

Russia

Country Conditions Report

Created by the Sexual Orientation and Gender Identity Working Group

International Human Rights Program

University of Toronto

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Sung An

Gursheen Cheema

Lindsey Marck

This document was prepared by law students and highlights information about publicly accessible country conditions available at the time it was prepared. It is not exhaustive, nor is it updated on a regular basis. The information provided here is not a substitute for legal advice or legal assistance, and the International Human Rights program at the University of Toronto, Faculty of Law cannot provide such advice or assistance.

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| Introduction |

While Russia does not explicitly criminalize sexual orientation in its Criminal Code, Russia fails to protect LGBTQ+ individuals from discrimination with a lack of constitutional guarantees of equality based on sexual orientation. In 2013, Russia introduced a ban on displaying propaganda of non-traditional sexual relations to children, which led to increased hate crimes and systemic discrimination, and reduced the support available for LGBTQ+ individuals. Russia has also failed to be transparent regarding violence toward LGBTQ+ individuals, so the statistics available are likely substantially lower than reality. In 2020, Russia proposed amending the Family Code to prohibit trans individuals from changing their gender on their birth certificate and to explicitly define marriage as a union between a man and a woman. These activities have been criticized by the European Court of Human Rights, international human rights groups, and other states.

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| Legislation |

***Constitution***(English text with the amendments and additions as of 21 July 2014)[[1]](#footnote-1)

* **Sexual orientation is not protected under Article 19.**

(i) **Article 19(2)**:The State shall guarantee the equality of rights and freedoms of man and citizen, regardless of sex, race, nationality, language, origin, property and official status, place of residence, religion, convictions, membership of public associations, and also of other circumstances. All forms of limitations of human rights on social, racial, national, linguistic or religious grounds shall be banned.[[2]](#footnote-2)

(ii) **Article 19(3):** Men and women shall enjoy equal rights and freedoms and have equal possibilities to exercise them.[[3]](#footnote-3)

(iii) **Article 29(1):** Everyone shall be guaranteed the freedom of ideas and speech.[[4]](#footnote-4)

(iv) **Article 29(2):** Propaganda or agitation, which arouses social, racial, national or religious hatred and hostility shall be prohibited. Propaganda of social, racial, national, religious or linguistic supremacy shall also be prohibited.[[5]](#footnote-5)

(v) **Article 29(4):** Everyone shall have the right to freely look for, receive, transmit, produce and distribute information by any legal means. The list of data comprising state secrets shall be determined by a federal law.[[6]](#footnote-6)

(vi) **Article 37(3):** Everyone shall have the right to labour conditions meeting the safety and hygiene requirements, to labour remuneration without any discrimination whatsoever and to wages and salaries not lower than the minimum established by federal law, as well as the right to protection against unemployment.[[7]](#footnote-7)

(vii) **Article 55(3):** The rights and freedoms of man and citizen may be limited by federal law only to the extent necessary for the protection of the fundamental principles of the constitutional system, morality, health, the rights and lawful interests of other people, for ensuring defence of the country and security of the State.[[8]](#footnote-8)

***Code of Administrative Offences of the Russian Federation***[[9]](#footnote-9)

* **Discriminating on the enumerated grounds is an administrative offence, but these grounds do not include sexual orientation.**
* **Promoting same-sex relations to children is an offence.**

(i) **Article 5.62** Discrimination

“Discrimination, that is, violation of human and civil rights, freedoms and legitimate interests depending on gender, race, nationality, language, origin, property and official status, attitude to religion, convictions, affiliation with public associations or any social groups - shall entail the imposition of an administrative fine on citizens in the amount of one to three thousand roubles and on legal entities in the amount of 50 thousand to 100 thousand roubles.”[[10]](#footnote-10)

(ii) **Article 6.21** Promotion of non-traditional sexual relations among minors

(introduced by Federal Law no. 135-FZ of 29 June 2013)

“1. The promoting of non-traditional sexual relationships among minors, expressed in the dissemination of information aimed at creating in minors a non-traditional sexual orientation, promoting the attractiveness of non-traditional sexual relationships, creating a distorted image of the social equivalence of traditional and non-traditional sexual relationships, or imposing information about non-traditional sexual relationships, arousing interest in such relationships, if these activities do not contain acts punishable under criminal law - shall be subject to the imposition of an administrative fine, ranging from 4,000 to 5,000 roubles for citizens; from 40,000 to 50,000 roubles for officials; and, for legal entities, a fine ranging from 800,000 to 1,000,000 roubles or an administrative suspension of their activities for up to 90 days.”[[11]](#footnote-11)

***Federal Law no. 436-F3 of 29 December 2010 “On the Protection of Children from Information that is Harmful to their Health and Development”***[[12]](#footnote-12)

* **It is prohibited to disseminate information about same-sex relationships to children for the sake of their health and/or development.**

**Section 2:** Information prohibited for dissemination to children shall include information:

(1) inciting children to carry out actions which pose a threat to their lives and (or) their health, including harming their own health, suicide;

(4) negating family values, promoting non-traditional sexual relationships and creating disrespect for parents and (or) other family members….[[13]](#footnote-13)

**Section 5:** Forms of information harmful to children’s health and (or) development.[[14]](#footnote-14)

***Federal Law no. 124-FZ of 24 July 1998 “On the Main Guarantees of the Rights of the Child in the Russian Federation”***[[15]](#footnote-15)

* **Prohibition on disseminating information about LGBTQ+ to children is necessary to protect their health, morals, and spiritual development.**

**Section 14:** Protection of the child from information, propaganda and activism that is harmful to his or her health, morals and spiritual development.

1. The Governmental authorities of the Russian Federation shall take measures to protect the child from information, propaganda and activism that is detrimental to his or her health and moral and spiritual development, including from national, class-based or social intolerance; advertising for alcoholic and tobacco products; [material] promoting social, racial, national and religious inequality; information of a pornographic nature; information promoting non-traditional sexual relationships; and from the dissemination of printed, audio- and video-materials that promote violence and cruelty, addiction to narcotics or drugs, [or] anti-social behaviour...[[16]](#footnote-16)

***Family Code***[[17]](#footnote-17)

(i) **Article 1.** Fundamental Principles of the Family Legislation

3. Family relations shall be regulated in conformity with the principles of a voluntary

conjugal union between a man and a woman, of the equality of spouses' rights in the

family, of resolving internal family problems by mutual consent, of the priority of bringing

children up in a family, of taking care of their well-being and development, and of ensuring

priority protection of the rights and interests of underaged and disabled family members.[[18]](#footnote-18)

(ii) **Article 127.** Persons entitled to be adoptive parents.

1. Adopters can be adults of both sexes, with the exception of:

13) persons who are in an alliance concluded between persons of the same sex, recognized as a marriage and registered in accordance with the legislation of the state in which such a marriage is permitted, as well as persons who are citizens of the said state and are not married.[[19]](#footnote-19)

***Federal Law “On the Fundamentals of Health Care of Citizens in the Russian Federation”***[[20]](#footnote-20)

(i) **Article 5.**

The state provides citizens with health care regardless of sex, race, age, ethnicity, language, presence of disorders, conditions, origin, material or official status, place of residence, religious or other beliefs, affiliation with nongovernmental organisations, or other circumstances. The State guarantees to citizens protection from all forms of discrimination based on the existence of any disorder.[[21]](#footnote-21)

***The Criminal Code of the Russian Federation***[[22]](#footnote-22)

(i) **Article 136.**

Discrimination, that is, a 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 – 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 480 hours, or by corrective labour for a term of up to two years, or by deprivation of liberty for the same term.[[23]](#footnote-23)

(ii) **Article 282(1)**.

