



COMING OUT
LGBT GROUP



Human Rights Violations Based on Sexual Orientation and Gender Identity in Russia

Submission to the Committee on the Elimination of Racial Discrimination

109 Session (11 April – 28 April)

On the occasion of its review of Russia's twenty-fifth and twenty-sixth periodic reports under the International Convention on the Elimination of All Forms of Racial Discrimination

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Human Rights Violations Based on Sexual Orientation and Gender Identity in Russia.

An alternative report in relation to the consideration of the twenty-fifth and twenty-sixth periodic report of Russia under the International Convention on the Elimination of All Forms of Racial Discrimination

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Introduction

Since 1969, Russia (then the Soviet Union) has been bound by the mechanism of the International Convention on the Elimination of All Forms of Racial Discrimination (thereinafter – ICERD). Over the past ten years, Russia has submitted its periodic reports to the Committee on the Elimination of Racial Discrimination (thereinafter – the Committee or the CERD) three times.

The policies and practices discussed in this submission implicate a range of rights protected under the ICERD. The aim of this report is to provide the CERD with additional information on the implementation of certain recommendations made by the Committee and to highlight the current debate on the rights of minorities as well as the present-day level of their protection in Russia. In particular, we wish to underscore the Russian Federation’s urgent need to review and amend those laws, policies and practices that affect the rights and freedoms of a range of vulnerable groups suffering from intersecting forms of discrimination. There is a clear lack of data concerning discrimination, which makes it difficult to analyze and understand the situation of these vulnerable groups in the country. Unfortunately, current statistics barely respond to the initial expectations. Victims of discriminatory violations are not provided with proper protection, support and access to justice guarantees.

ECOM — Eurasian Coalition for Health, Rights, Gender and Sexual Diversity — is an international non-governmental association based in Tallinn, Estonia. We are a membership association open to non-profit organizations and activists working in the field of rights and health of LGBT communities in the Eastern Europe and Central Asia (EECA) region.

“Coming Out” is a nonprofit initiative LGBT group founded in 2008 in St. Petersburg, Russia. We work for universal recognition of human dignity and equal rights of all regardless of sexual orientation or gender identity by lobbying and advocacy, educational and cultural events, and providing psychological and legal services to LGBT* people.

“Kyrgyz Indigo” is a Kyrgyz LGBT+ organization, and one of the largest in Central Asia. We are implementing rights defending, advocacy activities and providing services for the community. We fight for equality and improvement in the quality of life of LGBT+ people.

Intersecting forms of discrimination as the keynote of the report

Given the expertise of our organizations, we would like to focus this report on intersecting forms of discrimination. This means that the areas consistently considered in the report simultaneously touch upon both the issue of racial discrimination, as this concept is defined in the Convention, and other aspects of discrimination and xenophobia related to sexual orientation, gender identity or gender expression (SOGIGE), HIV issues, sex work, etc. The intersection between discrimination against lesbian, gay, bisexual, transgender and intersex persons and racial discrimination felt strongly in the Russian Federation. We respectfully urge the CERD to express concern over the impact of systemic intersectional discrimination affecting the life of local LGBT+ communities. It is crucial to prevent multi-discrimination on the basis of ethnicity combined with other factors enabling discrimination.

Disaggregated demographic data collection and statistics (arts. 1 and 5) (List of Themes paragraph 2)

We are concerned about gaps and weaknesses in mechanisms for coordinating, integrating and verifying data collected at the federal and regional levels. We believe that current data collection methods do not accurately capture the situation of those facing intersectional discrimination, including migrants, asylum seekers, sex workers and those who identify themselves as LGBT persons. Data relating to discrimination cases may be incomplete due to data collection challenges. A good example would be that the authorities’ report does not contain such statistics, not to mention the fact that it also does not contain a single mention of LGBT people (CERD/C/RUS/25-26). We further regret the lack of statistics on migrants, refugees and asylum seekers.

In this connection, we recommend the State party to:

- Carry out a thorough assessment of all its mechanisms for collecting demographic data at the federal and regional levels and promptly address any gaps or weaknesses in the collection, verification and integration of such data. Such an assessment should include a focus on the data collected on the situation of migrants, refugees and asylum seekers facing intersectional forms of discrimination, including those living with HIV and/or who identify as LGBT persons. The State party should also provide adequate funding to all State entities responsible for disaggregated data collection.

- Improve the statistical information collected on civil, criminal and administrative cases brought before the courts in order to gather sociodemographic data on the parties involved in the proceedings, as well as the type of crime, the details of the case, and the ruling.

The Convention in domestic law and the institutional and policy framework for its implementation (arts. 1, 2, 4, 6 and 7) (List of Themes paragraphs 3, 8)

Visibility of the Convention

In 2017 (CERD/C/RUS/CO/23-24), the Committee expressed its regrets about the scarcity of the information on court cases in which the Convention's provisions were invoked before, or applied by, domestic courts (para. 5). It requested the State party to include in its next periodic report specific examples of the application of the Convention by domestic courts (para. 6). Meanwhile, in the new report of the Russian Federation, there was no place for such case-law. There is also no information on the meaningful involvement of civil society organizations in the consultation process for the preparation of the State party report, as well as the inclusion of their comments and recommendations in the final report.

Russia's exclusion from the Council of Europe

The Russian Federation ceased to be a member of the Council of Europe on 16 March 2022¹ and a High Contracting Party to the European Convention on 16 September 2022. The European Court of Human Rights (hereinafter - ECtHR) ruled that it will continue to consider all complaints filed against the Russian Federation regarding actions or omissions that may constitute a violation of the Convention, provided that they took place before 16 September 2022.²

However, the Russian Federation claims that it voluntarily left the Council of Europe on 15 March 2022. Domestic laws were then passed according to which ECtHR judgments that entered into force after 15 March 2022 are not enforceable by Russia, i.e. the just satisfaction sums awarded by the ECtHR will not be paid and the applicants' case is not subject to reopening. The adopted legislation is retrospective in nature and regulates relations that existed before its entry into force. The Government has stopped all communications with the ECtHR and other bodies of the Council of Europe.³ As a result of its expulsion from the Council of Europe, the Russian Federation ceased to comply with the interim measures under Rule 39, depriving the victims (especially, migrants) of further protection.

For the subject of this report, the key article in the European Convention is Article 14, which exhaustively prohibits all types and forms of discrimination. In combination with other articles of the

¹ The Committee of Ministers of the Council of Europe Resolution, [CM/Res\(2022\)2 on the cessation of the membership of the Russian Federation to the Council of Europe](#), 16 March 2022.

² The European Court of Human Rights, [Resolution of the European Court of Human Rights on the consequences of the cessation of membership of the Russian Federation to the Council of Europe in light of Article 58 of the European Convention on Human Rights](#), 22 March 2022.

³ [Letter from the Secretary General, Marija Pejčinović Burić to Sergey Lavrov, Minister for Foreign Affairs of the Russian Federation](#), 9 December 2022. The national authorities do not submit any written observations to the ECtHR upon request, do not participate in meetings of the CoE Committee of Ministers on the execution of the ECtHR judgments.

