

# **Written submission related to the situation of lesbian, gay, bisexual and transgender persons and men who have sex with men in Russia**

**Submitted for the consideration of the 6th periodic report by the Russian  
Federation for the 62nd Session of the Committee on Economic, Social and  
Cultural Rights (CESCR)**

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Prepared by a coalition of civil society organizations, including:

- Moscow LGBT-Initiative group “Stimul”
- NGO “Phoenix PLUS”
- Russian LGBT Network
- Transgender Legal Defense Project
- “Coming Out” LGBT Group

## Introduction and summary

The present submission was prepared by a coalition of five Russian Non-Governmental Organizations, namely “Coming Out” LGBT Group, Moscow LGBT-Initiative group “Stimul”, NGO “Phoenix PLUS”, Russian LGBT Network and Transgender Legal Defense Project (hereinafter – the Coalition) for the consideration of the UN Committee on Economic, Social and Cultural Rights as an additional source of information to the sixth periodic report of the Russian Federation<sup>1</sup> and to the Replies of the Russian Federation to the to the questions posed by the Committee as a result of the pre-session.<sup>2</sup>

The Coalition maintains its submission previously presented to the Committee at a pre-session, which took place in February 2017.<sup>3</sup> The present submission contains information relating to the questions posed by the Committee as a result of the pre-session as well as case examples of discrimination of LGBT persons in Russia.

The submission covers the following issues: (1) discrimination of LGBT persons in employment; (2) hate crimes on the grounds of sexual orientation and gender identity; (3) the lack of HIV prevention programs among men who have sex with men and transgender persons; (4) discrimination against transgender persons.

Most of the data presented in the present submission was obtained by the reporting organizations in course of their legal and monitoring activities in Russia.

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<sup>1</sup> CESCR Committee, *Sixth periodic reports of States parties due in 2016*, Russian Federation, U.N. Doc. E/C.12/RUS/6 (2016).

<sup>2</sup> CESCR Committee, *Replies of the Russian Federation to the list of issues*, Addendum, List of issues in relation to the sixth periodic report of the Russian Federation, U.N. Doc. E/C.12/RUS/Q/6/Add.1 (2017).

<sup>3</sup> *List of issues related to the situation of lesbian, gay, bisexual and transgender persons and men who have sex with men in Russia*: submitted for the consideration of the sixth periodic report by Russian Federation for the 62<sup>nd</sup> session of the Committee on Economic, Social and Cultural Rights (CESCR), January 2017.

## SECTION 1. Employment discrimination on the grounds of sexual orientation and gender identity

In the List of issues in relation to the sixth periodic report of the Russian Federation the Committee asked the Russian Federation to provide information on discriminatory practices employed against lesbian, gay, bisexual and transgender individuals in access to employment, health-care services and education, detailing any disciplinary or judicial measures undertaken in relation to such practices.<sup>5</sup>

The Russian Federation indicated in its answers that "between 2013 and 2016, no reports of unjustified restriction of access to employment, health and education services for persons classified as sexual minorities (lesbian, gay, bisexual and transgender) were received".<sup>6</sup>

At the same time, the Coalition has information of **at least 4 cases that occurred between 2013 and 2016**,<sup>7</sup> when LGBT people whose labour rights were violated for discriminatory reasons applied to law enforcement bodies, but were not protected by them (*see cases 1.1-1.4*).

According to an online survey of LGBT people carried out by the Russian LGBT Network, 653 of the 3759 respondents (17.3%) encountered problems with employers and/or colleagues related not to the professional qualities, but to the sexual orientation and/or gender identity of the respondents; at the same time 521 respondents (13.9%) were victims of layoffs motivated by homophobia or transphobia, and 49 people (1.3%) were not recruited for this reason.<sup>8</sup>

The Coalition has reliable information on **at least 78 cases of refusals of employment of LGBT people because of their sexual orientation or gender identity** that took place between 2013 and 2016.<sup>9</sup> In some cases, inability to find employment is repetitive and long-lasting, resulting in LGBT people finding themselves in a distressed financial situation (*see case 1.5*). Transgender persons whose documents do not correspond to their appearance and identity face the most frequent refusals of employment (see the section on discrimination against transgender persons).

In addition, we know of **33 cases where LGBT people lost work due to homophobia or transphobia**:<sup>10</sup> as a result of direct coercion into writing a letter of resignation "on one's own volition" or as a result of harassment and pressure in the workplace.

Particularly high is the probability of discriminatory employment termination against education workers: the current legislation in Russia prohibiting the so-called "propaganda of non-traditional sexual relations among minors" provoked a wave of persecution of LGBT people and LGBT activists working in schools and universities (*see cases 1.1, 1.2, 1.3, 1.6, 1.7*). Since 2013, organised homophobic groups and individual activists have been operating in Russia collecting information on the Internet about LGBT people and LGBT activists working in educational institutions and seeking termination of their employment. The ill-wishers collect "files" on the teachers and send those to the management of the educational organizations where they work, and to the state educational authorities, in some cases even to the teacher's students and their parents. In some cases, school principals and officials initiated verification of this anonymous

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<sup>5</sup> CESCR Committee, *List of issues and questions in relation to the sixth periodic report of the Russian Federation*, para. 12, U.N. Doc. E/C.12/RUS/Q/6 (2017).

<sup>6</sup> CESCR Committee, *Replies of the Russian Federation to the list of issues*, Addendum, List of issues in relation to the sixth periodic report of the Russian Federation, p. 10, U.N. Doc. E/C.12/RUS/Q/6/Add.1 (2017).

<sup>7</sup> Cases documented by "Coming Out" LGBT Group and Human Rights Watch.

<sup>8</sup> Russian LGBT Network. *Monitoring of discrimination on the grounds of sexual orientation and gender identity in 2016. Quantitative study results.* 2016: [https://lgbtnet.org/sites/default/files/diskriminaciya\\_i\\_nasilie\\_po\\_priznaku\\_sogi\\_2016.pdf](https://lgbtnet.org/sites/default/files/diskriminaciya_i_nasilie_po_priznaku_sogi_2016.pdf), (accessed on 25 August 2017), p. 11.

<sup>9</sup> Data collected by the monitoring programs of Russian LGBT Network, "Coming Out" LGBT Group and Transgender Legal Defense Project.