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.[[24]](#footnote-24)

***Proposed Legislation***

Amendments to the Family Code under the proposed ‘Traditional Values’ Law[[25]](#footnote-25)

The amendments propose to define marriage as between a man and a woman in the Family Code and in the Constitution. They also propose a prohibition on individuals changing their gender on their birth certificates.

International groups such as Human Rights Watch spoke out against the proposed amendments. They stated that the proposed bill violates the European Convention on Human Rights, which has ruled that a government’s refusal to alter the birth certificate for the trans-individual violates their right to privacy and personal autonomy under the Convention. Due to the bill, heterosexual trans people forced to maintain their sex at birth on official documents would not be able to marry, as the marriage would be considered same-sex. Additionally, such couples could not raise children as legally recognized co-parents.[[26]](#footnote-26)

In October 2020, Russia’s Government Commission on Legislative Activities rejected the proposed amendments on the grounds that the changes overemphasize the rights of parents at the expense of children’s rights.[[27]](#footnote-27)

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| Canadian Jurisprudence |

## Canadian Immigration and Refugee Board

1. *X (Re)*, [2013 CanLII 100880 (CA IRB)](https://canlii.ca/t/gl4lj), RPD File No. MB1-07343

**Holding**: Claimants were denied refugee protection. They are not “convention refugees” as they do not have a well-founded fear of persecution on a Convention ground.

* **Claimants failed to demonstrate hardship as a same-sex couple.**
* **Panel did not find there was a serious possibility of persecution in Russia.**

The claimants were a same-sex couple. They were not active in any gay rights causes in Russia. The claimants travelled to Sweden and Italy and voluntarily returned to Russia. Moreover, many family members and employers were accepting of their homosexuality and there were no restrictions on the claimants’ ability to earn a living. Although there is discrimination in Russia, it did not rise to the level of persecution.

The Board found the couple were not “persons in need of protection” as their removal to Russia would not put their lives at risk or pose a risk of cruel and unusual punishment. Claims for refugee protection pursuant to sections 96 and 97(1) of the *Immigration and Refugee Protection Act* (IRPA) were rejected.

1. *X (Re)*, [2013 CanLII 99165 (CA IRB)](https://canlii.ca/t/gjqt4), RPD File No TB1-19826

**Holding:** Claimant was denied refugee protection due to a lack of persuasive evidence that she was a lesbian or would face hardship without refugee protection.

* **Claimant failed to provide sufficient evidence that she was a lesbian.**
* **Panel did not find there was a serious possibility of persecution in Russia.**

The claimant applied for refugee protection under ss. 96 and 97(1) of the *Immigration and Refugee Protection Act*. The claimant’s application was denied as she was neither a Convention refugee nor a person in need of protection as she failed to establish her sexual orientation and did not offer a well-founded fear of persecution.

The Board found that the claimant’s statements were based on exaggerations and embellishments leading to adverse findings of credibility. There was no persuasive evidence that the claimant was a lesbian. The findings that she had participated in a gay parade, and a letter from a gay male minister from her church were not conclusive to support that she was a lesbian or to compensate for the credibility concerns of her story.

## Federal Court Decisions

1. *Sitnikova v Canada (Minister of Citizenship and Immigration)*, [2016 FC 464](https://canlii.ca/t/gtqtz)

**Holding:** Application for judicial review of an immigration officer’s decision refusing a pre-removal risk assessment (PRRA) and humanitarian and compassionate (H&C) application was allowed.

* **The evidence clearly demonstrates that LGBTQ+ citizens face risks of persecution and discrimination in Russia.**

Sitnikova is a Russian citizen who submitted both a PRRA and an H&C application seeking protection from alleged persecution, based on her identity as a lesbian and bisexual woman. An officer gave a negative decision on both applications.

The officer’s decision was unreasonable because of improper assessment of the evidence. The officer considered country conditions that demonstrate the risks that LGBTQ+ individuals face. The articles and documents submitted clearly demonstrate that LGBTQ+ activists and educators, or those who engage in LGBTQ+ rights activism outside of the workplace are targeted and face risk of persecution.

The Court concluded that the officer found the applicant would avoid persecution only if she is not openly lesbian or bisexual. Because this manner of examining risk based on sexual orientation has been rejected, the officer’s decision was in error.

1. *Kornienko v Canada (Citizenship and Immigration)*, [2015 FC 85](https://canlii.ca/t/gg413)

**Holding:** The Refugee Protection Division’s (RPD) reasons did not permit the Court to understand why it made the finding that Mr. Kornienko is a person in need of protection. Application for judicial review allowed and the matter is returned to RPD for re-determination.

* **The Board did not consider country conditions in either Russia or Ukraine to warrant dismissal of the application for refugee status in Canada**

The respondent is a Russian citizen and permanent resident in Ukraine. Mr. Kornienko arrived in Canada in 2009 and applied for protection as he feared cruel and unusual treatment or punishment in Russia or Ukraine because he was homosexual.

The RPD determined that the respondent was in need of protection. However, the Court found that the RPD had not considered the country conditions for homosexuals in either Russia or Ukraine and had failed to analyze the inadequacy of state protection. This lack of reasons made it so that redetermination of the application was necessary.

1. *Savin v Canada (Minister of Citizenship and Immigration)*, [2014 FC 1106](https://canlii.ca/t/gfxj3)

**Holding:** Application for judicial review of RPD decision that discrimination against applicants did not constitute persecution denied.

* **There was insufficient evidence to demonstrate that the applicants faced persecution and discrimination in Russia.**

The applicants were two males (Savin and Garanin), citizens of Russia. Savin claimed he had been attacked by a homophobic group and was unable to work in Russia and Garanin claimed an inability to access adequate medical care for his HIV+ status.

The RPD stated that persecution requires widespread or systematic mistreatment, and that the applicants had failed to meet the evidentiary burden. The applicants had sufficient support from friends and family, they could have sought refugee protection in Italy and Sweden where they traveled frequently, and they lived in St. Petersburg without facing discrimination. The Court found the RPD had committed no error in its decision that would warrant judicial intervention.

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| Domestic Jurisprudence |

***Court Decisions***

Russian jurisprudence is rarely published, but the below case was cited by the Equal Rights Trust.

1. *Decision of the Investigating Officer of the Police Department of St. Petersburg, 9 July 2013, No. 76*[[28]](#footnote-28)

**Holding:** Police failed to classify targeted same-sex attacks as criminal acts.

* **Victims of attacks at a Gay Pride rally had to go to court to have the attacks classified as criminal and to have a proper investigation conducted after police failed to do so.**

In June 2013, there was a Gay Pride rally in St. Petersburg. About 200 people came and threw eggs, stones and other items at the rally participants. The police allegedly did nothing to stop the attacks, but took participants on buses to police stations for their safety. Four participants did not get on the bus and were beaten. The police did not treat the attacks as criminal proceedings and did not interview the victims. The police classified the attacks as simple acts of battery, where the attacks must be proven in court by the victims without an investigation. The prosecutor later reversed the decision and initiated criminal proceedings. The victims also successfully sought a court order that an investigation must occur; however, no investigation has occurred.

