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**RUSSIAN
LGBT
NETWORK**
INTERREGIONAL
SOCIAL MOVEMENT

**DELO
LGBT+**



SIDE BY SIDE
international film festival

**Anti-Discrimination Center “Memorial”
Russian LGBT Network
DELO LGBT+
Side by Side International LGBT Film Festival**

Discrimination on the basis of gender and/or SOGI in Russia

**Joint Submission to the Human Rights Council
at the 44th Session of the Universal Periodic Review (Fourth cycle, November 2023)
Russian Federation**

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1. Anti-Discrimination Centre (ADC) Memorial¹, the Russian LGBT Network², DELO LGBT+³ and Side by Side film festival⁴ made this joint submission in relation to the problems of discrimination based on sex, gender, sexual orientation and gender identity.

I. Omnipresence of discrimination in contemporary Russia

2. Since the beginning of Russia's invasion to Ukraine, the Russian authorities have escalated unprecedented repression against civil society, activists and any dissenters. Many organizations, human rights defenders and journalists have left Russia for security reasons. Military censorship, Russia's withdrawal from the Council of Europe institutions, including the ECHR, Russia's rejection of many international obligations, forced liquidation of human rights NGOs, expansion of lists of "foreign agents", tightening of the law "on the prohibition of LGBT propaganda", arrests and convictions to real terms of imprisonment for peaceful expression of disagreement with the state policy – all this is only a part of the new reality faced by Russian society.
3. All of the above is directly related to the issue of discrimination, since the gradual degradation of Russian society under the influence of state propaganda and the tightening of the regime took place in an atmosphere of escalating hatred and discrimination against various vulnerable groups, especially against LGBTI+ people.

II. Discrimination of women

4. As a positive aspect, the List of Professions Banned for Women in Russia continues to be shortened. Since 2021, more and more jobs have become available for women (all transport related jobs – at sea, buses and trucks, all kind of trains, including metro; work in a printing workshop). Since March 2022, women are permitted to work as aircraft mechanics and technicians. In the end of 2022, a [bill](#) was introduced to the State Duma on the total abolishment of professional bans and exclusion of the discriminatory article from the Labor Code.⁵
5. In the updated [National Strategy](#) of Actions in the Interests of Women (2023-2030) (approved in December, 2022),⁶ the concepts of "sexual harassment at work" and "sexualized violence" were introduced, as well as the tasks to "increase digital literacy", "interest in exact sciences", "popularization of technical specialties" among women. The Strategy recognizes the lack of gender equality in Russian society, namely in wages, in business, in politics. Among the goals, there are "overcoming occupational segregation and expanding women's access to leadership positions", "expanding the spheres of the economy with the participation of women", and other positive measures aimed at achieving equality of men and women in employment. However, in the new Strategy, not enough attention is paid to the problem of domestic violence, nor to discrimination of HIV+ women, to female poverty.
6. The Russian legislation lacks a definition of "domestic violence", as well as adequate substantive and procedural legal provisions for the prosecution of its various forms, or any form of restraining orders. Russian legislation does not meet the requirements laid down in the positive commitment of the State to

¹ Anti-Discrimination Centre (ADC) Memorial is a Human Rights NGO defending the rights of vulnerable groups (such as representatives of ethnic minorities and indigenous peoples, migrants, stateless persons, LGBTI and others) in Eastern Europe and Central Asia, through national and international advocacy, strategic litigation and education/information work (see more: <https://adcmemorial.org/>).

² The Russian LGBT Network Interregional Social Movement was founded in 2006 to create public support for eliminating all forms of discrimination on the basis of sexual orientation and gender identity, to spread the idea of tolerance in Russian society, to further the active participation of gay, lesbian, bisexual, and transgender people in public life, and to protect the rights of LGBTI+ people in Russia. The movement is comprised of 24 human rights initiatives and over 60 individual participants throughout Russia (for more information, see: <https://lgbtnet.org/about/>).

³ The DELO LGBT+ Human Rights Initiative is a human rights association of lawyers and civil activists founded to protect the rights of LGBTI+, intersex, asexual, and polyamorous people and other groups subject to discrimination on the basis of sexual orientation, gender identity, or preferred type of relations. The group continues to operate in Russia, and its participants provide the kind of assistance that cannot be provided from abroad, namely, representation in courts and other law enforcement bodies and so forth (for more information, see: <https://delo.lgbt/polozhenie>).