European Convention (for example, Article 3, which prohibits the expulsion of migrants to a country where there is a risk of ill-treatment, or Article 8, which protects family life and certain aspects of the right to health), this Article was a key guarantee for protection against discrimination in Russia. At the moment, such a mechanism has ceased to operate for people affected in the country.

The UN legal framework and domestic order

Aside from the negative impact of the exclusion of Russia from the Council of Europe, problems related to the interaction of the UN and the domestic legal systems remain unresolved. For instance, the UN treaty bodies do not award specific compensation, leaving it to the national authorities, which is likely to mean either no compensation at all or insignificant compensation. Therefore, it would be very helpful if the UN treaty bodies could increase their capacity. It is also important to focus on how Russia complies with interim measures indicated by the Committees.

In addition, victims face significant obstacles in implementing the views of the UN treaty bodies at the national level. Whereas before the amendments to the Code of Criminal Procedure of the RF and other procedural codes, the judgments of the ECtHR were a separate basis for reviewing a domestic case, there is no such distinct basis in relation to the views of the UN treaty bodies. Thus, in order to resume proceedings in the case after the ECtHR judgment was adopted, the victim applied directly to the Supreme Court of the RF; in relation to a view of the UN treaty body, the victim needs to apply to an ordinary prosecutor, who can order the initiation of proceedings due to newly discovered circumstances. However, the prosecutor often decides to refuse to initiate such proceedings, and the victim of the violation has to challenge that refusal before the national courts. This option, in addition to the need for resources, does not always lead to success.

Anti-discrimination legislation

In 2017 (CERD/C/RUS/CO/23-24), the Committee expressed its regrets that comprehensive anti-discrimination legislation was still absent from the State party's legal order (para. 9). To date, the situation has not improved.

The Constitution of the RF «guarantees 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». This norm is declarative, and in practice, is not implemented in the legislation of the RF. The list of protected grounds is closed and, for instance, does not include sexual orientation and gender identity. The country does not have a separate law that defines and prohibits discrimination against various social groups (protected characteristics) and in all spheres of public life⁴. Among the nominal remedies, there are only two articles in the Criminal Code of the RF and in the Code of Administrative Offenses of the RF.

According to the annual poll on discrimination conducted among homosexual, bisexual and transgender people in Russia, the rate of human rights violations based on sexual orientation and gender identity has grown from 16,6% in 2014 to 64,4% by 2019⁵. In comparison to the data found by the research on discrimination over the last 5 years, the number of respondents, who reported psychological abuse, has increased from 47% to 56%. The statistics show, that physical abuse rate preserves within 16-20%⁶. The majority (70%) of respondents identify as women of various sexual identities.

⁴ Legislative analysis related to SOGI and HIV in Russian Federation / ECOM — Eurasian Coalition on Health, Rights, Gender and Sexual Diversity. Tallinn, 2021. Page 8.

⁵ [Monitoring discrimination](#) against LGBTQ+ people in Russia. Quantitative data (2020). Authors: Kseniia Kamarina, Daniil Zhaivoronok.

⁶ Russian LGBT Network Legal Help Program and Monitoring 2015-2018 years.

In 2022 (CCPR/C/RUS/CO/8), the UN Human Rights Committee (HRCtte) reiterated its substantial concern about institutionalized discrimination and stigmatization of lesbian, gay, bisexual and transgender persons in Russia (para. 12). There is also a lack of detailed information about the scope of anti-discrimination laws, including whether all forms of direct, indirect and intersectional discrimination, are covered.

Moreover, in relation to the LGBT community, we see only the adoption of new discriminatory laws. For example, on 5 December 2022, the RF President [signed](#) a law on a complete ban on so-called «LGBT-propaganda». This law prohibits "propaganda, demonstration and imposition of information" about "non-traditional relationships" and "sex reassignment". On 16 December 2022, the news appeared that [a draft law](#) on criminal liability for “LGBT propaganda” had been prepared in the Russian parliament. Repeated propaganda of LGBT or gender reassignment” on the Internet or in the media is proposed to be punished with forced labor for up to 2 years, arrest for up to 4 months, or imprisonment for up to 2 years. If such "propaganda" was distributed among children, the terms would increase to five years. In addition, the executive authorities (Roskomnadzor) [prepared a draft order](#) on the definition of "LGBT-propaganda" on the Internet. If the order is accepted, it is planned that it will take effect from 1 September 2023. Scientific information also falls under the cases of propaganda; this actually introduces a ban on the publication of research in the field of medicine and psychology. Such studies are mandatory, for example, for candidate and doctoral dissertations. The agency also managed to prepare a list of films and TV-series that, in its opinion, belong to “LGBT propaganda”, and sent it to video hostings. The list, for example, includes the pictures «Brokeback Mountain», «Call Me by Your Name».

Seven charges related to the new “LGBT propaganda” law were made, all of them against trans women sex workers who are migrants. It is likely that a single police officer is responsible for the first three cases, as he discovered the trans sex workers profiles on an online advertising platform for sex-workers. The court decided to fine the victims and deport them from Russia⁷.

In this connection, we recommend the State party to:

- *Implement in practice the principle of the priority of international law, in particular ratified international treaties on human rights, in relation to the national legislation of the RF.*
- *Take measures to raise awareness of the Convention and the anti-discrimination legislation among the judiciary, lawyers, law enforcement officials and among the population.*
- *Provide examples of cases in which courts, tribunals or other bodies have applied or reflected the Convention in their decisions.*
- *Enshrine in the legislation the binding force of the views of the UN treaty bodies and adopt the necessary amendments to the criminal procedure legislation, according to which the views will constitute a separate ground for the resumption of proceedings and entail applying to the Supreme Court of the RF instead of applying to a prosecutor.*
- *Ensure that interim measures specified by the UN treaty bodies are respected by state officials.*
- *Facilitate the work of the Russian office of the United Nations High Commissioner for Refugees (UNHCR).*
- *Repeal laws on non-compliance with the judgments of the ECtHR, execute its judgments that entered into force after 15 March 2022 (pay the victims all just satisfaction claims awarded and, if necessary, reopen the domestic proceedings), resume cooperation with the Council of Europe, continue to work with the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment.*

⁷ ECOM and SWAN position: Trans women sex workers migrants became first victims of new Russian anti-LGBT “propaganda” law
<https://ecom.ngo/news-eeca/trans-women-sex-workers-migrants-anti-lgbt-propaganda>

- *Develop and adopt a comprehensive anti-discrimination law, which includes a definition of direct and indirect discrimination, take measures to adopt a comprehensive strategy and a national action plan to combat racism, discrimination and intolerance.*
- *Include sexual orientation, gender expression and gender identity as explicit grounds of discrimination in the various anti-discrimination laws at the national, regional and community levels.*
- *Repeal the discriminatory “gay propaganda” laws.*

Hate speech, incitement to hatred and hate crimes (arts. 2, 4 and 6) (List of Themes paragraphs 4, 5, 7)

Hate crimes

Back in 2013 (CERD/C/RUS/CO/20-22, para, 11), the Committee recommended that the State party should ensure prompt action by the police, prosecutors and the judiciary in investigating and punishing racially-motivated crimes with appropriate penalties.