***European Court of Human Rights Decisions***

1. *Bayev and Others v Russia*, No 67667/09 [2017][[29]](#footnote-29)

**Holding:** Russia’s legislative ban on “propaganda of non-traditional sexual relations aimed at minors” violates freedom of expression and is discriminatory.

* **Minorities’ rights need to be protected.**
* **Disseminating knowledge on gender and methods of protection would promote health among youth.**
* **Russia’s law prevents children from being tolerant of diversity.**

The applicants had held signs trying to normalize homosexuality outside a secondary school and a library, and each was charged with administrative offences. The European Court of Human Rights rejected the government’s claims that censoring LGBTQ+ issues is justified on the grounds of protecting morals, health, or the rights of others. The Court reasoned that minorities’ rights ought to be protected and should not depend on their acceptance by the majority. Second, health would be better protected by disseminating knowledge on gender issues and raising awareness of the risks and methods of protection against those risks, rather than restricting expression of LGBTQ+ issues. Finally, these laws shelter children from the values of diversity, equality and tolerance, and only reinforce homophobia, discrimination, and exclusion.

The decision requires Russia to follow Europe’s trajectory of valuing individual rights, regardless of sexual orientation. The judgment is binding on the parties of the case.

1. *Zhdanov and Others v Russia*, No 12200/08 [2019][[30]](#footnote-30)

**Holding:** The refusal to register associations that aim to promote LGBTQ+ rights violates the freedom to associate under Article 11.

* **The Court reasoned that the public authority needs to protect minorities and allow them to associate without fear.**

Three public associations advocating for LGBTQ+ rights submitted applications for registration. All three were denied registration, as the reviewers found the associations served as a danger to Russia’s national security. The reviewers reasoned that propaganda of non-traditional sexual orientations could destroy moral values and decreasing the Russian population.

The Court found that non-profit organizations such as one of the applicants, Movement for Marriage Equality, cannot exist without state registration. Public associations, such as the other two applicants – Rainbow House and Sochi Pride House – can exist without registration, but cannot obtain the rights that legal-entity status associations obtain, like the right to own property, found mass-media outlets, etc.

The refusal to register associations that aim to promote LGBTQ+ rights violated their right of freedom to associate under Article 11. The refusal to register could not be justified on the grounds of protection of moral values or the institutions of families and marriage, or on the grounds of protecting national security and public safety, as same-sex couples are not linked to the demographic situation. It also could not be justified as protecting the legitimate rights of others. The Court accepted that the associations seeking registration could induce violence and disorder as a result of social and religious hatred. However, the Court found that it is the public authority’s role to protect minorities and allow them to associate without fear. The authorities should not remove the cause of tension by eliminating pluralism but should instead ensure that conflicting groups tolerate each other.

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| International Law |

***UN Treaties*[[31]](#footnote-31)**

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| **Treaty** | **Date of Signature** | **Date of Ratification** |
| *ICCPR* | 1968 | 1973 |
| *ICCPR – First OP* | N/A | 1991 |
| *ICCPR – Second OP* | N/A | N/A |
| *ICESCR* | 1968 | 1973 |
| *ICESCR – First OP* | N/A | N/A |
| *CAT* | 1985 | 1987 |
| *CAT – First OP* | N/A | N/A |

***Human Rights Committee (ICCPR)***

“List of issues in relation to the eight periodic report of the Russian Federation” (2020)[[32]](#footnote-32)

* The Committee asks the Russian Federation to report on measures taken to prevent all forms of discrimination based on sexual orientation and gender identity.
* It also asks Russia to respond to allegations of mass detentions, raids, harassment, and torture perpetrated against LGBTQ+ individuals.
* It is also concerned that recent amendments to the Constitution restrict the rights of same-sex couples and might contribute to homophobic attitudes in society.[[33]](#footnote-33)

“Concluding observations on the seventh periodic report of the Russian Federation” (2015)[[34]](#footnote-34)

* The Committee is concerned about reports of discrimination, hate speech and violence against LGBTQ+ individuals and activists. It is also concerned about the lack of legislation explicitly protecting against discrimination on the basis of sexual orientation and gender identity.
* The provision of the Criminal Code recognizing the commission of a crime for reasons of “hatred or enmity” as aggravating circumstances has never been used in cases involving violence against LGBTQ+ individuals.[[35]](#footnote-35)
* A decree signed by the Prime Minister included transgender identity, bi-gender identity, asexuality, and cross-dressing to a list of medical conditions constituting “contraindications to driving.”[[36]](#footnote-36)

***Committee on Economic, Social and Cultural Rights***

“Concluding observations on the sixth periodic report of the Russian Federation: Information received from the Russian Federation on follow-up to the concluding observations” (2018)[[37]](#footnote-37)

* According to the Russian submission, NGOs receiving foreign funds and that are deemed to pursue political activities will be deemed as “foreign actors” and added to a registry for monitoring.

According to the Russian submissions, the Russian Federation is well within its rights to restrict freedom of association and organizations within its territories and can monitor and restrict certain freedoms of organizations in the name of public order and welfare as per the Universal Declaration of Human Rights, art. 29 (2); International Covenant on Civil and Political Rights, art. 22 (2); Constitution of the Russian Federation of 12 December 1993, arts. 15 (4), 30 (1) and 55 (3). Russia implemented Federal Act No. 121-FZ of 20 July 2012 (implemented 2014) which permits it to classify non-profit organizations receiving foreign funds and pursuing political activities into a registry for monitoring.

These laws have implications for LGBT rights, especially since many LGBT groups are funded externally, not by the government. Because these groups are heavily involved in advocating for LGBT rights and include prominent LGBT activists, this legislation automatically puts most LGBT groups under monitoring by the government.

***Committee against Torture***

“Consideration of reports submitted by States parties under article 19 of the Convention: Sixth periodic reports of States parties due in 2016: Russian Federation” (2016)[[38]](#footnote-38)

* Short note that the Russian Federation’s measures to prevent torture, discrimination, and ill-treatment without discriminating against whom the rights are granted.

Paragraph 389 of Russia’s report states that “Effective legal, administrative, judicial and other measures are being taken by the Russian Federation to protect the rights, freedoms and lawful interests of individuals and citizens, along with measures to prevent acts of torture, discrimination and ill-treatment against them, without distinction as to sex, race, ethnic background, language, origin, wealth, official status, place of residence, attitude to religion, convictions, membership of public associations or any other social groups.”

Notably this report did not contain a response to paragraph 23 of the issues requested by the Committee, which states: “Please provide information on the measures taken to ensure that no individual or human rights group to which such individual belongs is subjected to reprisals or prosecutions for monitoring incidents, and communicating with, or for providing information to, the Committee against Torture under its procedures, or to other human rights treaty bodies or United Nations human rights organs in accordance with their mandates (para 12). Please discuss measures directed against human rights defender Natalia Taubina of the Public Verdict Foundation, who participated in the Committee's review of Russia in 2012. Also, please clarify the status of the administrative proceedings brought against journalist Lena Klimova who wrote about and assisted communications among lesbian, gay, bisexual and transgender (LGBT) teenagers and LGBT leaders, and the sentencing of environmental rights defender Evgeny Vitishko to a penal colony in 2014.”[[39]](#footnote-39)

It also did not contain a response to paragraph 26 of the issues, which states: “Please provide information on the numbers and outcomes of investigations into allegations of acts of violence and discrimination against Roma and other ethnic minorities, migrant workers, foreign nationals and LGBT persons, the number and outcome of any resulting prosecutions and what redress has been provided to the victims.”