<sup>10</sup> Data collected by the monitoring programs of Russian LGBT Network, "Coming Out" LGBT Group and Transgender Legal Defense Project.

information<sup>11</sup>, which were sometimes followed by termination of the teachers' employment. In most cases, the victims agree to leave "on their own volition". In rare cases, when an employee refuses to leave "on their own volition", terminations of employment are officially registered as dismissals at the initiative of the employer.

We have reliable information on **23 cases of pressure on educators** as a result of disclosure of their sexual orientation and/or gender identity, **18 of which led to forced resignation from the workplace**.<sup>12</sup>

In most cases, LGBT people who have lost their jobs in the field of education as a result of an "outing" by homophobic activists cannot find a new job in this area, ill-wishers continue to follow them (*see cases 1.6, 1.7*).

The UN Committee on the Elimination of All Forms of Discrimination against Women in the Concluding Observations on the Eighth Periodic Report of the Russian Federation expressed concern about reports of cases of unjustified dismissal of teachers belonging to the community of lesbian, bisexual, transgender and intersex people and called on Russia to take measures to ensure that these women would not face discrimination in their professional activities.<sup>13</sup>

Employment discrimination against LGBT people may also be expressed in insults, humiliations, the regulation of appearance of the employee, abusive behaviour on the part of superiors and colleagues, which often lead to forced resignations from work. In addition, illegal actions may consist of depriving of premiums and bonuses, as well as dismissal compensations. In a number of cases, bullying at workplace, which subsequently leads to forced resignation, is caused by the disclosure of sexual orientation or transgender status amongst staff members by the managements or colleagues (*see cases 1.8, 1.9*).

Most of the LGBT people who become victims of employment discrimination do not apply to law enforcement agencies for the protection of their rights due to the lack of effective anti-discrimination legislation and law enforcement practice in the Russian Federation (*see cases 1.1-1.4*).

**Case 1.1.** *In April 2013 an environmental and LGBT activist Konstantin Golava was dismissed from the municipal centre for youth in the city of Togliatti (Samara region). In December 2012 he was summoned to the management of the organization and presented with an ultimatum: either he stops his activism, or he will be immediately dismissed. In April 2013 his position was made redundant. He complained on the actions of the employer to the Ombudsperson for Human Rights in the Samara Region and to the State Labour Inspectorate. However, both state bodies informed him that it would be impossible to prove the fact of discrimination. Nevertheless, the inspection appealed to the court in defence of Konstantin's rights on other grounds, but lost the case. Golava did not appeal the decision, because, in his opinion, it is useless.*<sup>14</sup>

**Case 1.2.** *In November 2013 Oleg Klyuenkov, associate professor of the Philosophy Department at the Northern (Arctic) Federal University in Arkhangelsk and an LGBT activist, visited Portland (USA) and spoke about the discrimination of LGBT people in Russia during the visit. In December 2013 assistant prosecutor of Arkhangelsk summoned Klyuenkov and interrogated him about the trip. In April 2014 the prosecutor's office sent an inquiry to the university management stating that Klyuenkov's absence from the university during his trip to the USA was a violation of the Labour Code of the Russian Federation. On April 17 the university management issued Klyuenkov a*

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<sup>11</sup> Report of the Ombudsperson in St. Petersburg, 2014: [http://ombudsmanspb.ru/files/files/doklad\\_2014/DOKLAD\\_2014\\_site\\_last.pdf](http://ombudsmanspb.ru/files/files/doklad_2014/DOKLAD_2014_site_last.pdf) (accessed on 25 August 2017), pp. 24-25.

<sup>12</sup> Data collected by the monitoring programs of Russian LGBT Network and "Coming Out" LGBT Group.

<sup>13</sup> CEDAW Committee, *Concluding observations on the eighth periodic report of the Russian Federation*, paras. 41-42, U.N. Doc. CEDAW/C/RUS/CO/8 (2015).

<sup>14</sup> Case documented by Human Rights Watch. See "License to Harm Violence and Harassment against LGBT People and Activists in Russia", a report by Human Rights Watch: [https://www.hrw.org/sites/default/files/reports/russia1214\\_ForUpload.pdf](https://www.hrw.org/sites/default/files/reports/russia1214_ForUpload.pdf) (accessed on 25 August 2017), pp. 73-74.

warning and offered him to resign, as he "spoils the image of the university." According to Klyuenkov, he was told: "It's all because of your trip to America". He refused to leave and continued to work. In late May the prosecutor's office sent a second inquiry to the university, and on June 17 Klyuenkov was dismissed allegedly for being absent from the workplace during working hours. Klyuenkov sued the university for illegal dismissal, but on September 1 the court refused to satisfy his claim.<sup>15</sup>

**Case 1.3.** In December 2014 Alevtina, a music teacher, was dismissed from the St. Petersburg correction school No. 565 (school for children with special needs) after a homophobic activist Timur Bulatov sent information about her private life (Alevtina is a lesbian) to the school's management, as well as to the Committee on Education and the district administration. The deputy head of the district administration exerted pressure on the school, and demanded that Alevtina was dismissed. The principal of the school in conversation with Alevtina stated that her sexual orientation was "incompatible with work in a school", although before the incident the teacher did not disclose her sexual orientation at work. The principal gave Alevtina the choice: to resign "on her own volition" or to be dismissed at the initiative of the employer. Alevtina refused to leave the school voluntarily, and on December 8, 2014, she was dismissed under Article 81(8) of the Labour Code of the Russian Federation ("commission of an immoral offense by an employee performing educational functions, incompatible with the continuation of the work"). During dismissal the principal repeatedly emphasized, that he did not have any reservations about Alevtina's work, but the administration was pressuring him, and he had to take measures. The presence of a record of employment termination under this article in employment record book effectively deprives her of the possibility to find a new job in the pedagogical sphere. In early 2015 Alevtina appealed to the Kirovsky district court of St. Petersburg, demanding that the dismissal be recognised as discriminatory and she be reinstated at work. On April 21, 2015, the district court refused to satisfy Alevtina's demands. On September 3 the St. Petersburg City Court upheld the decision. In March and April 2016 the Presidium of the City Court of St. Petersburg and the Supreme Court of the Russian Federation refused to satisfy the cassation appeals. The dismissed teacher decided to file a complaint with the European Court of Human Rights.<sup>16</sup>

