment and violence against LGBTI persons.
14. As set forth in the authors’ report to the Committee at the List of Issues stage, there is evidence that discrimination and violence targeting LGBTI persons is widespread. LGBTI individuals report feeling the highest levels of discrimination at their places of employment, but they also report such discrimination in housing, exercising parental rights, and when they attempt to access healthcare, for example.²¹ To the extent the law prohibits discrimination on the basis of sexual orientation, gender identity, or gender expression in some of these spheres, those laws do not meaningfully protect people who face such discrimination. As discussed in paragraph 34 below, the Russian Federation endorses discrimination against LGBTI persons in the context of family law.
15. The above-mentioned study by the Russian LGBT Network found that over 78% of respondents experienced violence and discrimination on the basis of their sexual orientation and/or gender identity, up from 64.4% in the previous year’s survey.²² Over half of respondents stated that they remained in the closet at school or at work. 52 respondents said that they had been fired as a result of their sexual orientation or gender identity.²³ The study found that in many regions, adolescents are the most vulnerable group because they face violence and discrimination at home, at school, and in public spaces. Civil society organizations struggle to assist youth for fear of violating the anti-propaganda law. Even in tertiary education, 10% of

¹⁹ Human Rights Committee, *List of issues in relation to the eighth periodic report of the Russian Federation* (14/06/2020), U.N. Doc. CCPR/C/RUS/Q/8, ¶ 6.

²⁰ Human Rights Committee, *Replies of the Russian Federation to the list of issues in relation to its eighth periodic report* (29/03/2021), U.N. Doc. CCPR/C/RUS/RQ/8, ¶ 25.

²¹ The Advocates for Human Rights and Moscow Community Center for LGBQ+ Initiatives, *Russian Federation’s Compliance with the International Covenant on Civil and Political Rights: Suggested List of Issues Relating to Discrimination Based on Sexual Orientation, Gender Identity, and Gender Expression* (1 June 2020), ¶¶ 7-8.

²² Russian LGBT Network, *Исследование дискриминации в отношении ЛГБТ+ людей в России: количественные данные*, 7 Oct. 2021, at 5, available at https://lgbtnet.org/upload/iblock/8d6/Diskriminatsiya.-Kolichestvennyy-analiz.docx-_1_.pdf.

²³ Russian LGBT Network, *Russian LGBT Network Conducted Extensive Study on Discrimination against LGBT+ across Russia*, 15 Oct. 2021, available at https://lgbtnet.org/en/news/2021/rezultaty_issledovaniya_diskriminatsii_v_otnoshenii_lgbt_lyudey_po_vsey_rossii/.

students said they had thought about quitting due to the homophobic environment.²⁴ Transgender men are more likely than other LGBTI individuals to experience discrimination in health care and housing.²⁵

16. So-called “conversion therapy” is also practiced in Russia. According to a 2021 report by the Moscow Community Center for LGBT+ Initiatives, which included interviews and surveys with 74 people who had experienced attempts to change their sexual orientation or gender identity, some “therapies” were clearly violent in nature. Parents, siblings, and other family members were the most likely to initiate the therapy, with mothers being the initiators in more than 60% of cases. 82% of respondents said that the therapy began when they were minors.²⁶
17. The report identified several methods of attempting to change a person’s sexual orientation or gender identity. Several respondents described systematic efforts by parents and school officials through persuasion and suggestion. Other respondents described attempts to change their sexual orientation or gender identity through religious practices, including exorcisms conducted on minors. During one exorcism, the mullah told the respondent’s parents that she should be killed because she was an apostate. Her parents forcibly took her to three more exorcists over the course of two years. Other respondents were subjected to psychiatric and hormonal “treatments.” One was detained in a psychiatric clinic and subjected to psychopharmaceuticals. One transgender man was taken to psychics who forced him to dress in women’s clothing. Others were subjected to “corrective” sexual violence as a means to change their sexual orientation or gender identity. One respondent said that their family members tried to have them committed to a psychiatric hospital and burned their belongings, saying that they were influenced by demons and that they needed to go to church.²⁷
18. As part of the research, Moscow Community Center’s volunteers conducted 16 “test visits” to clinics offering conversion therapy services. The volunteers recorded their visits. The study remarked on the “overall low level of knowledge among psychiatrists about” sexual orientation and gender identity and expression. The study found that psychiatrists often engaged in overt moralizing, reinforcing social stigma and promoting the practice of “conversion therapy.”²⁸
19. The report concluded that conversion therapy in Russia includes two approaches: practices based on coercion and violence, and practices based on ignorance and the pursuit of financial gain. As long as the patient is willing to pay, professionals are willing to try to change their sexual orientation and/or gender identity. Throughout the “conversion” process, these professionals engage in judgment and moralizing.²⁹