***UN General Assembly Human Rights Council***

“Discriminatory laws and practices and acts of violence against individuals based on their sexual orientation and gender identity,”[[40]](#footnote-40) 17 November 2011

* Global report that engages several elements of Russia and shows a trend of LGBTI stigma.

Lesbian women are discriminated against and attacked, raped, forcibly impregnated, and otherwise punished due to myths and prejudice against lesbian, transgender, and bisexual women which make them especially vulnerable. Report shows that Russian political and community leaders use treaty body language to purport LGBTI stigma. The Human Rights Committee found LGTI persons are vulnerable to access to justice and discriminatory dress codes to restrict crossdressing. The report also outlines a 2010 decision by the European Court of Human Rights which fined Russia for violating the right to assembly of LGBTI people engaged in Moscow’s pride parade on ground of public safety. The decision held that mere existence of a risk is insufficient for banning the event and violated the community’s right to assembly.

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| Government Reports |

***Canada***

1. Immigration and Refugee Board of Canada, “Russia: Situation and treatment of sexual minorities; legislation, state protection and support services” (November 15, 2013)[[41]](#footnote-41)

* The Immigration and Refugee Board of Canada found widespread stigma and violence against LGBTQ+ individuals in Russia, including acts such as violence, death, loss of employment, limited medical services, and protests (political and religious).

The report included several points on LGBTQ+ rights from legislation. Laws exist that “prohibit discrimination based on race, gender, language, social status, or other circumstances” but they conflict with laws criminalizing “propaganda of homosexuality” to minors. Law also exists to provide freedom of assembly, but LGBTQ+ pride parades are still banned in many regions. In 2012, “Foreign Agent” laws were adopted which impose high fines and registration obligations on NGOs that get foreign funding for political activities (which could include LGBTQ+ organizations). Though several organizations supporting LGBTQ+ persons exist, there are no shelters for LGBTQ+ individuals.

The report also included information on law enforcement and administration. Transgender people face significant difficulty getting government paperwork corrected, and these inconsistencies lead to challenges in health, education, housing, and employment. Authorities are inactive on complaints filed by victims of violence based on LGBTQ+ identity. Very few complaints based on LGBTQ+ targeted violence are investigated nationally, while an estimated 60 LGBTQ+ activists were arrested in St Petersburg alone during the gay pride parade in June 2013. Moreover, Russian LGBT Network shows there is no police training on LGBTQ+ issues.

***United States of America***

1. United States Department of State, “2018 Country Reports on Human Rights Practices: Russia” (March 13, 2019)[[42]](#footnote-42)

* The 2018 report comes from the collective of country reports conducted by the Bureau of Democracy internationally with respect to human rights practices.
* The report focuses on the allegations of LGBTQ+ based violence in Chechnya from 2017 through 2019 brought to light by the Russian LGBT Network.
* Generally, there is media censorship of LGBTQ+ issues, widespread violence against LGBTQ+ individuals and activists, violations of freedom of expression, and lack of action by enforcement authorities.

In Chechnya, there are allegations of murder, forced disappearances, sexual violence, psychiatric incarceration, and torture by civilians and law enforcement personnel against LGBTQ+ individuals. Furthermore, there are allegations that at least 40 people were detained and tortured arbitrarily in Chechnya by authorities in 2018-2019, for a variety of reasons, including LGBTQ+ identity. The Russian LGBT Network found there was a lack of investigation into the 2017 allegations of LGBTQ+ targeted violence in Chechnya. Witnesses claim 27 men were summarily executed or tortured by police, which the police denied. The police allege that these men left Russia to join ISIS in Syria and were never in custody. Eight of the victims’ family members filed a complaint with the ECtHR despite pressure by local authorities not to file reports.

The report raised other issues concerning LGBTQ+ rights. First, parents engaged in political activism were threatened with removal of their children. Specifically, in Moscow, prosecutors filed for the removal of three minors because parents brought the children to a protest and “endangered” them. In another example, a video where children interviewed a gay man (Maksim Pankratov) was deemed “violent sexual assault of a minor” and the children’s parents were forced to testify against the video producers or face removal of custody over their children.

As relates to freedom of expression, the federal government re-invoked the “gay propaganda law” of 2013 which prohibits “propaganda” of “nontraditional sexual relations” to minors. It also enforced laws which prohibits “offending the feelings of religious believers” with reference to LGBTQ+ activism. A new law was also passed which bans “creating and spreading fake news” and it has been used to curtail freedom of expression in journalism.

The state fails to protect LGBTQ+ individuals. Despite Supreme Court ruling in 2010 that LGBTQ+ people have the right to public activities and peaceful assembly, police do not protect LGBTQ+ individuals during pride festivals or other lawful assemblies. Police also failed to protect people against violent civilians disrupting the Moscow’s Side-by-Side Festival (a LGBTQ+ festival). Chechnya reports indicate state actors perpetrated violence against and refused to investigate or act upon complaints filed by LGBTQ+ persons.

LGBTQ+ individuals face acts of violence and discrimination. The 2018 Russian LGBT Network reported 104 incidents of physical violence (11 resulting in death) to LGBTQ+ persons from 2016 to 2017 in Chechnya alone. LGBTQ+ individuals also face discrimination in employment and educational institutions due to stigma. Employers dismiss individuals based on their LGBTQ+ identity, and even for public activism in support of LGBTQ+ rights. Medical practitioners deny LGBTQ+ health services. In particular, transgender people face difficulties in getting the necessary documents to establish their gender identity and access to medical services. Other stigmas include the claim that LGBTQ+ identities are a similar form of deviance to pedophilia.

***Finland***

1. Finnish Immigration Services (FIS), “Current Situation of Sexual and Gender Minorities in Russia” (October 4, 2015)[[43]](#footnote-43)

* This report originates from a broader investigation into asylum seekers in Finland coming from Nigeria, Iran, Iraq, Russia, as well as stateless persons.
* The report highlights widespread LGBTQ+ based discrimination and violence (termed “sexual and gender minorities”).

Levada Center’s studies across the Russian population[[44]](#footnote-44) (conducted throughout 2013):

* 76% supported the gay propaganda law at the time of its enactment in 2013
* 87% opposed gay marriage
* 85% opposed LGBTQ+ events like pride parades
* 23% believed LGBTQ+ should be left alone
* 16% wished LGBTQ+ people to be “isolated from society at large”
* 27% supported involuntary treatment of LGBTQ+ peoples (increased to 38% a few months later[[45]](#footnote-45))
* 5% supported extinction of LGBTQ+ people
* 13% supported criminalizing LGBTQ+ identity
* 21% believe LGBTQ+ identity is “innate”
* 45% believe LGBTQ+ identity comes from exposure to poor morals

Pew Research Centre’s studies across the Russian population in 2013 found that 16% accepted homosexuality, while 74% did not.[[46]](#footnote-46) The FIS does note that these studies are framed in misleading ways through the framing of the questions, and how they are published in the media. Contrary to the image of LGBTQ+ intolerance by the studies above, a 2012 study found “43% of the respondents were of the opinion that discrimination on the basis of sexual orientation should be prohibited, and somewhat fewer (37%) were opposed to such a prohibition. Most importantly, 51% of the respondents agreed that sexual minorities should have the same human rights as everyone else.”[[47]](#footnote-47)

The section on “Violence Committed by Private Individuals” summarizes a 2014 Human Rights Watch report that interviewed 78 LGBTQ+ individuals assaulted by civilians,[[48]](#footnote-48) and the actions of anti-gay movement groups (Occupy Pedophilia and Occupy Gerontophillia). Anti-gay groups lure LGBTQ+ people from online dating sites to film and assault them, while also infiltrating LGBTQ+ adolescent support groups to out and attack individuals, claiming these acts are to protect teenage boys from having relations with older men. The report further details actions against LGBTQ+ events from 2012 to 2014 such as the Side-by-Side festival in Moscow, Coming Out Day in St Petersburg and Moscow, Rainbow Flashmob, QueerFest etc. Moreover, the report details how LGBTQ+ organizations were targeted by violent attacks and protests. One example is anti-LGBTQ+ protestors attacking the LaSky Centre with baseball bats in November 2012 - the Centre provides support for HIV positive sexual minorities.