**Case 1.4.** In July 2015 in search of work Denis Oleynik posted his CV on a number of websites. Soon representatives of the "Captains" Foundation contacted him and suggested an interview over Skype for a position of a "training manager". After the interview, Denis was offered a job. A representative of the foundation suggested to Denis that he added her as a friend in the social network "VKontakte", Denis agreed. Soon he received a message from a representative of the foundation in the social network with a request "to specify his orientation". Also, the message said that the organization had some "clear criteria for employees". Denis replied that he had a stable relationship with a young man, and received the following in response: "The ideology of the program and management is such that we stick to the traditional point of view on a number of issues." On the same day, Denis received an e-mail from a representative of the foundation about the impossibility of cooperation. Thus, the only reason for the employer's refusal of employment to Denis was his sexual orientation. On October 5, 2015, Denis appealed to the Nagatinsky District Court of Moscow with a demand to recognise the refusal of employment as illegal and discriminatory and to charge the foundation "Captains" for compensation of moral harm. On November 25, 2015, the court refused to satisfy Denis's claims on the grounds that the connection between the person who had corresponded with Denis on the social network "Vkontakte" and the "Captains" foundation was not proved.<sup>17</sup>

**Case 1.5.** During 2016 LGBT activist Alexey faced several refusals of employment in the field of film production. He worked in the field for more than 6 years, but a number of studios in St. Petersburg refused to cooperate with him despite his professional experience, after Alexey's sexual orientation

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<sup>15</sup> Ibid, pp. 74-75.

<sup>16</sup> Case documented by "Coming Out" LGBT Group.

<sup>17</sup> Case documented by "Coming Out" LGBT Group.

and his activism in support of LGBT people became widely known. He received 5 oral refusals of employment in the field of cinema directly because of sexual orientation. In two other cases, the reason for the refusal of employment was explained by the lack of positions, though through acquaintances amongst cinema workers Alexey learned the real reason for the refusal. Alexey did not go to court, for fear of conflict and complete loss of the possibility to work in the film industry.<sup>18</sup>

**Case 1.6.** P. worked as a teacher in a school in St. Petersburg. In August 2014 Timur Bulatov sent a letter to the school with the appeal "to save the school staff from the lesbian teacher who is discrediting the school's name", in which he claimed that P. was "unqualified" because of her sexual orientation and was an "immoral person", and her presence at school harmed children. After receiving this letter, the school administration forced P. to resign "on her own volition". After some time the woman started working in another school. Homophobic activists again sent a communication to the school where she worked revealing homosexuality of the teacher, and P. again was forced to resign.<sup>19</sup>

**Case 1.7.** O. worked in a school, none of the teachers or students knew about her sexual orientation. In August 2015 O. was summoned by the school principal who showed her a document sent to the school by homophobic activists with information about O.'s homosexuality. The director suggested that O. wrote a statement of resignation on her own volition, and the woman agreed. After leaving the school O. started receiving threats from a homophobic activist that if she got employment in another school, he would again make sure she would be dismissed. O. did not return to work in the school for fear of persecution.<sup>20</sup>

**Case 1.8.** Alexandra, a transgender woman, worked at a company in St. Petersburg where no one knew about her transgenerness. In February 2016 medical specialists carried out a preventive medical examination of the company's employees; during the examination Alexandra had to undress and, thus, reveal her transgender status, which she asked the specialist not to tell anyone about. The next day, Alexandra's manager called her and began to ask why she had not previously said anything about her transgenerness. The manager also began to insult her and demand that she resigned on her own volition, promising "to ruin her life" if she did not. Soon, the staff started to regularly insult Alexandra on the grounds of homophobia and transphobia, while the management unreasonably deprived her of bonuses and additional payments. On July 12, 2016, Alexandra and one of her colleagues were detained by law enforcement officers. The reason for the detention was the statement from an employee of the company that Alexandra and her colleague allegedly threatened him with physical violence; Alexandra considers this event to be part of the bullying organised against her by the company's management. The day after the arrest, Alexandra wrote a letter of resignation on her own volition. According to her, the colleague who was detained with her also resigned. In addition, the employees of other departments of the company who stood up for Alexandra were forced to resign.<sup>21</sup>

**Case 1.9.** S., a transgender woman, works in one of the institutes of the Russian Academy of Sciences. When S. began to openly express her gender identity (wearing women's clothes, talking about herself in feminine), she began to be discriminated against (deprived of additional payments, barred from speaking at a conference, etc.). Soon S. was given an ultimatum: either she ceased to express her gender identity, or resigned. In addition, the management of the institution tried to introduce a ban on wearing clothing that does not correspond to the passport sex into the local acts of the institution.<sup>22</sup>

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<sup>18</sup> Case documented by "Coming Out" LGBT Group.

<sup>19</sup> Case documented by "Coming Out" LGBT Group.

<sup>20</sup> Case documented by Russian LGBT Network.

<sup>21</sup> Case documented by Transgender Legal Defense Project.

<sup>22</sup> Case documented by Russian LGBT Network.

### ***Suggested recommendations:***

1. Introduce comprehensive antidiscrimination legislation prohibiting discrimination on the grounds of sexual orientation and gender identity and establishing of an effective mechanism for filing and examining complaints in cases of discrimination based on SOGI.
2. Guarantee that sexual orientation and gender identity, as well as support for LGBT rights, cannot be a reason for the dismissal of educational workers under any circumstances or conditions—particularly, by applying art. 81(8) of the Labor Code of the Russian Federation and implement effective measures to end harassment campaigns against LBT teachers and teachers who support LGBT rights, including through protection of their personal data and prosecution of those who engage in their collection, storage, and transfer (beginning with Timur Isaev (Bulatov)).

## **SECTION 2. Hate crimes on the grounds of sexual orientation and gender identity**

In the List of issues in relation to the sixth periodic report of the Russian Federation the Committee asked the Russian Federation to provide statistical data covering the years 2013-2016 on investigations launched into reported attacks against lesbian, gay, bisexual and transgender individuals, including rulings of relevant court cases.<sup>23</sup>

In its Reply to the List of issues the Russian Federation stated that "according to the forms of the state and agencies statistical reports no statistical data on crimes committed against the mentioned category of individuals is collected" and furthermore that "the established forms of statistical reports do not make a provision for recording the groups of individuals against which hate crimes are committed".