²⁴ Russian LGBT Network, *Russian LGBT Network Conducted Extensive Study on Discrimination against LGBT+ across Russia*, 15 Oct. 2021, available at https://lgbt.net.org/en/news/2021/rezultaty_issledovaniya_diskriminatsii_v_otnoshenii_lgbt_lyudey_po_vsey_rossii/.

²⁵ Russian LGBT Network, *Исследование дискриминации в отношении ЛГБТ+ людей в России: количественные данные*, 7 Oct. 2021, at 7, available at https://lgbt.net.org/upload/iblock/8d6/Diskriminatsiya.-Kolichestvennyy-analiz.docx-1_.pdf.

²⁶ Valentina Likhoshva, *The practice of “conversion therapy” in Russia*, Moscow Community Center for LGBT+ Initiatives (2021), available at <https://mcclgbt.com/reparativetherapy>.

²⁷ Valentina Likhoshva, *The practice of “conversion therapy” in Russia*, Moscow Community Center for LGBT+ Initiatives (2021), available at <https://mcclgbt.com/reparativetherapy>.

²⁸ Valentina Likhoshva, *The practice of “conversion therapy” in Russia*, Moscow Community Center for LGBT+ Initiatives (2021), available at <https://mcclgbt.com/reparativetherapy>.

²⁹ Valentina Likhoshva, *The practice of “conversion therapy” in Russia*, Moscow Community Center for LGBT+ Initiatives (2021), available at <https://mcclgbt.com/reparativetherapy>.

Hate crimes legislation

20. The Committee further inquired “whether attacks against lesbian, gay, bisexual, transgender and intersex individuals are defined in domestic law as ‘hate crimes.’”³⁰
21. The Russian Federation explains that criminal law includes harsher penalties when the relevant criminal offense is motivated by, inter alia, “hatred or enmity towards a particular social group,” including “any group of people with a common characteristic (for example, ethnicity, religion, occupation, property status or culture.”³¹ The State Party further explains that, pursuant to a judgment of the Supreme Court that explained that a social group may be “understood as a community linked by systematic relationships regulated by either formal or informal institutions,” LGBTI individuals “are no exception. An attack on members of this social group committed in connection with such membership would be categorized as an offence motivated by hatred or enmity towards a particular social group.”³² The response does not identify any cases in which hatred or enmity towards LGBTI persons has been used as an aggravating factor, or what additional penalties were imposed in such cases. Moreover, as set forth in the authors’ report to the Committee at the List of Issues stage, the Russian Federation’s Eighth Periodic Report stated that “in criminal proceedings the sexual orientation of the victim is of no significance.”³³
22. LGBTI individuals are unlikely to report hate crimes to law enforcement. As set forth in the authors’ report to the Committee at the List of Issues stage, law enforcement officials take advantage of LGBTI individuals’ fear of prosecution as a result of their LGBTI identification, subjecting them to bribes and threats.³⁴ As discussed in paragraph 11 above, the overwhelming majority of LGBT+ Russians distrust the police, and that distrust is growing. A similar proportion do not trust the courts.³⁵

Chechnya

23. The Committee requested a response “to allegations of mass detention, raids, harassment and torture perpetrated against individuals due to their sexual orientation and gender identity by the Chechen authorities, the reported so-called ‘honour killings’ of lesbian, gay, bisexual, transgender and intersex individuals by families in Chechnya and measures taken to address such allegations.”³⁶

³⁰ Human Rights Committee, *List of issues in relation to the eighth periodic report of the Russian Federation* (14/06/2020), U.N. Doc. CCPR/C/RUS/Q/8, ¶ 6.