In recent years, the situation with hate crimes in Russia has changed little. Human rights organizations note that in 2022 racism towards migrants has not disappeared. The number of attacks on LGBT+ people has decreased: the [SOVA Center recorded](#) six attacks (in 2021 - 22, in 2020 - 17). However, probably, the reason for such a decrease is that LGBT+ activists did not hold any public events in the past year, and many people associated with LGBT+ activity in one way or another simply left the country after the outbreak of hostilities in Ukraine.

There is currently no specific action plan in Russia precisely targeted at combating hate crimes. A distinctive element of a hate crime is the motive: the perpetrator chooses the object of the crime precisely on the basis of his/her belonging or alleged belonging to a certain social group.

In the Russian Federation, the crime motivated by political, ideological, racial, national or religious hatred or enmity, or motivated by hatred or enmity against any social group (extremist motives) is an aggravating circumstance (point "e" of part 1 of article 63 of the Criminal Code of the RF). In addition, crimes against life and health can also be qualified as containing a motive of hatred or hostility, under paragraph "l" of part 2 of Article 105, or under paragraph "e" of part 2 of Article 111, or under paragraph "e" of part 2 of Article 112, or under paragraph "b" of part 2 of article 115, or under paragraph "b" of part 2 of article 116 of the Criminal Code.

Those provisions provide an opportunity to restore violated rights of a victim of hate crimes. It is rather a matter of normative regulation of the procedural establishment by the authorities of the motives of the crime at the stages of both pre-trial and courts' investigations, as well as the application – often selective – of these provisions in practice.

The motive of hatred in the prevailing number of cases is not taken into account by the investigation. For instance, LGBT is extremely rarely recognized as a social group, since all issues affecting gender identity and sexual orientation that do not correspond to the “traditional” values of Russian society are tabooed.

In this regard, it should be emphasized that the Russian criminal law system does not apply the doctrine of the mixed motive of crime, which exists in many other countries⁸. With regard to hate crimes, this ban, in particular, was enshrined at the normative level in 2011, when the Plenum of the Supreme Court of the RF issued its resolution “On judicial practice in criminal cases of extremist crimes”. Since it is impossible to deny that any perpetrator could have a mixed motive, this instruction of the Supreme Court of the RF means that the prosecution and the court are imperatively called upon to single out the dominant, main motive, and qualify the crime solely by it.

⁸ Moscow LGBT-group “Stimul”. The shadow” report to [the UN HRCtte](#), The International Covenant on Civil and Political Rights and the Russian Federation: Sexual Orientation and Gender Identity Questions, 2022, paras. 23-34.

In the legislative practice of other countries, the question of whether the doctrine of mixed motive is acceptable is treated differently. The position of the Russian legislature is one of the possible ones, although we emphasize that, for example, the OSCE / ODIHR considers it as best practice to take into account the mixed motive. Of course, it does not guarantee successful investigation, but it helps to ensure that the inquiry and preliminary investigation do not bypass this issue.

It is not clear whether the authorities' repetitive choice of the "hooligan motive" or "economical motive" is caused by the circumstances indicated above (in particular, because of the resolution of the RF Supreme Court), or whether the authorities decided not to use the homophobic motive for any other reasons (for example, to hide shortcomings of a poorly conducted investigation or do not spoil some statistics). Even when the police finds the perpetrators, they are judged for minor charges, and the punishment, as a rule, is not severe⁹.

In January 2020, a transgender woman, who was a sex worker and a migrant from Tajikistan, was killed in St. Petersburg. A former client sawed her body into pieces and threw it into the Mga River. The suspect was arrested in September 2020. The criminal case was initiated as an ordinary murder case, without the motive of hatred.

The outcome of ineffective investigation and courts' practices is detected in a low rate of hate crime reports. Mistrust in official justice institutions prevents victims and civil society from reporting hate related crimes. Most survivors of hate crimes are unwilling to contact law enforcement agencies because they do not believe that there will be any effect. Moreover, the unwillingness of LGBT survivors of hate crimes to seek help from law enforcement agencies is triggered not only by the fact that the crime will likely remain un-investigated, but also by fears of being subjected to homophobic and transphobic abuse up to physical violence by law enforcement officers.

One of the most widespread and at the same time most life-threatening categories of violations of the rights of LGBT migrants in recent years has become crimes organized through so-called "fake dates"¹⁰. Victims, as a rule, avoid contacting law enforcement bodies. Firstly, they do not trust the police, they are afraid to disclose their sexual orientation, they are afraid of even greater discrimination. Secondly, the victims are frequently afraid of criminal liability (for example, for depraved acts with "minors", which is what criminals usually use in their blackmail). Thirdly, they doubt that the police will be enthusiastic to investigate such crimes. Migrants are especially vulnerable in this regard - they are afraid to go to the police, as they can be expelled from Russia.

Another important consequence of ignoring the motive of hatred is the lack of clear statistics available to the public and the press. The failure to recognize the motive for hatred also encourages the false sense of impunity that remains with criminals and pushes them to commit new crimes.

Inadequate protection of the victims' rights is an important issue. It includes lack of physical protection for the victim as well as non-existence of support centers for hate crime victims; no procedures on individual assessment of the victim; short-age of interpreters and translators; authorities' disregard of their obligations to provide necessary information to the victims; to avoid contact between victim and the offender; to allow victim to be accompanied by a person of a victim's choice.

⁹ For instance, in 2019, the police opened seven criminal cases based on reports from the lawyers of «Stimul» about violence against LGBT+ people. None of the investigations involved the motive of hatred. The victims did not have the opportunity to receive a fair trial and decent compensation (ibid., para. 33).

¹⁰ A typical crime pattern is as follows. A group of malefactors rents an apartment, places ads of the relevant nature on LGBT-thematic forums or in mobile dating applications. The "bait" (a young teenager, sometimes a minor) encounters the victim who is invited to the apartment for sexual intercourse. Usually there is a video recorded in the apartment; attackers can simply blackmail the victim, threatening to send the video to the victim's relatives or colleagues. Violence can also be used. A victim would give cash or transfer the said amounts to the bank accounts of the attackers. For more details, see: Moscow LGBT-group "Stimul". The shadow" [report to the UN HRCttee](#), The International Covenant on Civil and Political Rights and the Russian Federation: Sexual Orientation and Gender Identity Questions, 2020, paras. 27-43.

Therefore, the domestic legislation, excluding the doctrine of mixed motive, and the case law based on it does not provide adequate protection in the situations of hate crimes (racial or homophobic). The authorities, having the duty to respond to such manifestations of violence and extremism, in practice do not conduct a proper investigation into these facts, delay the investigative steps and miss the opportunity to collect basic evidence.