Moreover, the Russian Federation reported that during the specified period the Russian Federation Investigative Committee Office of the Republic of North Ossetia – Alania received 1 report of a crime related to infringement upon an individual of "untraditional sexual orientation".<sup>24</sup>

At the same time, the Coalition has information that **in 2015-2016 alone there were at least 18 cases** when the victims of hate crimes on the grounds of sexual orientation and gender identity applied to police and gave respective testimonies.<sup>25</sup> The hate motive however was not taken into account by the investigation office while initiating and investigating these criminal cases. Many victims have no information about the outcome of the investigation of these cases, which suggests that it was not carried out or was terminated. Moreover, the hate motive may not be taken into account even if the perpetrator himself acknowledges that he committed the crime because of hatred against LGBT people (*see case 2.1*).

In addition, **in 2015-2016 alone at least 9 cases were recorded** when law enforcement bodies refused to initiate criminal proceedings on applications from victims of hate crimes on the grounds of SOGI<sup>26</sup> (*see case 2.2*).

It is important to note that the law enforcement bodies which victims of hate crimes turn to are often not only inactive, but are themselves homophobic, exerting pressure on the victims and forcing them to withdraw any official statements (*see case 2.3*). This, in turn, indirectly encourages criminals who feel their impunity.

Hate crimes on the grounds of SOGI that occurred in Russia during the last 5 years can be divided into several groups:

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<sup>23</sup> CESCR Committee, *List of issues and questions in relation to the sixth periodic report of the Russian Federation*, para. 12, U.N. Doc. E/C.12/RUS/Q/6 (2017).

<sup>24</sup> CESCR Committee, *Replies of the Russian Federation to the list of issues*, Addendum, List of issues in relation to the sixth periodic report of the Russian Federation, p. 10, U.N. Doc. E/C.12/RUS/Q/6/Add.1 (2017).

<sup>25</sup> Data collected by the monitoring program of Russian LGBT Network.

<sup>26</sup> Data collected by the monitoring program of Russian LGBT Network.

- (a) mass state sponsored hate crimes in the Chechen Republic;
- (b) crimes against life and health committed by individuals who are not members of the victim's family;
- (c) crimes committed by members of the victim's family;
- (d) crimes related to figurehead dating on the Internet.

#### **(a) Mass state sponsored hate crimes in the Chechen Republic**

The hunt for men suspected of homosexual intercourse began in the Chechen Republic in December 2016 and continues to this day.<sup>27</sup> The exact number of those caught under the raid is unknown, but it seems to be over two hundred people. The victims were detained at home, at work, or on the street and even without a minimal appearance of procedural formalities were brought to illegal detention places where other unofficial detainees were also held.

Detainees suspected of homosexuality were repeatedly beaten by both law enforcement officials and other unofficial detainees. Officials also humiliated the perceived gays: insulted, spat in the face and incited other prisoners against them. The detainees were also tortured with an electricity to find out the names of other gays. On top of that they were starved.

After illegal detention and torture, which lasted between a few days and several weeks, the detainees were returned to relatives who were shamed by the authorities for having a homosexual man in their family. The family was forced to shame the person for disgracing them. Such actions facilitate formation of prerequisites for violence from family members, up to the killing of honour.

In response to media reports about gay raids in Chechnya, republican officials and public opinion leaders denied the very existence of homosexual relations in Chechnya and accused journalists and human rights activists of attempted slander against the Chechen people. As for the reaction of the federal authorities, despite the exhaustive information on the crimes described above provided to the Investigative Committee of the Russian Federation, no criminal case has been initiated so far.

#### **(b) Crimes against life and health committed by individuals who are not members of the victim's family**

In 2015-2016 alone at least 67 attacks as well as at least 5 homicides motivated by hatred on the grounds of SOGI were committed in Russia.<sup>28</sup> Victims of such crimes are both LGBT activists and LGBT people identified as such because of their appearance or being in proximity of gay clubs (*see cases 2.2, 2.3, 2.6*). Sometimes LGBT events are also attacked (*see case 2.5*).

#### **(c) Crimes committed by members of the victim's family**

Domestic violence, motivated by hatred on the grounds of SOGI, like any other domestic violence, is of particular danger to the victims, as it deprives them of a sense of security and is repetitive in nature. LGBT teenagers are especially vulnerable to such violence. In 2015-2016 alone 8 cases of domestic violence motivated by hatred on the grounds of SOGI were documented (*see case 2.4*).<sup>29</sup>

#### **(d) Crimes related to figurehead dating on the Internet**

Since 2013 crimes committed against gay and bisexual men with the following scenario are widespread in Russia: criminals get acquainted with the victims on dating websites and invite them to meet in an apartment where a group of men is waiting for the victims who then begin to extort money from them (amounts range from 8 thousand to 1 million roubles) and valuables. In case of refusal, attackers beat the victim and threaten to disclose information about the sexual orientation of the victim among their friends

<sup>27</sup> For more information, see *"They Have Long Arms and They Will Find Me"*, a report by Human Rights Watch: <https://www.hrw.org/report/2017/05/26/they-have-long-arms-and-they-can-find-me/anti-gay-purge-local-authorities-russias> (accessed on 25 August 2017) and *"LGBT Persecution in the North Caucasus"*, a report by Russian LGBT Network: [https://lgbtnet.org/sites/default/files/final\\_chechnya\\_publish.pdf](https://lgbtnet.org/sites/default/files/final_chechnya_publish.pdf) (accessed on 25 August 2017).

<sup>28</sup> Data collected by the monitoring program of Russian LGBT Network.

<sup>29</sup> Data collected by the monitoring program of Russian LGBT Network.



and colleagues, and also to report the victim to the police as a paedophile. In 2016 alone 65 crimes committed with this scenario were documented.<sup>30</sup> Gay men are chosen as victims of such crimes, because the perpetrators believe that they will not turn to police for fear of disclosing their sexual orientation and homophobia from the police. In most cases this estimation is justified, but in some cases victims do turn to police, who manages to detain the criminals. However, the hate motive is never taken into account in the investigation of such cases (see case 2.7).