³¹ Human Rights Committee, *Replies of the Russian Federation to the list of issues in relation to its eighth periodic report* (29/03/2021), U.N. Doc. CCPR/C/RUS/RQ/8, ¶¶ 31-34.

³² Human Rights Committee, *Replies of the Russian Federation to the list of issues in relation to its eighth periodic report* (29/03/2021), U.N. Doc. CCPR/C/RUS/RQ/8, ¶¶ 34.

³³ Human Rights Committee, *Eighth Report Submitted by the Russian Federation under Article 40 of the Covenant, due in 2019*, (Apr. 8, 2019), U.N. Doc. CCPR/C/RUS/8, ¶ 373.

³⁴ The Advocates for Human Rights and Moscow Community Center for LGBQ+ Initiatives, *Russian Federation’s Compliance with the International Covenant on Civil and Political Rights: Suggested List of Issues Relating to Discrimination Based on Sexual Orientation, Gender Identity, and Gender Expression* (1 June 2020), ¶ 12.

³⁵ Russian LGBT Network, *Russian LGBT Network Conducted Extensive Study on Discrimination against LGBT+ across Russia*, 15 Oct. 2021, available at https://lgbt.net/en/news/2021/rezultaty_issledovaniya_diskriminatsii_v_otnoshenii_lgbt_lyudey_po_vsey_rossii/.

³⁶ Human Rights Committee, *List of issues in relation to the eighth periodic report of the Russian Federation* (14/06/2020), U.N. Doc. CCPR/C/RUS/Q/8, ¶ 6.

24. The Russian Federation’s response to the List of Issues does not address this point.³⁷ As noted in paragraph 3 above, the Russian Federation denies the existence of “abductions, extrajudicial killings, torture and ill-treatment, secret detention or violence against women or [LGBTI] persons in the North Caucasus Federal Area.” The response provides no information to suggest that the State party has taken any measures to address these allegations.
25. As set forth in the authors’ report to the Committee at the List of Issues stage, hundreds of LGBTI individuals have been arrested and imprisoned in Chechnya for their sexual orientation, and some have been tortured to death in detention. These mass detentions appear to have begun in early 2017. Prosecutors have refused to open cases against police alleged to have abused LGBTI persons. There are widespread reports of family members of LGBTI persons committing so-called “honor killings,” often with encouragement from law enforcement.³⁸ A 2020 report confirms that since April 2017, “the Chechen Republic has remained a region in which crimes against LGBT people are not investigated and are ignored, both at the republic and national level. At the same time, lesbians, bisexual women, and transgender people remain virtually invisible, not only in Chechnya but also in other republics of the North Caucasus.”³⁹ With respect to “honor killings,” the report found that law enforcement and the judicial sector are largely unable to adhere to the principles of the law in their investigations and judgments, impeding the effectiveness of criminal proceedings against perpetrators. Legal proceedings are closed and sentences in such cases are light.⁴⁰

Laws prohibiting promotion of non-traditional sexual relations to minors

26. The Committee requested “information about cases in which the laws prohibiting the promotion of non-traditional sexual relations to minors have been applied and whether the State party is considering repealing those laws, including in view of the decision of the European Court of Human Rights in the case *Bayev and others v. Russia*.”⁴¹
27. The Russian Federation’s response does not provide the requested information about cases in which the law has been applied, nor does it state whether the State party is considering repealing the laws. Instead, the response simply defends the laws by asserting that “[t]he purpose of the legal provision prohibiting the promotion of homosexuality among minors, that is the deliberate and uncontrolled dissemination of information that could be harmful to a child’s health and moral and spiritual development, is to ensure children’s intellectual, moral and psychological safety, in accordance with the goals of State policy on minors. These measures are compatible with article 10 (2) of the Convention for the Protection of Human Rights and Fundamental Freedoms of 4 November 1950.”⁴²

³⁷ Human Rights Committee, *Replies of the Russian Federation to the list of issues in relation to its eighth periodic report* (29/03/2021), U.N. Doc. CCPR/C/RUS/RQ/8, ¶¶ 25-34.