In this connection, we recommend the State party to:

- Explicitly declare an offense punishable by law all acts of violence or incitement to such acts against any group of persons of sexual orientation, gender expression and gender identity.*
- Effectively investigate all cases of violence against LGBT persons and activists and bring perpetrators to justice.*
- Condemn all propaganda and all organizations which are based on ideas or theories of superiority of a group of persons of ethnic origin, or which attempt to justify or promote hatred and discrimination based on sexual orientation, gender expression and gender identity.*
- When considering a victim's crime report, refrain from ordering the inquiry to local police officers, but transfer the dossier to the experienced investigator.*
- Establish a specialized unit within the police to investigate hate crimes.*
- When registering crimes, document the motive of hate at any stage of the inquiry, including at the start of the investigation.*
- Ensure victims have access to legal proceedings and receive adequate reparation, as appropriate.*
- Provide training to the police and law enforcement officials promoting respect for human rights and tolerance for diversity.*
- Collect disaggregated statistical data on hate crimes against vulnerable groups, including LGBT people.*

Hate speech

Hate speech is not commonly defined or regulated by the Russian law as well. The law-enforcement has no legal regulation or the capacity to register such actions being committed as hate crimes, which leads to further discrimination and utter ineffectiveness of investigation and punishment of such deeds¹¹.

In 2022 (CCPR/C/RUS/CO/8), the UN HRCtte expressed its concerns about manifestations of hate speech by politicians and religious leaders, in particular against migrants, refugees and lesbian, gay, bisexual and transgender persons (para. 10). The HRCtte recommended to reinforce Russia's efforts to combat all acts of racism, xenophobia and racial profiling (para. 11).

The active use of hate speech in social media, including by media personalities, government officials and prominent members of Russian society, by anti-gender organizations has also been noted by representatives of the civil society. One of the many examples when public persons used hatred and incitement to hatred publically was observed in a video campaigning to vote for amendments to the Russian Constitution in 2020¹².

Monitoring shows that the authorities react to hate speech against LGBT+ people even more reluctantly than to hate-motivated violence. Such cases are practically not investigated by law enforcement agencies, it is almost pointless to complain about public or online hate speech. In 2020,

¹¹ ECOM, "Phoenix PLUS", Anonymous trans*group and "Coming Out". [Alternative report](#) «Human Rights Violations Based on Sexual Orientation and Gender Identity in the Russian Federation» submitted to the Human Rights Committee as a Commentary on the Eights Periodic Report by the Russian Federation. May 2020. Para. 11.

¹² On 2 June 2020 a provocative video inciting hatred against same-sex couples was posted on the PolitRussia YouTube channel and on the riafan.ru website. The video calls to come and vote for amendments to the Constitution. The video is a short story in which a child left without parental care is taken from an orphanage by a homosexual couple.

due to the transfer of a significant part of various types of human activity online because of the pandemic, the spread of hate speech has increased significantly¹³. People, being forced to stay at home for a long time, expressed their views in all available and possible forms online.

«The Men’s State» is a misogynistic channel in the Telegram messenger with 77,000 subscribers that calls for violence and discrimination. Previously, there was a popular group of the same name on the Vkontakte social network with more than 160,000 subscribers, where both women and LGBT were treated with equal hostility. It was blocked in June 2020. The activity of the public continued in Telegram.

Another infamous hater, residing in St. Petersburg, Mr. T. B. is known for scandals and his public calls to fight LGBT-activists. Mr. T.B. files complaints to the police [against teachers](#), whose homosexual orientation has become public, demanding to dismiss them and bring them to justice, or against minor [LGBT youngsters](#), asks the prosecutor's office to check LGBT [organizations and activists](#), etc. In 2022, he began to lodge complaints against St. Petersburg residents who make posts in social networks about the Russian [army](#).

The war, increased militaristic rhetoric and discussions around a new propaganda law have led to an increase in hate speech towards LGBT people. For instance, in March 2022, on the sermon, the head of the Russian Orthodox Church, [talked](#) about gay pride as a sin and marker of belonging to the ‘Western’ world justifying Ukraine’s invasion as a struggle of the "people of Donbas" against Pride marches.

In this connection, we recommend the State party to:

- *Take measures to prevent and combat hate speech, including in the media and on other public platforms such as the Internet, and by politicians and public figures in their discourse, in particular against LBGT+ people, women and migrants, in close cooperation with Internet service providers, social networking platforms and the groups most affected by hate speech.*
- *Ensure that all forms of hate speech, including online hate speech, are covered by the anti-discrimination legislation of the State party and made an offense.*
- *Collect disaggregated data on complaints, prosecutions and convictions for hate speech, as well as the penalties imposed for such acts, and include such data in its next periodic report.*
- *Develop methodological guidelines to address hate speech in public discourse.*
- *Take steps to combat extremist resources associated with the so-called "Men's State", and other anonymous resources calling to hatred and xenophobia.*

Domestic violence, sex crimes and violence against women

Domestic violence is of particular danger to the victims, as it deprives them of a sense of security and is repetitive in nature. Women belonging to racial and ethnic minorities, migrant women, who are victims of violence, including sexual violence, may require legal and psychological assistance or, in some cases, temporary shelter and help with employment. Counseling and other types of engagement with the perpetrators may be necessary to prevent further episodes of violence. According to the [report](#) “Domestic violence in the context of COVID-19 in Russia” of seven women’s rights organizations, levels of domestic violence increased during the COVID-19 pandemic. Existing support centers are located only in large cities of Russia, leaving rural women without shelter.

¹³ In 2020, LGBT-group «Stimul» recorded 40 hate speech incidents in Moscow. The shadow” report to [the UN HRCtte](#), 2022, para. 7.

In Russia, LGBT people face domestic violence regularly as the Coming Out LGBT group annual reports demonstrate.¹⁴

Russian law does not contain any penalty-enhancing provisions relating to acts of domestic violence or make a distinction between domestic violence and violence inflicted by strangers. On 7 February 2017 a law came into force in Russia that exempted certain physical assaults on family members (including spouses) from criminal prosecution, rendering these offenses “administrative”; additionally, a multitude of domestic violence offenses remain classified under the law as suitable for only private prosecution (subject to very narrowly interpreted exceptions), requiring victims to investigate and prosecute offenses themselves. Even if the court does adjudicate the case, a very low penalty is commonly imposed in the form of a fine. Besides, there are no protection mechanisms available for victims during an investigation carried out under the Code of Administrative Offences.

Article 6.1.1 of the Code of Administrative Offences (Battery) is not able to protect the rights and legitimate interests of victims of domestic violence since it does not take into account the systemic nature and patterns of domestic violence. Repeat battery does not in many cases entail an increase in responsibility or punishment.

The amendments to the Criminal Code of Russia (Article 128.1 part 5 - "Libel combined with the accusation of a person of committing a crime against sexual integrity and sexual freedom of the individual) put in place in December 2020, toughening the sanction for libel in relation to sexual violence crimes. This regulation discourages victims of sexual violence to report the abuses because of fear of criminal prosecution and tough sentences.

Psychological violence is almost completely overlooked in Russian legislation. In *«Volodina v. Russia No. 2»*, the ECtHR found that Russian authorities fail to protect victims from repeated acts of cyberviolence (for instance, in cases of the so-called “revenge porn”). In general, an overview of what Russia should do to change the appalling situation is given in the ECtHR pilot judgment in *«Tunikova and Others v. Russia»*. However, despite the fact that the judgment entered into force in March 2022, the judgment is unlikely to be implemented.