In conclusion of this section, it should be noted that since 2013 the number of hate crimes in Russia has been growing substantially. This is due primarily to the adoption of a law prohibiting "the promotion of non-traditional sexual relations among minors" in 2013.<sup>31</sup> The adoption of this law, as well as the homophobic rhetoric of state officials that accompanied this process, created a sense of impunity for potential perpetrators. The inaction of law enforcement bodies when LGBT victims of hate crimes turn to them for protection only aggravates this sense. The group most affected by the law is LGBT adolescents, who are deprived of the right to receive scientifically sound information on SOGI issues, while in schools it is impossible to implement programs that increase the level of awareness of LGBT adolescents and friendliness of their peers towards them.

**Case 2.1.** *On March 31, 2016, a famous journalist Dmitry Tsilikin was found dead in his apartment, with about 30 stab wounds found on his body. The murderer also took his phone, laptop and wallet with money. A week later, on a suspicion of committing the crime, a student Sergei Kosyrev was detained. On the night of the murder, March 27, 2016, he was visiting Tsilikin, whom he had met online. After detention, Kosyrev gave confessions and, moreover, during the interrogation called himself "Cleaner", his life was "a crusade against a certain social group," and the feeling with which he killed Tsilikin was "not a dislike, as is written in the protocol, but hatred", while explaining that the crime was part of fulfillment of the "mission". Although the murderer openly admitted that he had killed Tsilikin because of his sexual orientation, the hate motive was not taken into account in the qualification of the case: Kosyrev was charged under article 105 part 1 and article 158 part 2 clause "c" of the Russian Criminal Code (murder without aggravating circumstances and theft with causing significant damage). The murderer of Dmitry Tsilikin was sentenced to 8.5 years of imprisonment.*<sup>32</sup>

**Case 2.2.** *On March 12, 2015, in Astrakhan N. was returning home from a gay club. A car was following him all the way. At one point the car stopped, three men came out of it and began to say homophobic insults to N. Then they knocked him to the ground and beat him up. Numerous abrasions and bruises were left on the victim's body. At the nearest police station, officers refused to accept a statement from N., stating that for lack of witnesses the police would not be able help. N. filed the application nonetheless. However, law enforcement bodies never contacted him.*<sup>33</sup>

**Case 2.3.** *On December 1, 2016, a blogger from Tomsk Alexander Sidorov held a single-person picket in Makhachkala (Republic of Dagestan) with a poster "To hate gays is an antiscientific misconception". The next day after the action, the activist was recognised on the street. Young masked men approached him and started beating him. Police officers observing the beating did not take any measures to stop criminals' actions. Instead, they brought the activist to the police station, where Sidorov tried to write two complaints: one on the attackers, the second on the police officers. However, the police officers refused to accept his complaints, threatening Sidorov that they would start a criminal case against him. For 6 hours Alexander was subjected to pressure from police officers who indulged in humiliating and insulting him. Some spoke openly that they would do the same as the attackers, that they are willing to kill him, and that persons like him should be burned. Only one officer said that he would treat him like a Russian citizen who has*

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<sup>30</sup> Data collected by the monitoring programs of LGBT-Initiative Group "Stimul", Russian LGBT Network and "Coming Out" LGBT Group.

<sup>31</sup> Federal Law of the Russian Federation No. 436-FZ of December 23, 2010.

<sup>32</sup> Case documented by Russian LGBT Network.

<sup>33</sup> Case documented by Russian LGBT Network.

rights. After threats, Alexander agreed to write an explanatory note that he simply had an unfortunate fall. After he signed the explanatory note, the police officers took Alexander to his hotel room, but the next day Sidorov was again detained and taken back to the police station, because he was allegedly "being hunted". Alexander spent the night on a chair in the waiting room. According to him, "constant humiliations and insults continued from both the police and detainees in the department". In the morning Sidorov was released, and left the city. He filed a complaint against the police officers to the prosecutor's office, to which he received a response from the Ministry of Internal Affairs for the Republic of Dagestan that "according to the results of the examination the information contained in the complaint did not find confirmation".<sup>34</sup>

**Case 2.4.** On November 29, 2016, parents of a 17-year-old girl from Ekaterinburg read her messages in a social network and learned that their daughter was dating a girl (16 years old). Parents subjected the girl to physical violence, put under house arrest, forbade to go to school, took away her phone. Parents refused to pay for the education of the victim in a private school resulting in her expulsion. Parents also carried out pagan rituals, took the girl to a sorcerer, threw her into cold water. After being expelled from the private school, the girl herself applied to a public school and arranged with the principal to be accepted for education. However, the parents, after learning about this, talked with the principal of the school, and the girl was refused education. The victim does not want to contact the child protection services, since her parents have intimidated her.<sup>35</sup>

**Case 2.5.** In August 2016 the Russian LGBT Sports Federation held a tourist camp for LGBT community in the Nizhny Novgorod region. On the night of August 6 to 7, participants of the event were attacked by unknown people. Suddenly a gunshot and ring of broken glass were heard mixed with screams: "Beat the f\*\*\*\*\*s" (a rude reference to homosexuals). Drunken attackers began to destroy the camp. They broke the cars of participants and organizers, broke tents, stole personal belongings and documents from several participants. Three people were seriously injured. The police came to the scene. Investigative actions were carried out. On the fact of the attack a criminal case was initiated, however the hate motive was not taken into account.<sup>36</sup>

**Case 2.6.** On July 4, 2015, two friends (heterosexuals) were walking down the street in Tyumen, when they were attacked. One of the victims suffered severe blows to the head, another got away with a few bruises. The attackers shouted homophobic insults. When the victims applied to the police, police officers explained to them that they were walking past a gay club and therefore the attackers took them for a couple of gay men and attacked. The victims were not informed of the progress of the case.<sup>37</sup>

**Case 2.7.** Z. met a young man (M.) on the Internet. The profile stated that the new acquaintance was 20 years old. M. suggested to Z. that they meet offline. On April 23, 2016, Z. met with M. in one of the small parks in Moscow. After the walk M. suggested to Z. to get acquainted closer in his apartment. When Z. and M. entered the apartment and began to kiss, four men burst into the same place, began to insult and humiliate Z., accused him of paedophilia, arguing that M. was allegedly under 16 (the age of sexual consent in Russia). Criminals demanded money for the non-dissemination of videos involving Z. on the Internet and among his acquaintances. Z. handed over to the attackers the amount of 20 thousand roubles, the amount that he had on him. Originally Z. did not apply to the police. However, later, when several people from this criminal group were detained and Z. saw a story about it on television, he decided to write a statement. The case was initiated under article 161 part 2 subclauses "a, d" of the Russian Criminal Code (robbery committed by a group of persons on a preliminary conspiracy with the use of violence not dangerous for life and health). The hate motive was not taken into account in the investigation of

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<sup>34</sup> Case documented by Russian LGBT Network.