Under “Attitudes of Authorities,” the FIS discusses the lack of police and other state actors’ (such as politicians) actions to prevent or condemn the assaults against the LGBTQ+ community. The report goes back to several of the previously mentioned civilian incidents, such as the LaSky Centre and Side-by-Side Festival, where the police did not intervene, as well as several allegations of failed investigations of complaints filed by LGBTQ+ peoples. Hate speech by politicians is often ignored, like that of Vitaly Milonov,[[49]](#footnote-49) and lawsuits rule in favour of freedom of expression in such cases, like that of Ivan Okhlobystin (an actor who said homosexuals should be stuffed in ovens and won lawsuits brought against him by LGBTQ+ activists).[[50]](#footnote-50)

Additionally, issues with legislation such as the “gay propaganda ban” are highlighted with several examples. A minor who told her classmates she believed she was gay was charged under this law (a decision that was reversed after public outcry).[[51]](#footnote-51) Second, Yelena Klimova was charged and fined for founding and running an online support group for LGBTQ+ adolescents.[[52]](#footnote-52) A final example is Masha Gessen, an openly gay journalist, who emigrated on advice of legal counsel after she advocated publicly against the gay propaganda ban and received negative attention, resulting in fear of losing custody of her adopted children.[[53]](#footnote-53)

In conclusion, FIS states that LGBTQ+ based violence in Russia is likely to cause an influx of LGBTQ+ asylum seekers. As such, the “country information on sexual and gender minorities in Russia should be kept comprehensive and up-to-date so that the applications of these asylum seekers may be processed with as much expertise as possible.”

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| Reports from International Agencies and Nongovernmental Organizations |

***International Lesbian, Gay, Bisexual, Trans and Intersex Association***

1. “ILGA: State-Sponsored Homophobia Report,”[[54]](#footnote-54) December 2020
   * There is a general trend of Russia regressing in the area of LGBTQ+ rights support.

A constitutional amendment in 2020 formally bans same-sex marriage in Russia which marks regressing support for LGBTI rights. This report outlines the harm done to the LGBTI community through the 2013 “gay propaganda laws” which limit the audiences that activists and educators can reach online. Russia further lacks constitutional protection, and broader protections against employment discrimination, hate crimes, incitement, and conversion therapy for LGBTI individuals. Russia also does not recognize same sex marriages, civil unions, joint adoption, or second parent adoptions for LGBT individuals.

1. “ILGA Europe: Annual Review of Human Rights Situation of LGBTI People in Russia,”[[55]](#footnote-55) 2018
   * Summarizes LGBTI bias-motivated violence where authorities failed to initiate a criminal case or failed to account for biased motives of the accused.
   * Public opinion is against the promotion of ‘unconventional sexual relations’, although 18- to 24-year-olds do not think arguing for LGBT rights is destructive.

LGBTI freedom of assembly, expression, and association are negatively affected due to a failure by authorities to protect vulnerable individuals. At the systemic level, the lack of data collection on hate crimes and discrimination against LGBTI people makes it difficult to evaluate the scope of the problem and advocate for more support. Incidences of violence against LGBTI individuals include setup dates, public attacks, and use of social media to encourage attacks or target people without any police interference. Further efforts by police that interfere with LGBTI rights include a November 2018 ban on education on tolerance for same-sex couples, a January 2018 refusal to recognize same-sex marriage of citizens who married in another country, detaining or finding people attending Pride parades or other LGBTI community events, censoring websites under a “propaganda law”, refusal to investigate bomb threats targeting LGBTI events, and unsuccessful attempts to charge activists using symbols connected to the LGBTI community (e.g., rainbows).

1. “ILGA: Trans Legal Mapping Report,”[[56]](#footnote-56) November 2017
   * Summary on trans legal rights available in Russia demonstrates that while transitioning is possible technically, it is extremely difficult in practice to achieve.

While there are legal and medical pathways for trans individuals to achieve their desired transition, these pathways are difficult to navigate. For example, while a name change is possible in law under Article 19 of the Russian Civil Code, it is difficult or impossible to get approval to change one’s name to an “opposite gender name”. Similarly, while gender marker changes are normally possible under Article 70 of the Law on Acts of Civil Status, they are subject to individual regional civil registry offices or court practices and to a strict definition of “transsexualism”. These local psychoneurological dispensaries were found to be extremely unfriendly to transgender people, and the surgeries required to meet the “transsexualism” definition are prohibitively expensive and difficult to be approved for. The outcome is that in practice, trans people face many barriers to having their gender marker match their self-identity.

***Human Rights Watch***

1. “No Support, Russia’s “Gay Propaganda” Law Imperils LGBT Youth,”[[57]](#footnote-57) December 2018
   * Describes the increase in social hostility since 2013 “gay propaganda” law implemented.

The purpose of the “gay propaganda” law is to ban promotion of nontraditional sexual relations to minors. In effect, this bans information about LGBTI people being shared to minors. This law has resulted in websites with valuable information or support services for minors being shut down. Mental health services were reduced or censored to avoid sharing LGBT relevant information with minors. A further impact of this law has been to encourage vigilante violence, bullying and harassment due to predisposed bias of law which promotes stereotypes and misinformation about LGBTI persons.

1. “License to Harm, Violence and Harassment against LGBT People and Activists in Russia,”[[58]](#footnote-58) December 15, 2014
   * Documents the spread of homophobic and transphobic violence and harassment resulting from the 2013 anti-LGBTI law (“gay propaganda” law).

This report interviewed 94 LGBTI individuals from 16 cities and towns in Russia who describe the abuse and obstacles they encounter due to their sexual orientation or gender identity. Victims report lasting emotional trauma, serious physical injuries, and public humiliation. LGBTI people were referred to as “perverts”, “sodomites”, “pedophiles”, and other slurs in television shows and by members of the public. Several anti-gay vigilantes attacked LGBTI individuals and published videos on social media with many of these incidents going unreported by police officers. The report criticizes the Russian Government for refusing to treat blatantly homophobic violence as hate crimes and for lack of data collection on anti-LGBTI violence.

***Equal Rights Trust***

1. “Shadow report submitted to the 60th session of the Committee on Economic, Social and Cultural Rights in relation to the sixth periodic report of: Russia,”[[59]](#footnote-59) (January 2017)

* The Trust undertook a study investigating LGBT discrimination in Russia, specifically against ICESCR protocols. Their findings indicate an access to justice issue rather than a low number of cases due to effective measures at preventing LGBTQ+ discrimination.