So far, the law on combating domestic violence (the draft bill “On Prevention of Family Violence”, introduced in November 2019) is not on the agenda or under discussion. In 2022 (CCPR/C/RUS/CO/8), the UN HRCte expressed its concerns about delays in adopting federal legislation prohibiting domestic violence and reports of an increase in domestic violence during the COVID-19 pandemic, the lack of adequate services for victims, including shelters, significant constraints faced by victims with regard to presenting their complaints, and the reluctance of law enforcement officers to prosecute acts of domestic violence (para. 14).

In this connection, we recommend the State party to:

- *Redouble its efforts to prevent and combat violence against women, particularly migrant women and LBT+ women, and ensure that all cases of violence against women are effectively investigated, perpetrators are prosecuted and sanctioned, and victims are provided with appropriate remedies.*
- *Ensure effective access to justice for all women who are victims of violence, and access to adequate services and care, including shelters, health care and post-rape care kits.*
- *Guarantee the resources necessary so that public healthcare institutions are able to adequately and appropriately provide services.*
- *Adopt specific federal legislation (law “On Prevention of Family Violence”) prohibiting domestic violence.*
- *Repeal the 2020 amendment to the federal law on defamation that provides for up to five years’ imprisonment for allegations connected to sexual harassment.*

¹⁴ [Report](#) on the situation of the LGBT* people in Saint Petersburg in 2021. St. Petersburg: Coming Out LGBT* Initiative Group. 2022.

- *Strengthen the training of relevant public officials, including law enforcement officials, judges, lawyers and prosecutors, on cases of domestic violence.*
- *Ensure awareness-raising campaigns, including among law enforcement, about the criminal nature of all forms of sexual violence and that violence is not justified in any circumstances.*

Discrimination against non-citizens, including migrants, refugees and asylum seekers (arts. 2–7) (List of Themes paragraphs 13-15)

LGBT migrants who have come to Russia are particularly sensitive to discrimination. These applicants arrive from countries where voluntary homosexual relations between adults are punishable by a prison term (Uzbekistan, Turkmenistan), and sometimes (Sudan or Nigeria) by the death penalty. The relevant provisions are included in the national Criminal Codes and, more importantly, are applied in practice. Furthermore, the applicants are persecuted and harassed there by society and by their own families as well. All these risks are underlined by the applicants when they apply to the Russian migration services for asylum.

However, the Russian authorities ignore the applicants' allegations, without giving any decent assessment of the countries' oppressive legislation. The authorities, as a rule, constantly provide irrelevant country information, bypassing the situation of the LGBT community in the region. The authorities often demand from the applicants some documented evidence of the criminal proceedings instituted against them for sodomy or the corresponding judicial sentences. The courts ignore the case law of international bodies – such as the ECtHR or the UN CAT / HRCtte. Finally, as a rule, the authorities say that the applicants do not belong to a separate social group that is protected by refugee law. This is a systemic problem of Russian legislation that does not have clear criteria by which it would be possible to determine how and in which cases LGBT migrants can count on refugee status, or at least on temporary asylum¹⁵. There is no statistics of granting asylum to a person because of their SOGIGE and corresponding risks of ill-treatment.

In 2021-2022, the authorities have introduced two bills designed to reform the system of working with foreigners. Both drafts do not improve the provisions concerning people seeking international protection.

In 2021, the Ministry of Internal Affairs prepared a [new federal law](#) "On the conditions for entry and residence in the Russian Federation of foreign citizens and stateless persons". Instead of a temporary residence permit, three new regimes for foreigners are introduced: a short-term residence regime (no more than 90 days in total during a year), a long-term regime (over 90 days) and a permanent indefinite residence regime.

In addition, areas that raise the most pressing issues from the point of view of respect for human rights – for example, procedural guarantees, issues of complaints or familiarization with the materials – are practically not touched upon in the text. The right to respect for family life may not be taken into account if a foreigner commits an administrative offense related to organizing or participating in an unsanctioned rally or picket. The draft does not describe the procedure for periodic review of restrictive measures for entry or stay. In Russia, there is no mechanism that would allow an interested person to demand a review of the imposed ban after some time. For instance, a migrant can be banned from entering Russia for 35 years, and a revision can not be legally expected.

Further, on 25 January 2022, the Ministry of Internal Affairs submitted for public discussion [a draft law](#) on granting asylum on the territory of the Russian Federation. In December 2022 (CCPR/C/RUS/CO/8), the UN Human Rights Committee expressed its concern that a federal bill on the granting of asylum in the territory of the Russian Federation was still pending adoption (para. 22).

¹⁵ For more details, see: Moscow LGBT-group “Stimul”. The shadow” report to [the UN CAT](#), LGBT+ refugees in Russia (The Russian Federation’s Compliance with Article 3 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment), 2021.

However, the proposed draft law, even if it is adopted, would not [resolve](#) a single problem that state bodies, courts, citizens face in practice when implementing the legislation on refugees.

Of course, in such a situation of legal uncertainty, there is no need to talk about other guarantees for LGBT migrants in Russia. The vulnerabilities or special needs of applicants are not systematically taken into account and no safe spaces for them are provided. Refugees and asylum seekers find themselves in precarious working conditions, as during the integration process they are not well acquainted with their rights in employment. None or little information is given to refugees regarding their rights and possibilities. There is no financial support provided to refugees during the integration period, no social welfare system. Asylum seekers experience hard living conditions and complicated relations with officers. They face obstacles in their access to education and health services. One should also mention the negative impact of the coronavirus disease (COVID-19) pandemic on the migrants.

Russia has recently started expelling [transgender women](#) who lack Russian citizenship. Moscow courts have ordered the [deportation](#) of at least four trans* women under the new law on “LGBT propaganda”. They were migrants who were engaged in sex work and advertised their services on the Internet. In January 2023, a transgender person from Kyrgyzstan [was fined](#) for “propaganda of nontraditional sexual relationships” in Moscow. The fine amounted to 100 thousand rubles (about 1 250 euro).