<sup>35</sup> Case documented by Russian LGBT Network.

<sup>36</sup> Case documented by Russian LGBT Network.

<sup>37</sup> Case documented by Russian LGBT Network.

*the case. Three members of the criminal group were sentenced to 1.5 years imprisonment.*<sup>38</sup>

***Suggested recommendations:***

1. Guarantee effective investigations of incidents of violence and hate crimes committed against LGBT people, including in particular, the investigation and classification of the motives of homophobic and transphobic hate as an aggravating circumstance. In particular, guarantee such investigations in the following specific cases:
  - a. mass state sponsored hate crimes in the Chechen Republic;
  - b. an attack against participants of the tourist camp organized by the Russian LGBT Sports Federation in August 2016 (case 2.5).
2. Collect statistical data on hate crimes against vulnerable groups, including LGBT people. Ensure that this statistical include the information about the group against which the crime was directed.
3. Amend the provisions of the Criminal Code of the Russian Federation by inserting direct indication of the hate motive against LGBT as an aggravating circumstance.
4. Repeal Article 6.21 of the Code of Administrative Offences of the Russian Federation as a discriminatory one.
5. Develop and implement training programs for employees of law enforcement agencies on issues related to sexual orientation and gender identity, including on the need for and methods by which to investigate the motives for acts of aggression against LGBT people, as well as on the need for proper communication with LGBT people who have been the survivors of acts of violence.

### **SECTION 3. The lack of HIV prevention programs among men who have sex with men<sup>39</sup> and transgender persons**

In the List of issues in relation to the sixth periodic report of the Russian Federation the Committee asked the Russian Federation to explain the reasons behind the increase in HIV/AIDS diagnoses in recent years.<sup>40</sup>

In response to questions the Russian Federation pointed out that "in order to create comprehensive approaches aimed at preventing the spread of HIV in the Russian Federation ... the State Strategy to counter the spread of HIV infection in the Russian Federation for the period up to 2020 and beyond has been developed".<sup>41</sup>

In addition, the answers to the questions indicate that in 10 years Russia has become one of the world leaders in stopping the vertical pathway of HIV transmission, and today the risk of vertical transmission of HIV from infected mothers to children does not exceed 2%.

At the same time, the responses of the Russian Federation do not mention in any way the measures taken by the state to prevent the spread of HIV among men who have sex with men (MSM) and transgender persons (TG).

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<sup>38</sup> Case documented by LGBT-Initiative Group "Stimul".

<sup>39</sup> According to the UNAIDS Policy brief "HIV and sex between men" the term "men who have sex with men" refers to any man who has sex with a man, thus accommodating a variety of sexual identities as well as those who do not self-identify as homosexual or gay.

Thus, men who have sex with men (MSM) are a social-behavioral group made up of persons of male gender who engage in sexual contacts with other persons of male gender. MSM are treated as a group based on general behavior, not on the basis of social cohesion.

<sup>40</sup> CESCR Committee, *List of issues and questions in relation to the sixth periodic report of the Russian Federation*, para. 30, U.N. Doc. E/C.12/RUS/Q/6 (2017).

<sup>41</sup> CESCR Committee, *Replies of the Russian Federation to the list of issues*, Addendum, List of issues in relation to the sixth periodic report of the Russian Federation, pp. 20-21, U.N. Doc. E/C.12/RUS/Q/6/Add.1 (2017).

The data available to the Coalition allows us to state that at the moment such measures are clearly insufficient.

Thus, in the period from May 1, 2017, till July 31, 2017, a group of activists within the framework of the Program on Enhancing Access of Vulnerable Populations to HIV/AIDS Prevention, Treatment and Care Services in Russia and with the support of the Public Group for the Prevention of Social Illnesses and Promotion of Health at the Ministry of Economic Development of the Russian Federation, state procurement in the field of HIV prevention was monitored<sup>42</sup>.

The analysis included data on purchases made by 19 constituent entities of the Russian Federation, as well as by the Ministry of Health of the Russian Federation. 66 auctions for the purchase of HIV prevention services were identified and analysed.

The analysis showed that only 4 auctions (6% of the total number) suggested carrying out preventive measures for groups at risk. All these auctions were directed at sex workers, and in two of them, in addition to sex workers, injection drug users were mentioned. No auction stipulated carrying out activities aimed at preventing the spread of HIV infection among MSM and TG.

These data allows to state that the Russian Federation does not take effective measures aimed at preventing the spread of HIV among MSM and TG.

***Suggested recommendations:***

1. Collect disaggregated statistical data on HIV incidence among men who have sex with men and transgender persons.
2. Develop and implement HIV prevention programs aimed at men who have sex with men and transgender persons.

## **Section 4. Discrimination against transgender people in Russia**

As already mentioned in the Section 1 of the present submission, the Russian Federation in its response to the questions raised by the Committee stated that "between 2013 and 2016, no reports of unjustified restriction of access to employment, health and education services for persons classified as sexual minorities (lesbian, gay, bisexual and transgender) were received".<sup>43</sup>

However, transgender persons are one of the most vulnerable and discriminated groups of the Russian population, due to having specific medical needs and being unable to hide their transgender status because of the absence of swift, transparent and accessible procedure of legal gender recognition. Thus, transgender persons often face discrimination when they are asked to show their IDs.