There were three main concerns raised by the shadow report with reference to the ICESCR and the Trust’s empirical study of LGBT rights: the right to employment (Article 6 and 2(2)), the right to education (Article 13 and 2(2)) and access to justice (citing their study “Justice or Complicity? LGBT Rights and the Russian Courts”).

With regard to the right to work, although the domestic Labour Code (Article 64) explicitly prohibits discrimination in employment on grounds other than professional capacity (including sexual orientation and gender identity) and provides LGBT protection if interpreted with the Constitutional Court’s reasoning from 2014, there are alarmingly low numbers of cases brought with respect to violations of the Labour Code and ICESCR articles on workplace discrimination against LGBT peoples. Despite there being examples of limited cases bringing these violations (such as a teacher in St. Petersburg fired for her alleged lesbian identity), the domestic court refuse to analyze the discrimination under the Labour Code or ICESCR or the European Charter finding lack of evidence or simply refusing to consider grounds of discrimination in analyzing the facts.

Regarding the right to education, the Trust draws upon an example of a case by a man who was not permitted to enroll in an educational program for becoming a train conductor due to a note stating “homosexual” on his discharge from the military. Although he was finally permitted to enroll by the court of appeals, the grounds for doing so were because homosexuality was no longer considered a mental disorder, and there was no comment as to the analysis of discrimination against LGBT peoples with access to education.

In finding that there were access to justice issues arising from deterrence and social stigma for LGBT individuals, the report provides questions to investigate or to pose to the Russian Federation for more clarity on LGBT rights and the judicial protection offered to them. These include asking about the steps taken to ensure SOGI is not a discriminatory ground in work, education, or access to justice as well as asking how the legal framework is structured for analyzing whether the relevant articles have been violated.

1. “Justice or Complicity – LGBT Rights and the Russian Courts,”[[60]](#footnote-60) September 2016
   * Detailed report examining Russian jurisprudence and international treaties related to the Russian LGBTQ+ community.

While Russia has signed and ratified most international treaties related to discrimination and equality, it increasingly fails to engage with recommendations of equality and non-discrimination of LGBTQ+ individuals. The Human Rights Council has advised Russia to rescind regional laws and regulations promoting anti-LGBTQ+ sentiment with no effect. Part 2 of the report analyzes LGBTQ+ discrimination in six areas: hate-motivated violence, hate speech, violations of the rights to freedom of expression and assembly, restrictions on right of freedom of association of LGBTQ+ organizations, family and private life, and the right to work and education. An analysis of the jurisprudence concludes that Courts fail to apply international and regional human rights standards in these areas to protect LGBTQ+ individuals. Human rights organizations in Russia regularly report hate-motivated violence against LGBTQ+ individuals; however, these rarely come to court due to fear of harassment from enforcement bodies and a belief that remedies are ineffective.

***Amnesty International***

1. “Violation of the Right to Freedom of Expression, Association and Assembly in Russia,”[[61]](#footnote-61) October 2014
   * Outlines forms of media control and censorship used by the government contrary to Art. 29.5 of the Russian Constitution
   * Federal law banning “propaganda of non-traditional sexual relations among minors” used to stifle media and internet expression

Incidence of protestors being fined, fired, or put under special control of social services, and NGOs focused on LGBTI rights being fined or forced to shut down provide evidence of the denial of the right to freedom of expression and assembly. Report describes these incidents as “government-sponsored homophobia”. Physical attacks, harassment, and intimidation of human rights defenders, lawyers, and journalists have been documented and reported as worsening since 2011 with a lack of protection found from Russian Courts or enforcement agencies.

1. “Russia: Ongoing Attack on the Rights of LGBTI People,”[[62]](#footnote-62) 3 July 2013
   * There is a continued attack on LGBTI peoples’ rights to freedom of expression, association, and assembly under “gay propaganda” laws and Federal Law no 135-FZ.

Freedom of assembly was violated at the Marsovo Pole protest in St Petersburg during an LGBTI protest broken apart by police who stated it violated the ban on “propaganda of homosexuality” to minors. Police detained protestors but allowed counter-protest and homophobic violence at this event. Another incident in Kazan highlights this rights violation where Dmitri Isakov held a single-person picket to show that the 2013 Student Games was an ally for LGBTI community. The Police detained Dmitri Isakov for the two days during which he attempted to picket. Federal Law no 135-FZ states: “On introduction of amendment to the Article 5 of the Federal law concerning protection of children from information causing harm to children's health and development and certain legal acts of the Russian Federation with the aim of protection of children from information, propagating denial of traditional family values". This law includes liability for “propaganda of non-traditional sexual relations” (though earlier versions said “homosexuality” outright instead of “non-traditional sexual relations”). Amnesty International is concerned about this law as a violation of freedom from discrimination, perpetuation of stigma and violence against LGBT, and preventing LGBTI youth from support networks, social groups, and information on sexual health.

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| Russian and International Media Reports |

1. “A feminist pro-Kremlin lawmaker who supports LGBT rights”, F Light, The Moscow Times, December 2020[[63]](#footnote-63)

* Oksana Pushkina is pro-LGTBQ, yet remains a supporter of President Vladimir Putin and is even an elected representative of his United Russia party.
* Pushkina experienced American radicals and the dangers they posed. In Russia, religious rights and restrictions on homosexuality and abortions are on the rise
* She was a TV host on NTV, Russia’s most popular television channel. She advocated for women's rights. In 2013, she became Moscow Region Commissioner for Children’s Rights. Then, she ran for the right-wing United Russia party and was elected. She can use her platform to ensure her liberal views are represented.

1. “Russian activists just won an important battle over LGBTQ Rights. But the war is far from over”, Madeline Roache, Time, December 2020[[64]](#footnote-64)

* The Russian government proposed a bill to ban same-sex marriage and end the legal recognition of transgender people. On November 16, 2020, Parliament revoked the bill for revision with potential to scrap the bill completely.
* The reason for revoking the bill is unclear, however, the activities of the LGBTQ community and its allies in Russia managed to come together to help dismiss the bill.
* Russian LGBTQ activists fought against the bill through campaigns such as the social media movement using the hashtag ProtectRussianTransLives and a petition that has been signed by close to 23,000 people. Medical doctors supported the movement and condemned the bill, speaking about the danger that non-legal recognition of transgender people face and their inability to socialize.
* Yulia Tsvetkova is a well-known activist that has actively spoken out about LGBTQ rights, made campaigns to educate youth on sexual education, and she was recently charged with “pornography” through educating individuals on vaginas.
* Support for the LGBTQ community also appears to be growing with a 2019 poll through the Levada Center demonstrating that 47% of Russians support equal rights for the LGBTQ community, which is the highest level in 14 years.

1. “Russian investigators single out gay fathers in latest crackdown on LGTBQ rights”, Marina Bocharova, Coda Story, November 2020[[65]](#footnote-65)

* Gay single men who have fathered children with surrogate mothers face arrest through an investigation into child trafficking. Surrogacy is legal in Russia but is being criticized by conservative lawmakers and the Orthodox church.
* Surrogacy legislation in Russia is ambiguous as it does not permit or prohibit the practice for single men. Single fathers have become scapegoats in a campaign to enforce traditional values.
* Single and gay men are now fleeing the country for fear of losing their children.

1. “Russian ‘Cossacks’ hunt down LGBT youth during Pride Week”, The Moscow Times, September 2020[[66]](#footnote-66)

* Around 50 Cossacks wearing military uniforms were patrolling the streets of Yekaterinburg during its Pride Week.
* One heterosexual 19-year-old Alexander Zinovyev was detained for drying his hair and wearing an earring.
* Russian officials have used the prohibition of gay propaganda towards minors to justify banning gay pride events.