In this connection, we recommend the State party to:

- Stop refoulements and extraditions of de facto refugees to the countries with a known practice of torture and existing death penalty.*
- Expedite the adoption of the bill on the granting of asylum in the territory of the Russian Federation, taking into consideration comments from the Office of the UN High Commissioner for Refugees with respect to ensuring compliance with the Convention relating to the Status of Refugees and other international standards.*
- In the next report, provide information on: (a) the number of applications lodged by LGBT asylum seekers before the Russian migration services; (b) the number of cases where the temporary asylum or refugee status was granted to LGBT applicants.*
- Take measures to ensure access to a fair, transparent and efficient asylum procedure, to legal representation for migrants in domestic proceedings, particularly with regard to proceedings that have serious consequences for their security and stability, such as deportation or expulsion, ensuring that public legal aid systems are adequately funded and supervised.*
- Provide adequate resources to ensure that accurate translations of its laws are available.*
- Strengthen financial support schemes to asylum seekers, develop community-based accommodation for them, provide access to the full extent of medical assistance along with other citizens.*
- Develop alternatives to the detention of asylum seekers and migrants in an irregular situation.*
- Take the measures necessary to ensure that living conditions in migrant holding centres are satisfactory, in accordance with international standards.*

The right to health issues

Fighting against HIV

The [Law](#) “On Prevention of the Spreading of HIV in the Russian Federation,” article 5, declares that HIV-positive citizens of Russia have the rights, freedoms and obligations as prescribed by the Constitution and laws of the RF on its territory and on the territory of its subjects; the rights and freedoms of citizens of the Russian Federation may be limited because of their HIV-positive status. Article 10 of the same law indicates that foreign citizens and stateless persons who apply for a Russian

visa to stay within Russia's border for a period longer than 3 months are to provide a certificate about them being HIV-negative. Article 11 section two stipulates that "in case HIV is detected in a foreign citizen or a stateless person who are present on the territory of the Russian Federation, they are to be subjected to deportation outside the borders of the Russian Federation based on the procedure defined by the law." Such a situation invests in further developing stigma around HIV. It also creates additional reasons for avoiding getting tested for HIV and other STIs, receiving respective treatment and care, which creates more barriers to accessing healthcare and infringing the LGBT people's right to health and life¹⁶.

On the one hand, PLHIV can freely enter into the territory of the Russian Federation, however, it is impossible for a migrant who is openly HIV-positive to obtain a work permit, since HIV-positive status is one of the barriers to obtaining a work permit¹⁷. The specified permit is issued or reissued in accordance with the requirements of paragraph 5, part 2 and paragraph 6, part 9 of Art. 13-3 of [Law N 114 FZ](#), according to which, in order to obtain/renew a permit, a foreign citizen must provide a «certificate that this foreign citizen does not have a disease caused by the human immunodeficiency virus (HIV infection)». Moreover, according to paragraph 10, part 9 of Article 18 of the same law, a work permit is not issued, or an issued permit is revoked if the foreign citizen «is a drug addict, or does not have a certificate that he does not have a disease caused by the human immunodeficiency virus (HIV infection), or suffers from one of the infectious diseases that pose a danger to others».

In addition, the country still imposes criminal liability for the intentional and unintentional transmission of HIV infection, as well as significant restrictions on HIV-positive migrants, including in the context of access to antiretroviral therapy (ART).

The existence of criminal liability, even in the absence of any actual application of this punishment, leaves room for the stigmatization of people living with HIV (PLHIV), as well as for abuse of power, blackmail, and intimidation of LGBT people. HIV criminalization also creates barriers to accessing health care, including sexual and reproductive health services. The UN principles strongly recommend that such laws be applied only in cases of intentional transmission of the virus. We recall the [Oslo Declaration](#) on HIV criminalization, adopted by international civil society on 13 February 2012, and urge the States to abolish criminal liability for unintentional HIV transmissions.

One of the challenges is the requirement to submit HIV status certificates for migrants and the exclusion of non-residents from the list of people who can have regular access to ART. Migrants with HIV are the vaguest group in terms of statistics. Only the number officially examined and identified is precisely known. Most of the migrants take tests anonymously, some avoid testing. We are concerned that the legislation in this area, on the contrary, is being tightened. For instance, in Russia, [from December 2021](#), all migrants are required to regularly (once every three months) undergo HIV testing, and if they fail or receive a positive diagnosis, such persons are at risk of deportation or annulling of residence permit. We strongly recommend canceling the regulations, which require that immigrants submit HIV status certificates, to change the rules of providing ART to non-residents and ensure access to treatment for all people on the country's territory for uninterrupted treatment.

People who inject drugs (PWID) also remain the population group strongly affected by HIV. The inability of people who use drugs to access prevention and treatment services is compounded by the highly punitive measures meted out by law enforcement, including frequent arrest and incarceration.

In this connection, we recommend the State party to:

- *Limit the application of criminal law provisions to cases of intentional transmission of HIV, according to international public health and human rights standards, and ensure that law*

¹⁶ ECOM, "Phoenix PLUS", Anonymous trans*group and "Coming Out". [Alternative report](#) «Human Rights Violations Based on Sexual Orientation and Gender Identity in the Russian Federation» submitted to the Human Rights Committee as a Commentary on the Eights Periodic Report by the Russian Federation. May 2020. Para. 24.

¹⁷ Legislative analysis related to SOGI and HIV in Russian Federation / ECOM — Eurasian Coalition on Health, Rights, Gender and Sexual Diversity. — Tallinn, 2021. Page 9.

enforcement officers and judges are provided with training and have access to information about such standards.

- Ensure legal guarantees to protect the confidentiality and privacy of HIV-positive women, protect confidential health information from unwarranted access, and severely prosecute the disclosure of information.*
- Repeal the norm of deportation and prohibition of entry for foreign nationals living with HIV.*
- Develop a legal framework and ensure access to the full range of health services for migrants living with HIV.*
- Ensure that all people living with HIV, including in places of detention have access to HIV testing, treatment and care according to evidence based health care standards.*
- Develop and implement HIV prevention programs aimed at men who have sex with men and transgender persons.*
- Undertake a comprehensive review and reform of drug policy that include the decriminalization of drug use and drug possession for personal use.*
- Create favorable conditions for implementing socio-medical and human rights based approach to drug use including harm reduction and overdose prevention programs rather than punitive law enforcement methods.*
- Stop discriminating against people living with HIV and drug dependent people by way of preventing their access to HIV medications and other medical services based on the residence registration requirements and address the issues of HIV medication stock-outs.*

Right to health and the impact of the COVID-19 pandemic

While noting the State party's efforts to respond to the coronavirus disease (COVID-19) pandemic, we regret the lack of information provided by the RF in regard to the situation of migrants in the context of the pandemic. Vulnerable migrants were particularly exposed to health risks and other impacts of the COVID-19 pandemic, linked to factors such as the loss of informal employment, absence of health insurance, language barriers, undocumented residency status and recourse to shared housing in which physical distancing was problematic.

The COVID-19 pandemic has intensified the vulnerability faced by the LGBT+ population. Institutional violence in public services, unemployment and increase in informal work, food insecurity, homelessness, and greater exposure to violence are some of the situations reported. According to the survey in 2020,¹⁸ 60% of LGBT+ respondents reported a deterioration in their psychological well-being against the background of the COVID-19 pandemic.

Ensuring that responses and access to remedy the health impact and socio-economic consequences of the COVID-19 pandemic are compliant with the right to equality and non-discrimination, it is crucial to adopt affirmative action measures to end racial, gender and LGBT+ discrimination in the enjoyment of the right to health.

In this connection, we recommend the State party to:

- Conduct monitoring of the most vulnerable groups and communities of migrants on a regular basis and develop an effective mechanism for the identification of the most vulnerable individuals and communities.*
- Acknowledge LGBT people as a vulnerable group suffering from the pandemic and a targeting group for additional support.*

¹⁸ Report on the situation of the LGBT* people in Saint Petersburg in 2020. St. Petersburg: Coming Out LGBT* Initiative Group, 2021.