⁴ The Side By Side International Film Festival aims to establish open cultural spaces in which Russian society and members of the LGBTI+ community can have broad discussions and generate a positive dialogue to contribute to the fight against discrimination on the basis of gender, sexual orientation, and gender identity. It was held annually in St. Petersburg from 2008 to 2021, when it was disrupted by the authorities for the last time (for more information, see: <https://bok-o-bok.com/>).

⁵ Federal Law No. 251841-8 "On repealing the Article 253 of the Labor Code of the Russian Federation", December 1, 2022.

⁶ [Decree](#) of the Government of the RF No. 4356-r, December 29, 2022, "On the Approval of the National Strategy of Actions in the Interests of Women for 2023-2030".

create and effectively apply a system of punishment for all forms of domestic violence and to provide sufficient guarantees for women victims. The bill on prevention of domestic violence has never been considered since 2016.

7. Meanwhile, in Russia as a whole and in its particular regions such as in the region of North Caucasus, the problem of violence against women is acute. There are cases of “honor killings”, kidnappings by relatives, taking children away from mothers, FGM⁷. As a rule, such crimes against women are not investigated and are perceived “normal” by local authorities and an essential part of the male population.

III. Discrimination on the basis of sexual orientation and gender identity

8. At the 39th session of the UPR, Russia adopted a series of recommendations to create conditions for LGBTI+ people to exercise their rights and to conduct a thorough investigation into the persecution of gay people in Chechnya⁸.
9. Nevertheless, the Russian government continues to openly pursue a targeted policy of stigmatizing and marginalizing LGBTI+ communities and excluding (“canceling”) openly LGBTI+ people from Russian society.

A. Situation of LGBTI+ people in the North Caucasus

10. The persecution of LGBTI+ people in the North Caucasus has become commonplace in recent years. The Russian authorities have not taken any effective steps to suppress the large-scale practice of [persecuting](#) gay men in the North Caucasus, particularly in the Chechen Republic. The federal government, which is in charge of law enforcement bodies, has done almost nothing to conceal its reluctance to investigate this problem and has left the solution up to regional governments, which have done nothing to hide their negative attitude toward members of the LGBTI+ community and sometimes even publicly condone hate crimes that have been committed.
11. LGBTI+ people in the North Caucasus have been deprived of their civil rights: They have no viable mechanisms for protecting their rights, and the only real way to avoid persecution and the daily risk of physical reprisals is to flee abroad⁹ and be [granted asylum](#).

B. Hate speech (homophobic propaganda)

12. So-called “hate speech” is a major problem for LGBTI+ people in Russia. Russian law provides for liability for inciting hatred or enmity ([Art. 20.3.1 of the Russian Administrative Offenses Code](#), [Art. 282 of the Russian Criminal Code](#)), but law enforcement agencies regularly refuse to open cases concerning incitement of hatred of the LGBTI+ community. Videos supporting a hateful attitude toward the LGBTI+ community and degrading LGBTI+ people are being published [online](#) and in the [media](#), and groups whose goal is to incite hatred of LGBTI+ people continue to be active.¹⁰ These materials and groups are not blocked even after activists and concerned citizens file complaints with state agencies.
13. It is worth making separate note of the official rhetoric of the Russian authorities and public figures close to them. For example, Russian officials have made extremely xenophobic statements that describe LGBTI+ identity as contrary to Russian and Orthodox values, as a phenomenon propagated by Western culture that is alien to Russia, and as a part of the West’s plan to fight Russia. Vitaly Milonov, a State Duma deputy and member of the United Russia ruling party, is the best known “mouthpiece of hate” in the Russian government and consistently uses “hate speech” [directed](#) at LGBTI+ people on [social media](#) and in his public [comments](#). In his speeches, he persistently accuses members of the LGBTI+ community of standing against the foundational Orthodox values of the Russian people, openly calls LGBTI+ people perverts, and responds to the presence of LGBTI+ activists in the public sphere with highly offensive language. His words are never met with any official reprimands, condemnation, or criticism. Such hate speech has become the norm in

⁷ Killed by gossip. “Honor killings” of women in the North Caucasus. [Report](#) by SJI, 2018; The practice of female genital mutilation in Dagestan: strategies for its elimination. [Report](#) by SJI, 2018.