1. “Russian LGBT activist fined for ‘gay propaganda’ family drawings,” Maria Vasilyeva, Thomson Reuters World News, July 2020[[67]](#footnote-67)

* A Russian LGBTQ activist was fined $1000 (75,000 roubles) for allegedly spreading gay propaganda among minors by publishing drawings of same-sex couples online. Yulia Tsvetkova disseminated drawings of two men or two women with children and hearts around them symbolizing family is where love is.
* Tsvetkova has grown a large social media following and has sparked support among activists. Dozens of women were arrested in Moscow last month when protesting her trial.

1. “Vladimir Putin trashes US embassy for flying rainbow flag during Pride Month”, Joseph Wilkinson, New York Daily News, July 2020[[68]](#footnote-68)

* The US embassy flew the rainbow flag in support of LGBTQ rights in Moscow.
* Putin, at a press conference, stated that the flag hung by the US embassy said it “shows something about the staff there,” referring to their sexual orientation.

1. “Chechnya is trying to exterminate gay people. Our silence only emboldens Vladimir Putin and Ramzan Kadyrov,” Mehdi Hasan, Intercept, June 2020[[69]](#footnote-69)

* Chechnya is a small Muslim-majority republic in southwestern Russia. There have been anti-gay purges across Chechnya, where gay men have been arrested and detained in secret prisons.
* Vladimir Putin installed Ramzan Kadyrov as president of Chechnya in 2007 where he runs Chechnya effectively as a state within a state with little reference to international human rights law or Russian legislation. Kadyrov ordered the detention of gay men, who he calls “devils” and “subhuman”. He justifies honour killing of gay Chechens by their families without prosecuting the crimes.
* Russia is not doing anything about the crimes as it is laced with homophobia. The United States has not admitted any LGBTQ refugees from Chechnya.
* The reality in Chechnya was documented in “Welcome to Chechnya: Inside the Russian Republic’s Deadly War on Gays” which aired at the Sundance Festival in January 2020. Isteev is an emergency program coordinator for the Russian LGBT Network, and he and other activists try to protect gay Chechens in the film from the authorities and their own families.

1. “Man killed in homophobic attack in Moscow deserves justice,” Tanya Lokshina, Human Rights Watch, February 2020[[70]](#footnote-70)

* On June 29, 2019, a 47-year-old man, Roman Edalov, was with his partner, Evgeny Efimov, waiting for a cab when a drunk man yelled homophobic vulgarities and ambushed them. Efimov tried to restrain the man, but the attacker wounded Efimov with a kitchen knife and fatally stabbed Edalov.
* Several people witnessed the murder and the ordeal was caught on camera. Police arrested the attacker, Anton Berezhnoi. In court, authorities raised a murder case but failed to raise the hate motive. Berezhnoi denied intentionally killing Edalov and said he bumped into the knife. The jury found Berezhnoi guilty but ruled that he should not be held criminally responsible for the killing.
* When counsel for Edalov was asked about the outcome of the trial, the lawyer suggested that the sexual orientation of Edalov may have discouraged the jury from finding Berezhnoi criminally guilty.

1. “New study finds that Russian schoolchildren are actually tolerant of the LGBTQ community,” Matt Moore, Gay Times, November 2019[[71]](#footnote-71)

* To counter anti-government protests, authorities in Russia are teaching patriotism in schools, and banning minors attending protests.
* Mikhailov & Partners performed a study to look at patriotism in Russian children aged 10-18 years old.
* For LGBTQ issues, most Russian children were tolerant of the community with 68% saying they had normal views towards LGBTQ, and only 17% saying they had negative views. However, only 13% said they trusted sexual minorities.
* 62% of the respondents said they were patriots, with 70% saying they heard about the protests and 75% saying they were not interested in taking part.
* Another survey conducted by the Levada Center demonstrated that 47% of respondents supported the LGBTQ, which is the highest proportion for 14 years.

1. “Russia censors LGBT online groups,” Kyle Knight, Human Rights Watch, October 2019[[72]](#footnote-72)

* A Saint Petersburg court held that two LGBTQ social media groups violated Russia’s “gay propaganda” law and ordered that the websites be taken down. The websites portrayed same-sex realtiionships, which were held to reject the traditional values of family, and sexual relations.
* The rationale behind the “gay propaganda” law is to protect the well-being of children. However, the law risks exacerbating the cruelty LGBTQ youth face and inhibits mental health providers from offering assistance.
* The ruling to take down the websites censors the resources available to LGBTQ and is another example of discrimination towards the LGBTQ group.

1. “St Petersburg murder victim was 'well-known LGBT rights activist',” S. Walker and agencies, The Guardian, July 2019[[73]](#footnote-73)

* A murdered victim with multiple stab wounds was identified as the LGBT rights activist, Yelena Grigoryeva. Grigoryeva’s name and personal information was listed on a Russian website of LGBTQ activists that urged people to take vigilante action against them.
* Grigoryeva was active with Russia’s Alliance of Heterosexuals and LGBT for Equality and other activism campaigns.
* Russia was obliged to guarantee her right to life. Grigoryeva and her lawyer appealed to law enforcement agencies for violence and threats, but there was no noticeable action. Law enforcement agencies have not done anything to find the creators of the website and bring them to justice. Police can refuse to register the case in Russia.
* Activists at an LGBTQ resource centre in Ekaterinburg had received a letter warning that if they did not close down the centre something bad would happen.

1. “How LGBT couples in Russia decide whether to leave the country,” Masha Gessen, The New Yorker, June 2019[[74]](#footnote-74)

* People who leave Russia have the resources to enter into the process of emigration that is often expensive. Others are afraid to leave Russia because they have established affluence and social connections, making them feel like they have a lot to lose by leaving
* One same-sex couple applied to move to Israel, which announced that same-sex couples could move there under the Law of Return. They waited for a year to hear back from the Embassy, and as a couple, they could not apply through the Embassy. They had to enter the country, apply, and wait anywhere from four months to five years. The one was pregnant so the couple decided to stay in Moscow. They feared people finding out that they were a couple, so they hired a nanny and sent their child to a private preschool farther from their home. They fear social services taking their child from same-sex households.
* The fear and uncertainty of emigrating is the real barrier for same-sex couples. People live in fragile-equilibrium but because that is what they are used to and home for them, they remain in Moscow.

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| Scholarship |

1. Alexander Kondakov, “The influence of the ‘gay-propaganda’ law on violence against LGBTIQ people in Russia: Evidence from criminal court rulings” (2019)[[75]](#footnote-75)

* There were four or five reported hate crime cases against LGBTIQ people in Russia between 2011 and 2016. The author expanded the search criteria to broaden the ambit of hate crime and found that there were 267 first-instance court decisions in 2011-2016 with 297 LGBTIQ victims. The new search criteria included cases on ‘homosexual panic’ and when the accused’s actions were motivated by the victim’s sexuality.
* The new categories of cases included 1) crimes that resulted in the death of the victim; 2) violent crimes that do not result in death; and 3) extortion, theft, and robbery targeted at LGBTQ people.
* There was an increase in hate crimes against LGBTIQ people starting in 2013, the year of adoption of the ‘gay-propaganda’ bill. The rate doubles by 2015 and drops a bit in 2016 but remains higher than before the propaganda bill was introduced.
* There are no easily accessible statistics related to violence against LGBTIQ people in Russia.