### **(a) Employment discrimination of transgender persons**

Many transgender persons face denial of employment due to mismatch between their IDs and appearance/gender identity. Often it is the only stated reason for rejection (*see cases 4.1-4.4*). Finding even a low-paid job may take a very long time for a transgender person. Without a steady source of income transgender persons are forced either to depend on their partners, friends and relatives or to find illegal job opportunities (such as sex-work) in order to survive and afford hormonal treatment, medical examinations and surgeries (*see case 4.4*).

Employed transgender persons risk facing harassment, demotion and dismissal when starting their

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<sup>42</sup> See: <http://itpcru.org/2017/08/17/otchet-po-monitoringu-auksionov-v-sfere-profilaktiki-vich-infektsii-v-rf-v-period-s-01-maya-po-31-iyulya-2017-goda/> Accessed on 25 August 2017.

<sup>43</sup> CESCR Committee, *Replies of the Russian Federation to the list of issues*, Addendum, List of issues in relation to the sixth periodic report of the Russian Federation, p. 10, U.N. Doc. E/C.12/RUS/Q/6/Add.1 (2017).

transition (see case 4.5).

75% of respondents among transgender people who were looking for employment in the period since June 2016 to August 2017 stated that they had faced rejection. At the same time 29% of respondents were confident that they had been denied a job explicitly because of them being transgender. Also, 66% of respondents evaluated the chances of a transgender person without legal gender recognition finding a paid job in Russia as "poor" or "very poor".<sup>44</sup>

**Case 4.1.** Vladislav, a transgender man from Novosibirsk, was denied a job after showing his ID during the interview in 2016. The denial was expressed in an aggressive and offensive manner.<sup>45</sup>

**Case 4.2.** Diana, a transgender woman from Saint Petersburg, faced four rejections when applying for different jobs in 2014. The company "Yarkiy Fotomarket" refused to employ her, openly stating the mismatch between her male ID and appearance as the reason. The company "Sakura" was initially willing to give her the job, informed her of the time and place of probation, gave her job instructions and assured her that her ID was not a problem. Later, however, they informed her that a mistake seemed to have occurred and the job was not actually vacant. The companies "Moslgra" and "Bukvoed" denied Diana employment without explanations.<sup>46</sup>

**Case 4.3.** Alexander, a transgender man from Tver, was denied a job at an amusement park in 2016. The only reason for rejection was his appearance, as he was told: "Children come here, they will not understand if you are a man or a woman".<sup>47</sup>

**Case 4.4.** Natalia, a transgender woman from Saint Petersburg, faced several denials of employment in 2015. During an interview for the company "Lush", on realizing that Natalia was a transgender woman, the employer rejected her with the comment that they "would go to jail if they gave her a job with this ID". During an interview for a job of call-center operator at "Rostelecom" she was denied employment and was requested to come back after obtaining female ID. During an interview for the "Interyerny" Theater she was told that her experience qualified her for the job, but later she was rejected without any specific reasons being given. After filling the application form for a job in the store chain "Pyaterochka" she heard that she was suitable for the job. However, after finding out her transgender status, she was denied the job without any explanation. Later she was given a job at the "Floral Fantasy" ("Tsvetochnaya Fantasia") company. However, after her first probation day she was rejected without any reasons given. Natalia also went to an interview in the cafe-bar "Firebird" ("Zhar-Ptitsa"). During the interview, the cafe owner found fault with Natalia's appearance, noting that "their staff must look perfectly ordinary" and also stating that in case of inspection the establishment might have trouble. Natalia did not get the job.<sup>48</sup>

**Case 4.5.** Anastasia, a transgender woman from the Moscow Region, in 2015 was dismissed from her job after having worked for 1,5 years in a construction company when she started her transition. She was demanded to resign with "department optimization" as the official reason. However, Anastasia's colleague told her of a corporate meeting, which took place without Anastasia. During the meeting, the company's CEO stated that he "was not going to tolerate sex change".<sup>49</sup>

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<sup>44</sup> Data collected by the monitoring program of Transgender Legal Defense Project.

<sup>45</sup> Transgender Legal Defense Project. *Violation of transgender people's rights in Russia: research results*. 2016. [http://pravo-trans.eu/files/violation\\_of\\_the\\_rights\\_of\\_transgender\\_people\\_in\\_Russia-en.pdf](http://pravo-trans.eu/files/violation_of_the_rights_of_transgender_people_in_Russia-en.pdf) (accessed on 25 August 2017), p. 15.

<sup>46</sup> Ibid. Pp. 15-16.

<sup>47</sup> Case documented by Transgender Legal Defense Project.

<sup>48</sup> Transgender Legal Defense Project. *Violation of transgender people's rights in Russia: research results*. 2016. [http://pravo-trans.eu/files/violation\\_of\\_the\\_rights\\_of\\_transgender\\_people\\_in\\_Russia-en.pdf](http://pravo-trans.eu/files/violation_of_the_rights_of_transgender_people_in_Russia-en.pdf) (accessed on 25 August 2017), p. 17.

<sup>49</sup> Ibid. P. 24.

## **(b) Discrimination of transgender people in health care**

Many transgender people experience significant problems with receiving a diagnosis of "transsexualism". Obtaining this diagnosis is necessary for prescription of hormonal replacement treatment, observation of an endocrinologist as well as for undergoing sex reassignment surgeries. Moreover, without obtaining this diagnosis, it is impossible to change one's legal gender marker. However, healthcare specialists' attitude towards transgender persons is often degrading, and the latter's attempt to receive a diagnosis of "transsexualism" results in a loss of time and money (*see case 4.6*).

The discrepancy between the gender marker indicated in the transgender person's documents and their gender identity may result in a denial of medical care and even be a reason of aggression on the part of healthcare specialists. Lack of timely medical assistance or enforced self-treatment may threaten the health and life of transgender persons (*see cases 4.7, 4.8*).

Sometimes transgender people, even if diagnosed with "transsexualism", cannot receive prescriptions for hormonal replacement treatment because of prejudice and unprofessionalism of healthcare specialists. This makes transgender people purchase drugs illegally, which may lead to buying fake drugs and, thus to harm to transgender persons' health (*see case 4.9*).