⁸ [A/HRC/39/2](#): recommendations adopted by Russia on the situation with LGBTI+ rights Nos. 147.123, 147.125, 147.126, 147.127, 147.128, 147.129, 147.238, 147.98, 147.97, 147.96, 147.94, 147.90, 127.91.

⁹ Even though fleeing to another part of Russia reduces the risks of persecution, it does not mean that LGBTI+ people will be free from persecution in those areas.

¹⁰ A typical example of such a group is the Vkontakte group “[Volk-gomofob](#)” [“Wolf-homophobe”], which has over 25,000 subscribers. Administrators at Vkontakte and Roskomnadzor have not taken any measures to suppress this kind of obvious abuse of freedom of speech.

Russian political rhetoric.

C. Hate crimes (fake dates)

14. So-called “fake dates” have been a problem in Russia for many years. This is a type of crime against LGBTI+ people (mainly gay and bisexual men and transgender people) where, under the pretext of a date, the victim is lured to a place where they are left alone with criminals; then, under threat of disclosure of their sexual orientation or gender identity or the threat of violence, they are required to commit certain actions (they are generally subjected to extortion). The victims of such crimes are often people from vulnerable groups, namely LGBTI+ migrants from countries where membership in the LGBTI+ community is generally condemned and could result in serious consequences up to deprivation of life, as well as residents of Russian regions that have a similar [practice](#).
15. In many ways, the very opportunity for such crimes is a result of the atmosphere of intolerance created by the authorities and the powerlessness of LGBTI+ people in Russia. Because of this, criminals have a sense of impunity and victims are afraid to seek protection. When a victim does decide to seek protection, the police and the courts systematically ignore the motive of hate, even in cases where the accused admits that hate was a motive. As a result, the specific characteristics of “fake dates” (and other hate crimes against LGBTI+ people) remain invisible, while crimes against LGBTI+ people are viewed, even by the courts, as regular robberies, thefts, and so forth, and not as hate crimes.

D. LGBTI+ refugees

16. Russia does not recognize membership in the LGBTI+ community as a ground for political asylum or international protection in any form, even when a person seeking such protection faces a grave and high risk at home of both persecution and physical violence on the part of homophobic, biphobic, and transphobic members of society and criminal prosecution for being part of the LGBTI+ community. Even in cases where applicants can provide reliable and convincing evidence of concrete persecution in their country of origin, the Russian authorities never alter their decision. The Russian authorities’ refusal to provide protection to the victims of persecution means that these people are deported to a country where they will not be able to avoid [repressions](#) on the basis of their sexual orientation or gender identity.

E. Right to respect for private and family life

a. Nonrecognition of same-sex relationships

17. Russia does not officially recognize same-sex relationships, registered or otherwise. Because of this, same-sex couples do not have the same legal guarantees as heterosexual couples in registered unions, including the right not to testify against a spouse; spousal benefits for vacations and other guarantees of a spouse’s labor rights (for example, caring for a sick spouse); the right for a spouse who cannot work to receive support from a spouse who can; the right to move into municipal housing; the right for a couple to jointly adopt a child; the right to tax deductions; the right to visit a spouse in the ICU; the right of a foreign-born spouse to not be deported from Russia; the right of a spouse to receive a pension in connection with the loss of a breadwinner (the other spouse); a guarantee that the interests of both spouses will be observed when shared property acquired during marriage is split; the right of a spouse to an inheritance under the law (if there is no will); the right to be buried next to a spouse; and so forth. Same-sex couples in Russia do not have any of these rights because there is no mechanism for recognizing same-sex relationships.
18. This leads to obvious discrimination against same-sex couples, which was starkly demonstrated in the European Court of Human Rights case *Fedotova and Others v. Russia*¹¹, where the Court found that Russia violated the applicants’ rights to respect for their private and family life.

b. Persecution of gay fathers using surrogate mothers

19. September 2020 marked the launch of a mass [campaign](#) to criminally [prosecute](#) single fathers with children from surrogate mothers and the organizations that help facilitate these relationships. Investigative bodies