³⁸ The Advocates for Human Rights and Moscow Community Center for LGBTQ+ Initiatives, *Russian Federation’s Compliance with the International Covenant on Civil and Political Rights: Suggested List of Issues Relating to Discrimination Based on Sexual Orientation, Gender Identity, and Gender Expression* (1 June 2020), ¶¶ 7-8.

³⁹ Queer Women of North Caucasus, *Стратегия выживания гомосексуальных, бисексуальных женщин и трансгендерных персон на Северном Кавказе: Отчет по результатам качественного исследования* (2020), at 9, available at <https://www.nhc.no/content/uploads/2020/07/>.

⁴⁰ *Id.* at 39.

⁴¹ Human Rights Committee, *List of issues in relation to the eighth periodic report of the Russian Federation* (14/06/2020), U.N. Doc. CCPR/C/RUS/Q/8, ¶ 6.

⁴² Human Rights Committee, *Replies of the Russian Federation to the list of issues in relation to its eighth periodic report* (29/03/2021), U.N. Doc. CCPR/C/RUS/RQ/8, ¶ 29.

28. As set forth in the authors’ report to the Committee at the List of Issues stage, Russian authorities do in fact prosecute individuals under these laws. Prosecutions are sometimes based on years-old social media posts, and the administrative proceedings in these cases can be unfair. Vigilante groups have also used the law as a justification for conducting surveillance of suspected LGBTI individuals who work with minors, sometimes resulting in their termination from employment. The State party has not taken steps to address the negative effects of these laws, but instead has increased arrests under the laws and has enacted new laws that have a detrimental effect on LGBTI individuals.⁴³

Right to peaceful assembly

29. The Committee requested that the Russian Federation “[c]larify the measures taken to ensure for lesbian, gay, bisexual, transgender and intersex persons the right to peaceful assembly, including in view of the decision of the European Court of Human Rights in the case *Alekseyev v. Russia*.”⁴⁴

30. The Russian Federation’s response to the List of Issues does not address this point.⁴⁵

31. As set forth in the authors’ report to the Committee at the List of Issues stage, the non-traditional family law stifles freedom of expression.⁴⁶ The Russian LGBT Network study referenced above said that representatives of far-right groups had derailed LGBT events and that the evidence suggested that law enforcement representatives “tried to thwart LGBT+ events themselves, too.”⁴⁷

Recent Constitutional amendments limiting rights of same-sex couples

32. The Committee requested a response “to concerns that the recent amendments to the Constitution limit the rights of same- sex couples and may contribute to homophobic attitudes in society.”⁴⁸

33. The Russian Federation’s response does not acknowledge the effects of the amendments on the rights of same-sex couples or on the overall climate of homophobia in the country. Rather, the response simply defends the amendments, stating that “[t]he constitutional provision defining marriage as the union between a man and a woman cannot be viewed as

⁴³ The Advocates for Human Rights and Moscow Community Center for LGBQ+ Initiatives, *Russian Federation’s Compliance with the International Covenant on Civil and Political Rights: Suggested List of Issues Relating to Discrimination Based on Sexual Orientation, Gender Identity, and Gender Expression* (1 June 2020), ¶¶ 8, 18-21.

⁴⁴ Human Rights Committee, *List of issues in relation to the eighth periodic report of the Russian Federation* (14/06/2020), U.N. Doc. CCPR/C/RUS/Q/8, ¶ 6.