- *Include migrants in vaccination plans, and ensure that health systems are sensitive to the needs of migrants and deliver affordable and accessible services, regardless of immigration status.*
- *Provide support measures to undocumented and/or informally employed migrants.*
- *Promote a migrant-inclusive approach throughout the COVID-19 pandemic and organize public awareness campaigns countering xenophobia and promoting diversity, solidarity and tolerance.*

The issues of sex work

The legal uncertainty surrounding sex work and the illegal status of sex workers creates major legal barriers to seeking protection and justice in law enforcement agencies. Sex workers are specifically vulnerable to violence, HIV/AIDS and to discrimination, they are survivors of violence at home and on the streets. Article 6.11 of the Administrative Offences Code on prostitution and related policies that criminalize and stigmatize sex workers facilitate human rights abuses against sex workers by creating pretexts for agents of the state to control and punish sex workers.

Sex work (“prostitution” in government-endorsed regulations) in Russia is considered an administrative offense, while organization of “prostitution” is treated as a criminal offense with a penalty of up to eight years of prison. The criminalization of sex work also worsens the position and discriminates against migrants and refugees, as engaging in this type of work might make them more visible and liable to being targeted by state authorities. Many of them have expired visas, residence permission or no residence registration, and police can file a migration-related case with sanctions up to deportation.

The situation of women from vulnerable groups who face multiple discrimination as women and as minorities (ethnic and religious minorities, foreign women, and others) is cause for particular concern. Women migrants live in fear of document checks and raids, which are regularly accompanied by blackmail and abuse, and systematically encounter xenophobic treatment in various areas of life, including healthcare. They are often forced to risk their own lives and health by turning to unofficial medical offices, particularly in relation to questions about maintaining or terminating a pregnancy. Refusals to admit female migrants who have not been under prenatal observation to maternity hospitals during the pandemic have forced these women to seek expensive or unofficial birth options.

Sex work is the area where cases of intersectional discrimination most often occur, when the victim is a migrant of ethnic minority, LGBT and often PLHIV. Stigmatization of transgender sex workers is enhanced by the possibility of bringing to administrative responsibility for prostitution, since each act of commercial sex can entail administrative liability and any contact with a law enforcement officer allows for the immediate deportation of a transgender migrant sex worker to their country of citizenship, where there are no security guarantees and a higher risk of transphobic violence¹⁹. Stigmatization leads to serious limitations in access to healthcare services for transgender sex workers, including those aimed at reducing the risk of infection, preventing the spread of HIV, and receiving therapy when it is needed.

Meanwhile, the flow of migrants involved in sex work is high. For example, data on migration from Kyrgyzstan should be cited²⁰. The list of countries receiving migrants is headed by the Russian Federation: 88% of respondents indicated that transgender women choose Russia as their destination for migration. 85% of respondents have experience of sex work in the Russian Federation²¹. Trans

¹⁹ For more details, see: ECOM and “Coming Out”. [Alternative report](#) “Discrimination and violence against lesbian and bisexual women and transgender persons in Russian Federation”. Submitted to the Committee on the Elimination of Discrimination against Women (CEDAW) for the consideration of the 9th periodic report by Russian Federation. September 2021. Pages 12-13.

²⁰ Kalbaev T. Challenges and barriers to migration as a consequence of the economic vulnerability of trans* women in the Kyrgyz Republic / Public Association “Kyrgyz Indigo”. Bishkek, 2019.

²¹ Ibid., page 30.

women have multi-layered vulnerabilities as they are discriminated as trans people, sex workers and migrants²². One of the pressing problems in migration is detention by law enforcement agencies. Two-thirds (62%) of the respondents were arrested in one way or another by law enforcement agencies, and 15.4% of the respondents have experience of being placed in detention centers. The problem of deportation affected about a quarter of the respondents due to non-compliance with the rules of residence²³.

Anti Discrimination laws and regulations should guarantee sex workers' right to social, health and financial services. Health services should be made available, accessible and acceptable to sex workers based on the principles of avoidance of stigma, non-discrimination and the right to health. Law enforcement of officials, and health and social care providers need to be trained to recognize and uphold the human rights of sex workers, and held accountable if they violate the rights of sex workers, including the perpetration of violence.

In this connection, we recommend the State party to:

- *Decriminalize sex work by removing administrative punishment for sex work or the consensual exchange of sexual services between adults for remuneration (Article 6.11 of the Code of Administrative Offences of the Russian Federation).*
- *Remove all records for administrative offense under Article 6.11 from the database of the Ministry of Interior Affairs to prevent future discrimination in the workplace.*
- *Stop police raids against sex workers, which only increase violence against sex workers.*
- *Fund from federal, regional and municipal budgets community-driven programs for sex workers based on human rights and evidence to prevent HIV and STI prevention, as sex workers represent a key population affected by HIV/AIDS.*

Discrimination in employment

The “list of professions banned for women” results in employment discrimination against women; the Russian Federation is not implementing the recommendations and rulings of international institutions (CEDAW) to abolish this list. Transgender women are especially vulnerable in the sphere of labor relations²⁴.

There are also cases of firing of teachers and professors from institutes of higher education due to their sexual orientation or gender identity. In the years since the adoption of the “gay propaganda” law in 2013, there has been an atmosphere of harassment of LGBT people, including teachers and professors at institutes of higher education. Homophobic activists, including followers of the Orthodox religion, scrutinize information on the social network pages of teachers for sympathetic statements addressed to LGBT children, notes expressing tolerance of LGBT people, and send denunciations of these teachers to schools, education agencies, and local government bodies. Dozens of teachers and professors throughout the entire country have been harassed, fired, or forced to resign “by choice”.

In this connection, we recommend the State party to:

- *Eliminate discrimination in the area of employment and to ensure equal enjoyment of the right to work – including through positive action measures.*

²² Ibid., page 31.

²³ Ibid., page 32.

²⁴ For more details, see: ECOM and “Coming Out”. [Alternative report](#) “Discrimination and violence against lesbian and bisexual women and transgender persons in Russian Federation”. Submitted to the Committee on the Elimination of Discrimination against Women (CEDAW) for the consideration of the 9th periodic report by the Russian Federation. September 2021. Pages 9-11.

- *Stop the practice of firing teachers on the basis of SOGIGE or their activities to protect LGBT rights.*
- *Fully implement the recommendations of CEDAW (CEDAW/C/63/D/60/2013, para 13, b, i).*

Training, education and other measures to combat prejudice and intolerance and to promote understanding (arts. 1, 2, 6 and 7) (List of Themes paragraph 17)

We recall the importance of education in combating prejudices that lead to racial discrimination and promoting understanding, tolerance and friendship among nations and racial or ethnic groups, as established in article 7 of the Convention. Topics of sexual and reproductive health are frowned upon during family meetings, in public, in schools, and on television. As usual, “traditional values” and “morality” are taken up against the LGBT+ and sex education. The predominant reason for stigma and discrimination of the LGBT+ is absence of education and low awareness on the matters of sexual and reproductive health, as well as gender and SOGIGE awareness.