¹¹Complaint [No. 40792/10](#) *Fedotova and Others*, Grand Chamber Ruling of Jan. 17, 2023. Even though the Court did not consider violation of Art. 14 of the Convention, the text of the Ruling clearly suggests that there are unjustified differences in the way same-sex couples and heterosexual couples in a registered marriage are treated, which ultimately results in a violation of Art. 8 of the Convention.

believed that such fathers should not be donors for in vitro fertilization “[because](#) they have a non-traditional sexual orientation”. Staff from medical centers and lawyers who helped arrange the relationships between the single fathers and the surrogate mothers were taken into custody. Fearing prosecution, some fathers left the country with their children. This effectively amounted to the persecution of single gay fathers exercising their natural right to have children and the gross interference of the authorities in private and family life.

20. In the end, this campaign led to new bans. [Order of the Russian Health Ministry of July 31, 2020 No. 803n](#), which entered into force on Jan. 1, 2021, deprived single fathers of the ability to officially use surrogate mothers, and [Federal Law of Dec. 19, 2022 No. 538-FZ](#) banned single men from using surrogacy. This is a blow not just to the rights of gay men, but also to the rights of single heterosexual men, and it amounts to egregious gender discrimination.

c. LGBTI+ parents

21. Russia’s Family Code prohibits people in same-sex marriages and people who are citizens of a country that allows same-sex marriage and are unmarried from adopting children ([Art. 127\(1\)\(13\) of the Russian Family Code](#)). Such people also cannot be foster parents (guardians) for a child ([Art. 146\(1\) of the Family Code](#)).
22. The Russian authorities refuse to recognize birth certificates listing parents of the same gender. In Russia, if a baby is born to one parent in a same-sex marriage, the biological parent’s partner cannot legally be recognized as the second parent, which deprives that parent of a number of rights: the right to raise a child together; the right to demand that a child be returned from a person who is wrongfully keeping that child; the right to advocate for the child’s interests in relationships with other people and represent the child’s interests; the right to be the heir apparent; and so forth.
23. This situation is an extension of the absence of any legal form for recognizing same-sex relationships in Russia; it results in discrimination against LGBTI+ parents and does not provide legal protection for partners whom Russia does not recognize as parents but who are in actual fact parents. This creates a threat not just to the rights of parents to raise a child, but also to [the child’s right to a family](#) and the child’s right to develop and grow up in a family environment regardless of their parents’ sexual orientation.

F. Freedom of speech and freedom of association

a. “Foreign agents”

24. Most non-profit LGBTI+ organizations, human rights and other LGBTI+ initiatives, and many LGBTI+ activists in Russia have been deemed so-called “foreign agents”¹². The “foreign agent” status entails significant restrictions on activities and additional obligations to the authorities: a large volume of additional reporting; what amounts to the need for permission to hold events, which the authorities can ban for any reason; the lack of the right to participate in government affairs (for example, holding public office; participating in advisory, expert, or other bodies; the right to be a parliamentary candidate or public monitoring commission member, etc.); the lack of the right to hold public events, receive government support, conduct pedagogical or outreach activities; and so forth. Violation of restrictions and bans results in enormous fines and, in the case of a repeat violation, criminal prosecution. The authorities use the “foreign agent” status to put a “soft” ban on the activities of undesirable people and organizations and squeeze them out their activities and, especially, the public sphere. This is an egregious violation of the right to freedom of association and the right to freedom of expression, which was clearly reflected in the ECtHR’s judgment in the case of *Ecodefense and others v. Russia*¹³.

¹² For example, the “foreign agent” status was assigned to the Russian LGBT Network Interregional Social Movement on Nov. 8, 2021; the St. Petersburg-based LGBTI+ advocacy group Coming Out and the LGBTI+ advocacy group Revers on Dec. 24, 2021; the Moscow Community Center for LGBTI+ Initiatives on Feb. 11, 2022; the LGBTI+ Resource Center (Yekaterinburg), on Oct. 7 2022; the transgender advocacy group T-Action on Nov. 25, 2022; the autonomous non-profit organization for social and sports programs LGBTI+ Sports Association on Dec. 23, 2022; the T9 NSK project for transgender people and their loved ones on Jan. 20, 2023; and others.