⁴⁵ Human Rights Committee, *Replies of the Russian Federation to the list of issues in relation to its eighth periodic report* (29/03/2021), U.N. Doc. CCPR/C/RUS/RQ/8, ¶¶ 25-34.

⁴⁶ The Advocates for Human Rights and Moscow Community Center for LGBQ+ Initiatives, *Russian Federation’s Compliance with the International Covenant on Civil and Political Rights: Suggested List of Issues Relating to Discrimination Based on Sexual Orientation, Gender Identity, and Gender Expression* (1 June 2020), ¶¶ 24-27.

⁴⁷ Russian LGBT Network, *Russian LGBT Network Conducted Extensive Study on Discrimination against LGBT+ across Russia*, 15 Oct. 2021, available at https://lgbtnet.org/en/news/2021/rezultaty_issledovaniya_diskriminatsii_v_otnoshenii_lgbt_lyudey_po_vsey_rossii/.

⁴⁸ Human Rights Committee, *List of issues in relation to the eighth periodic report of the Russian Federation* (14/06/2020), U.N. Doc. CCPR/C/RUS/Q/8, ¶ 6.

discriminatory and unconstitutional; rather, it is intended to reflect established social norms, the intrinsic purpose of which is the preservation and development of the human race.’⁴⁹

34. As set forth in the authors’ report to the Committee at the List of Issues stage, the State party’s laws, policies, and public rhetoric exacerbate homophobic attitudes in society. Even prior to the adoption of the above-referenced constitutional amendments, LGBTI persons reported facing discrimination in exercising parental rights.⁵⁰ Transgender women are more likely than other LGBTI individuals to experience violations of their parental rights.⁵¹
35. In 2020, federal lawmakers introduced a bill that would have ended legal recognition of transgender people. The bill would have prohibited transgender people from changing the sex indicated on their birth certificate. Such a change would expose transgender people to a greater risk of violence, particularly in high-risk situations like encounters with law enforcement. It would also create barriers to seeking employment and medical services without discrimination. In November 2020, parliament withdrew the bill, which also would have banned same-sex marriage and adoption by same-sex couples, for revision.⁵² Lawmakers supportive of the proposed restrictions hope to build consensus and reintroduce the legislation.⁵³

IV. Suggested recommendations for the Government of the Russian Federation

36. The Russian Federation should:

- Publicly condemn the use of abduction, extrajudicial killings, torture and ill-treatment, secret detention and acts of violence against women and lesbian, gay, bisexual, transgender and intersex individuals in the North Caucasus and ensure that federal authorities conduct a prompt, independent, impartial investigation into allegations of such human rights violations in the region.
- Create an independent, impartial mechanism to receive complaints of human rights violations in the North Caucasus, particularly on the basis of sexual orientation and gender identity and expression, and enlist federal authorities to prosecute offenders and hold them accountable for such conduct.
- In collaboration with civil society, provide federal law enforcement officers in the Northern Caucasus region with comprehensive human rights education about honor killings and gender-based violence targeting people on the basis of their sexual orientation or gender identity or expression. Ensure that federal authorities in the

⁴⁹ Human Rights Committee, *Replies of the Russian Federation to the list of issues in relation to its eighth periodic report* (29/03/2021), U.N. Doc. CCPR/C/RUS/RQ/8, ¶ 30.

⁵⁰ The Advocates for Human Rights and Moscow Community Center for LGBTQ+ Initiatives, *Russian Federation’s Compliance with the International Covenant on Civil and Political Rights: Suggested List of Issues Relating to Discrimination Based on Sexual Orientation, Gender Identity, and Gender Expression* (1 June 2020), ¶¶ 9-10, 18-19, 24-27.

⁵¹ Russian LGBT Network, *Исследование дискриминации в отношении ЛГБТ+ людей в России: количественные данные*, 7 Oct. 2021, at 7, available at https://lgbt.net.org/upload/iblock/8d6/Diskriminatsiya.-Kolichestvennyy-analiz.docx-_1_.pdf.