1. Lisa McIntosh Sundstrom & Valerie Sperling, “Seeking better judgment: LGBT discrimination cases in Russia and at the European Court of Human Rights” (2020)[[76]](#footnote-76)

* The article examines Russian cases claiming LGBT discrimination in domestic courts at the European Court of Human Rights (ECtHR) and concludes that positive judgements have little effect in reducing homophobia in Russia.
* Cases related to discriminatory laws, freedom of expression and association are more likely to succeed in the ECtHR, whereas individual cases related to hate crimes, or discrimination from others or the state are less likely to succeed.
* It is difficult to succeed in hate crime cases because of the high threshold of evidence required to prove a claim. Individuals must show there is a pattern of discrimination against the LGBTI community that would support a hate crime claim.
* In *Sashov v Bulgaria*, a case where police used anti-Roma slurs while arresting men by beating, shooting at, and forcing them into car trunks, was found not to have sufficient evidence of a pattern of discrimination related to racism. This case highlights the difficulty of proving individual hate crime cases at the ECtHR**.**

1. *The Constitution of the Russian Federation*,1993, amended 2014, online (pdf): <<https://www.legislationline.org/download/id/6193/file/Constitution%20of%20the%20Russian%20Federation%20as%20of%20July%202014.pdf>>. [↑](#footnote-ref-1)
2. *Ibid*, art 19. [↑](#footnote-ref-2)
3. *Ibid*. [↑](#footnote-ref-3)
4. *Ibid*, art 29. [↑](#footnote-ref-4)
5. *Ibid.* [↑](#footnote-ref-5)
6. *Ibid.* [↑](#footnote-ref-6)
7. *Ibid*, art 37. [↑](#footnote-ref-7)
8. *Ibid*, art 55. [↑](#footnote-ref-8)
9. *Code of Administrative Offences of the Russian Federation,* 2001, online: <<http://www.russian-offences-code.com/>>. [↑](#footnote-ref-9)
10. *Ibid*, art 5.62. [↑](#footnote-ref-10)
11. *Ibid*, art 6.21. [↑](#footnote-ref-11)
12. *Bayev and Others v Russia*, No 67667/09 [2017] 44 § 2 ECHR 207, online:

    <[https://hudoc.echr.coe.int/eng#{%22itemid%22:[%22001-174422%22](https://hudoc.echr.coe.int/eng#%7B%22itemid%22:%5B%22001-174422%22)> citing *Federal Law no. 436-F3 of 29 December 2010 “On the Protection of Children from Information that is Harmful to their Health and Development”*. [↑](#footnote-ref-12)
13. *Ibid.* [↑](#footnote-ref-13)
14. *Ibid.*  [↑](#footnote-ref-14)
15. *Bayev and Others v Russia*, No 67667/09 [2017] 44 § 2 ECHR 207, online:

    <[https://hudoc.echr.coe.int/eng#{%22itemid%22:[%22001-174422%22](https://hudoc.echr.coe.int/eng#%7B%22itemid%22:%5B%22001-174422%22)> citing *Federal Law no. 124-FZ of 24 July 1998 “On the Main Guarantees of the Rights of the Child in the Russian Federation”.* [↑](#footnote-ref-15)
16. *Ibid.* [↑](#footnote-ref-16)
17. *The Family Code of the Russian Federation*, 1995, online: <<https://www.refworld.org/pdfid/5492cbf64.pdf>.> [↑](#footnote-ref-17)
18. *Ibid*, art 1. [↑](#footnote-ref-18)
19. *Ibid*, art 127. [↑](#footnote-ref-19)
20. *Bayev and Others v Russia*, No 67667/09, [2017] 44 § 2 ECHR 207, online:

    <[https://hudoc.echr.coe.int/eng#{%22itemid%22:[%22001-174422%22](https://hudoc.echr.coe.int/eng#%7B%22itemid%22:%5B%22001-174422%22)> citing *Federal Law “On the Fundamentals of Health Care of Citizens in the Russian Federation”.* [↑](#footnote-ref-20)
21. *Ibid.* [↑](#footnote-ref-21)
22. *The Criminal Code of the Russian Federation*, 1996, online: <<https://www.wipo.int/edocs/lexdocs/laws/en/ru/ru080en.pdf>>. [↑](#footnote-ref-22)
23. *Ibid*, art 136. [↑](#footnote-ref-23)
24. *Ibid*, art 282(1). [↑](#footnote-ref-24)
25. “Proposed anti-LGBTI amendments to the Russian Family Code explained” (25 Sept 2020), online: *ILGA Europe* <<https://www.ilga-europe.org/blog/nevergiveup-proposed-anti-lgbti-amendments-russian-family-code-explained>>. [↑](#footnote-ref-25)
26. A. Koriakov, “Russia: Reject anti-LGBT ‘Traditional Values’ Bill,” *Human Rights Watch*, 6 August 2020, online: <<https://www.hrw.org/news/2020/08/06/russia-reject-anti-lgbt-traditional-values-bill>>. [↑](#footnote-ref-26)
27. *Ibid*. [↑](#footnote-ref-27)
28. Equal Rights Trust, *Justice or Complicity? LGBT Rights and the Russian Courts, (London: Equal Rights Trust, 2016),* citing *Decision of the Investigating Officer of the Police Department of St. Petersburg, 9 July 2013, No. 76 (Постановление дознавателя отдела полиции Санкт-Петербурга от 9 июля 2013 года, № 76); Decision of the Prosecutor of the Central District of St. Petersburg, 20 November 2013 (Постановление* Прокурора центрального района Санкт-Петербурга от 20 ноября 2013 года); Judgment of the Dzerzhinskiy Distict Court of St. Petersburg, 18 December 2013 (Постановление Дзержинского районного суда Санкт-Петербурга от 18 декабря 2013 года). [↑](#footnote-ref-28)
29. *Bayev and Others v Russia*, No 67667/09, [2017] 44 § 2 ECHR 207, online:

    <[https://hudoc.echr.coe.int/eng#{%22itemid%22:[%22001-174422%22](https://hudoc.echr.coe.int/eng#%7B%22itemid%22:%5B%22001-174422%22)>. [↑](#footnote-ref-29)
30. *Zhdanov and Others v Russia*, No 12200/08, [2019] 44 § 2 ECHR, online: <[https://hudoc.echr.coe.int/eng#{%22itemid%22:[%22001-194448%22](https://hudoc.echr.coe.int/eng#%7B%22itemid%22:%5B%22001-194448%22)>. [↑](#footnote-ref-30)
31. “Status of Ratification: Interactive Dashboard – Russian Federation” (accessed 27 July 2022), online: *UN OHCHR* <<https://indicators.ohchr.org/>>. [↑](#footnote-ref-31)
32. Human Rights Committee, *List of issues in relation to the eighth periodic report of the Russian Federation* (14 August 2020) UN Doc CCPR/C/RUS/Q/8. [↑](#footnote-ref-32)
33. *Ibid* at para 6. [↑](#footnote-ref-33)
34. Human Rights Committee, *Concluding observations on the seventh periodic report of the Russian Federation* (28 April 2015) UN Doc CCPR/C/RUS/CO/7. [↑](#footnote-ref-34)
35. *Ibid* at para 10c. [↑](#footnote-ref-35)
36. *Ibid* at para 10e. [↑](#footnote-ref-36)
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