The State shall undertake to adopt immediate and effective measures, particularly in the fields of teaching, education, culture and information, with a view to combating prejudices which lead to discrimination based on sexual orientation, gender expression and gender identity and to promoting understanding, tolerance and friendship among nations and racial or ethnic groups, as well as to propagating the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights, the United Nations Declaration on the Elimination of All Forms of Racial Discrimination, and the Convention.

In this connection, we recommend the State party to:

- *Take measures to promote human rights education, including on the fight against racial and SOGIGE discrimination and on the importance of cultural diversity, tolerance and inter-ethnic understanding, in all school curricula, university programmes, teacher training.*
- *Mandate comprehensive sexual health education in all primary and secondary schools receiving federal funding that is age-appropriate, scientifically and medically accurate, rights-based, and inclusive of all young people and allocate funding for community-based initiatives to ensure information on sexual health reaches young people who are out of school.*
- *Hold consultations on this matter with relevant stakeholders, including civil society organizations, in particular organizations representative of the groups most exposed to intersectional discrimination.*

Human rights defenders

Civil society plays an important role in the promotion and protection of human rights and freedoms. It is important to lift the obstacles for the normal work of the CSOs, to ensure a safe and favorable environment which supports work to promote and protect economic, social and cultural rights.

In 2017 (CERD/C/RUS/CO/23-24), the Committee recommended that the Federal laws on Non-commercial Organizations and on “Undesirable Organizations”²⁵ be reviewed to ensure that NGOs, including those working with ethnic minorities, indigenous peoples, non-citizens and other vulnerable groups, were able to carry out their work effectively to promote and protect, without any undue interference, the rights contained in the Convention (para. 12)²⁶. Since then, the situation has only

²⁵ The Federal Laws № 121-FZ and No. 129-FZ.

²⁶ Equally, in 2022 (CCPR/C/RUS/CO/8), the UN HRCtte requested the RF to end acts of harassment of, intimidation of, unwarranted prosecution of lawyers, journalists, human rights defenders (para. 27). The HRCtte also urged Russia to repeal legislation that restricts freedom of association, including provisions on “foreign agents” and “undesirable” organizations and to end the prosecution of individuals and organizations based on this legislation (para. 35).

worsened. On 1 December 2022 the “improved” law on “foreign agents” came into force and their unified register appeared²⁷.

As a result of the mentioned discriminatory legislation, several civil society organizations and initiatives working on HIV prevention or fighting against SOGIGE discrimination, were declared “foreign agents” and / or had to stop their activities.

For instance, in June 2018 one of the oldest CSOs for HIV prevention in Russia – ‘Timur Islamov Foundation’ – was declared a “foreign agent” by the Ministry of Justice of the RF. In December 2018 the Ministry of Justice also declared ‘Action’, a civil society organization that works for HIV prevention among key affected populations in St. Petersburg, a “foreign agent”. In December 2018 an HIV service CSO “Choice” (Vibor), Biysk, had to terminate its activities because of the fine imposed by a district court for the alleged failure of the organization to self-register as a “foreign agent”. In November 2021 the authorities designated the Russian LGBT Network a “foreign agent” organization. Mr. K., the leader and founder of the Russian LGBT Network was included in the list of media foreign agents. Later, in December 2021, they were also joined by the Vladivostok movement "Mayak", the St.Petersburg LGBT initiative group "Coming Out", Initiative group LGBT+ "Revers". On 15 April 2022 the Ministry of Justice of the RF included into the register of foreign media agents M. S., a former employee of “Coming Out”. On 7 September 2022 Russian courts liquidated one of the oldest LGBT organizations in the RF, the Sphere Foundation²⁸.

Since the beginning of 2023, the Ministry of Justice has been explaining the reasons why certain persons are included in the Registry. One of the reasons for several persons even who are not LGBT activists is an LGBT propaganda (or ‘propaganda of non-traditional relationships’). Among such people are public persons who spoke out in support of LGBT people.

In addition, the State party denies the registration of numerous new civil society organizations. The complex administrative regulations and procedures for the registration create an inability to operate freely.

Human rights defenders, members of civil society organizations and journalists have also increasingly become targets of intimidation, surveillance, harassment, threats and reprisals, as a consequence of their work to promote and protect the rights of persons belonging to groups vulnerable to various forms of discrimination. The sphere in which LGBT CSOs operate in Russia predetermines the nature of the [threats](#) and obstacles that the lawyers and activists periodically have to face. For instance, the authorities did not take any meaningful actions in 2019, when the Russian LGBT community was stunned by the appearance of the so-called *Saw* (*Пила*) movement, which publicly [sent threats to LGBT activists](#), and offered monetary rewards for executions, kidnappings and harassment of LGBT people. On 24 May 2020 on the VKontakte social network in the group named “Against LGBT propaganda”, an unknown person published a comment from his account with the personal data of a number of individuals, including several attorneys and lawyers working with LGBT issues. Crime reports were filed, but the investigative body didn’t carry out a proper investigation.

Instead of imposing even greater restrictions on CSOs, it would be better if the authorities consult and start a dialogue with organizations working in the area of human rights protection, in particular those working to combat racial and SOGIGE discrimination, involving their representatives in the preparation of the next periodic report.

In this connection, we recommend the State party to:

²⁷ Federal Law [No. 255-FZ](#) of July 14, 2022 “On Control over the Activities of Persons Under Foreign Influence”, which regulates the activities of foreign agents, came into force on December 1, 2022.

²⁸ «Sphere» has been protecting the rights and supporting the Russian LGBT+ community since 2011. In February 2022, the Ministry of Justice filed a lawsuit against the foundation, pointing out the inconsistency of its activities with “the main traditional family values enshrined in the Constitution.”

- *Repeal or amend any legal provisions that unduly restrict the activities of non-governmental organizations, including the provisions introduced by Federal Laws Nos. 121, 129 and 255.*
- *Remove complex regulations and administrative procedures for the registration of civil society organizations.*
- *Promulgate specific legislation to protect human rights defenders, provide them additional funding.*
- *Stop the practices of persecution, threats, insults and intimidation towards the human rights defenders and human rights organizations when they advocate rights of citizens, in particular ethnic minorities or other vulnerable groups.*
- *Put an end to the practices of discrediting and portraying activities of human rights defenders and human rights organizations in a bad light to the society.*
- *Refrain from including analytical reports and publications by NGOs dedicated to the problems of racism and discrimination in any lists of banned materials.*
- *Increase its efforts to involve non-governmental organizations and civil society in the processes of its next periodic report and its review.*

Conclusion

The next periodic report, which will be submitted to the UN CERD by the RF, should be fully comprehensive and thus include precise and detailed information on the provision of fundamental human rights protected by the International Convention.

Overall, the present alternative report concludes that there are gaps and shortcomings in the legislative and policy frameworks which have to be urgently addressed. In order to enhance protection of vulnerable groups in Russian society and to combat discrimination, we suggested several recommendations listed above.

We would appreciate the Committee's attention to these issues in its future Concluding Observations, and we hope that the CERD will hold the RF accountable for making progress on these issues.