⁵² Madeline Roache, *Russian Activists Just Won an Important Battle Over LGBTQ Rights. But the War Is Far From Over*, Time, 2 Dec. 2020, available at <https://time.com/5915828/russia-lgbtq-victory/?fbclid=IwAR2M3zX57nzluZX0TAAEFtCD0CAI7Gk7il6PMQpptEDO4rckmf35o4VntxI>.

⁵³ *Russia Pulls ‘Transgender Ban’ Bill*, Moscow Times, 16 Nov. 2020, available at <https://www.themoscowtimes.com/2020/11/16/russia-pulls-transgender-ban-bill-a72062>.

region are equipped to enforce federal law prohibiting such practices and hold perpetrators accountable.

- Provide financial support to civil society organizations operating shelters assisting people who flee their homes in the North Caucasus region to escape persecution based on sexual orientation or gender identity or expression, and ensure that local law enforcement bar outsiders from contacting or visiting such shelters.
- Regularly collect and publish data about complaints of homophobic and transphobic hate speech received by law enforcement, including the response to each complaint and how each complaint is resolved.
- Collaborate with civil society organizations representing and made up of LGBTI persons to educate law enforcement officials about international human rights standards relating to sexual orientation and gender identity and expression, about legal protections for LGBTI persons, and to build trust between law enforcement and the LGBTI community.
- In each region, create police desks specializing in violence, harassment, and discrimination based on sexual orientation and gender identity and expression, staffed by specially trained personnel, to respond to complaints raised by LGBTI individuals. Collaborate with civil society organizations made up of and representing LGBTI persons to provide appropriate, ongoing training for these personnel.
- Revise the family law to prohibit discrimination based on sexual orientation and gender identity and expression in that sphere.
- Systematically gather and publish disaggregated data about the use of Article 3 of the Labour Law to combat discrimination based on sexual orientation, gender identity, and gender expression.
- In collaboration with civil society organizations, conduct an awareness raising campaign to educate the public, employers, landlords, and health care providers about the laws prohibiting discrimination based on sexual orientation and gender identity. Ensure that civil society organizations working with LGBTI persons are aware of these legal provisions and have adequate resources and training to bring lawsuits on behalf of persons facing such discrimination.
- Create a comprehensive plan to combat violence and discrimination based on sexual orientation and gender identity and expression in the context of secondary and tertiary education, and collaborate with student organizations and civil society organizations to create and implement the plan.
- Conduct a comprehensive study of the provision of so-called “conversion therapy” services, guided by the standards elaborated by the UN Independent Expert on violence and discrimination based on sexual orientation and gender identity, and issue recommendations to parliament to enact legislation regulating such services, in accordance with the recommendations of the Independent Expert.

- On at least an annual basis, collect and publish disaggregated data about the use of the aggravating factor of crimes motivated by “hatred or enmity towards a particular social group” targeting individuals based on sexual orientation or gender identity or expression, including the number of cases in which prosecutors sought such an aggravating factor, the number of cases in which such an aggravating factor was found, and the extent to which the penalty was increased in each case.
- Publicly acknowledge and condemn the existence of abductions, extrajudicial killings, torture and ill-treatment, secret detention or violence against LGBTI persons in the North Caucasus Federal Area, and create a special task force to investigate all allegations into these human rights violations and to hold perpetrators accountable.
- Repeal laws prohibiting promotion of non-traditional sexual relations to minors, and, in the meantime, prohibit law enforcement from accepting complaints from private parties about alleged violation of such laws.
- Ensure that all LGBTI persons can freely exercise the right to peaceful assembly. Direct law enforcement to safeguard such activities and to take action against individuals or organizations threatening to disrupt such activities.
- Expressly prohibit discrimination based on sexual orientation or gender identity in the context of parental rights and the right to adopt a child.
- Ensure that all transgender persons are freely and easily able to change the sex indicated on any of their official documents, including birth certificates, passports, and driver’s licenses.