**Case 4.6.** *In July 2017, Alexey, a transgender man from Yekaterinburg, was undergoing examination in the "Sosnovy Bor" psychoneurological hospital in order to receive a diagnosis of "transsexualism". His attending doctor repeatedly expressed doubts about his gender identity and said that Alexei was trying to deceive him, and that his behavior was "not male." Alexey was also hospitalized, which he considers to be unreasonable for confirming the diagnosis of transsexualism. Eventually, Alexey was told that he won't be diagnosed with transsexualism unless he gets a job.*<sup>50</sup>

**Case 4.7.** *In December 2015, U., a transgender woman, was hospitalized to perform a routine surgery to repair her nasal septum. However, after consulting her, the medical specialists refused to perform the surgery due to U.'s "psycho-emotional instability". However, U. was not examined by either a psychologist or psychiatrist. Instead of it, she was examined by an urologist who examined her genitals. During U.'s stay in hospital, doctors and nurses on numerous occasions suggested her "to cut hair short and not behave herself so strangely."*<sup>51</sup>

**Case 4.8.** *In 2015, Irina, a transgender woman from St. Petersburg, visited a medical center. She was denied medical assistance due to the discrepancy between her legal gender marker and appearance. The medical specialists suggested that her documents did not belong to her. When she explained that she was a transgender woman, she was insulted and made to leave the center.*<sup>52</sup>

**Case 4.9.** *In June 2017, Eric, a transgender man from Novosibirsk, was trying to receive a prescription for hormonal drugs in several clinics ("Healthy Family", "Panacea", "Reproductive Health+", "Rainbow of Health", "Zdravnitsa", "Yunona"). The endocrinologists refused to give him a prescription despite the fact that Eric was diagnosed with transsexualism, and, moreover, had a certificate stating that he was already taking hormonal replacement treatment. The reason for the refusal was that these clinics did not "deal with such issues" and did not "have experience with transgender people". Unable to get a prescription, Eric had to buy hormonal drugs illegally.*<sup>53</sup>

## **(c) Discrimination of transgender people in education**

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<sup>50</sup> Case documented by Transgender Legal Defense Project.

<sup>51</sup> Transgender Legal Defense Project. *Violation of transgender people's rights in Russia: research results*. 2016. [http://pravo-trans.eu/files/violation\\_of\\_the\\_rights\\_of\\_transgender\\_people\\_in\\_Russia-en.pdf](http://pravo-trans.eu/files/violation_of_the_rights_of_transgender_people_in_Russia-en.pdf) (accessed on 25 August 2017), p. 31.

<sup>52</sup> "Coming Out" LGBT Group. *Report On Incidents of Discrimination and Violence on Grounds of Sexual Orientation and Gender Identity in 2015 in Saint Petersburg, Russia*. 2016: <http://comingoutspb.com/upload/iblock/8f5/8f545ae75a5be7e9711e7fd617337199.pdf> (accessed on 25 August 2017), p. 77.

<sup>53</sup> Case documented by Transgender Legal Defense Project.

Bullying and harassment of transgender people are widespread in Russian schools, colleges and universities. These actions can be committed by other students, as well as by teachers and administration officials. Discrimination against transgender students may take form of refusal for internships, outing (disclosure of one's transgender status to a third party), insults, humiliation and even physical abuse (see cases 4.10-4.12). This often makes transgender students to leave school, college or university.

51% of transgender people who were students between June 2016 and August 2017 indicated that they experienced problems during the studies because of their transgenerness (negative attitude from other students and/or teachers, difficulties with visiting toilets and locker rooms).<sup>54</sup>

**Case 4.10.** *In October 2014, Andrey, a transgender man from Moscow, was passing an internship at a school for children with special needs. After about a month, Andrey was told that he could not continue his internship, as he could "promote transsexuality" to the children who were especially vulnerable. The school administration suggested that the school would submit that Andrey had passed the internship if he did not complain anywhere about the violation of his rights.*<sup>55</sup>

**Case 4.11.** *Kira, a transgender woman from St. Petersburg, studied at the college of the St. Petersburg State University of Aerospace Instrumentation. In autumn 2015 other students started bullying her. Teachers, in their turn, not only did not make any attempts to stop them, but also took part in the bullying. Kira had to leave the college.*<sup>56</sup>

**Case 4.12.** *In 2015-2016, Alexandra, a transgender woman from Irkutsk, was an eighth-grade student. She was beaten up twice by a group of male students. Teachers learned about ot this and promised to talk to the abusers, but insults, humiliation and bullying continued. Moreover, the teachers themselves said that transgenerness was "a perversion" and openly condemned the behaviour and appearance of Alexandra. In addition, Alexandra was forced to wear a school uniform designed for male students.*<sup>57</sup>

#### **Suggested recommendations:**

1. Introduce a quick, transparent and accessible procedure of legal gender recognition for transgender people, that would exclude coercive medical practices, including hormonal therapy, as well as surgery or sterilization requirements. Ensure the possibility to replace all documents that bear one's name and/or gender marker, including birth certificates, passports, work record books, diplomas, etc.
2. Develop and implement training programs for medical professionals (such as endocrinologists, psychiatrists and surgeons) on transgender-related topics, including trans-sensitivity.
3. Provide coverage of transition-related health care (such as hormone replacement therapy and gender reassignment surgeries) by mandatory state medical insurance and/or quotas for high-tech medical care.

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<sup>54</sup> Data collected by the monitoring program of Transgender Legal Defense Project.

<sup>55</sup> Transgender Legal Defense Project. *Violation of transgender people's rights in Russia: research results*. 2016. [http://pravo-trans.eu/files/violation\\_of\\_the\\_rights\\_of\\_transgender\\_people\\_in\\_Russia-en.pdf](http://pravo-trans.eu/files/violation_of_the_rights_of_transgender_people_in_Russia-en.pdf) (accessed on 25 August 2017), p. 57.

<sup>56</sup> "Coming Out" LGBT Group. Report On Incidents of Discrimination and Violence on Grounds of Sexual Orientation and Gender Identity in 2015 in Saint Petersburg, Russia. 2016: <http://comingoutspb.com/upload/iblock/8f5/8f545ae75a5be7e9711e7fd617337199.pdf> (accessed on 25 August 2017), pp. 74-75.

<sup>57</sup> Case documented by Transgender Legal Defense Project.