¹³ Application No. [9988/13](#) *Ecodefense and others*, Chamber Ruling of June 14, 2022.

25. The large-scale negative development of the legislation on “foreign agents” currently makes it possible to recognize as so-called “foreign agent” almost any person, organization, or unregistered association.¹⁴ The Ministry of Justice operates like a [factory](#) on recognition people as “foreign agents” updating the registry weekly on Fridays. Currently there are more than two hundred people on the list; however, this is only a small part of those who are being monitored. Thanks to the data leak from the Head Radiofrequency Center,¹⁵ it became known that the authorities are closely monitoring a much larger number of people. Summary reports were drawn up on them and were already used or by the Ministry of Justice for inclusion into the registry of “foreign agents”. The logic of surveillance by the authorities cannot be definitively traced; however, as it follows from the published data, LGBT activists are under total [surveillance](#).

b. Persecution and liquidation of NGOs

26. The persecution of LGBTI+ organizations and activists is becoming more common every year. Deeming an organization or citizen a “foreign agent” is only one way of combatting dissenting views. But the authorities are also resorting to more radical and egregious methods, namely by creating physical barriers to activity and forcing organizations to shut down.
27. Over the past five years of the Side by Side International LGBT Film Festival’s activities, there has not been one year when the festival was held freely, without any interference or disruption on the part of the authorities. For example, in November 2018, the festival’s opening day in St. Petersburg was [disrupted](#) by State Duma Deputy Vitaly Milonov, who [announced](#) that the film festival was allegedly [holding](#) people hostage. That same year, the police [interrupted](#) a showing and did not allow the audience to [return](#) to the space where the film was being shown after a bomb scare. During the first five days of the festival in St. Petersburg in 2019, spaces used by the festival were allegedly “mined by unknown people.” Law enforcement agencies deliberately wasted several hours of the festival on checking false reports of bombs that had allegedly been placed at the festival. And even though the reports were clearly fake, the police never opened criminal cases at their own initiative. It took the Festival several months of legal battles to force law enforcement agencies to open cases on knowingly making a false report about an act of terrorism ([Art. 207 of the Russian Criminal Code](#)). None of the criminal cases have reached the point of identifying and prosecuting the guilty parties.
28. The level of attacks at the four-day festival in Moscow in 2019 was completely [unprecedented](#): Every day, the festival spaces were [besieged](#) by nationalists like the National Liberation Movement, SERB, and Forty Forties. They prevented audience members from entering the space, shouted insults, and doused the audience with a poisonous liquid, recording this all on video. There were false reports of bombs every day of the festival, and on the third day, spectators had to be removed from the hall because two nationalists had brought in a bottle containing a foul smelling liquid. Police officers ignored all these events, even though they were on site for the entire festival. It was only on the first day that the head of the nationalists and several other people were detained and delivered to the police.
29. In 2020, the festival was [disrupted](#) by police officers and sanitary and epidemiological officials under the pretext of violation of the festival’s COVID requirements, and the space was [closed](#) for an entire week even to other groups leasing it.
30. The Sphere charitable foundation for social and legal assistance, which is the Russian LGBT Network’s financial backer, was deemed a “foreign agent” in 2016. In 2022, it was subjected to an unprecedented check by the Russian Justice Ministry. The organization had to submit almost all its records for the past three years, which amounted to almost 5,000 pages of documents. As a result of the check, a liquidation claim was filed against the financial backer in February 2022 because of “gross and irreversible violations” allegedly present in its activities. In fact, however, the grounds for liquidation came down to violating so-called “traditional

¹⁴ During the last 10 years, dozens of amendments and adjustments have been made to the legislation on “foreign agents”, restricting the rights of persons recognized as “foreign agents”, expanding the concept of “foreign agent” and multiplying the categories of the “agents”. Since 2012, when the status of “foreign agents” could be imposed to the registered NGOs only, there appeared a lot of new ones: mass media – foreign agents, individuals – mass media – foreign agents, individuals – foreign agents (not mass media), unregistered NGOs – foreign agents. A separate registry was created for each category. Finally, in 2022, a newly adopted law consolidated all registries into a single one and unified the status of a “foreign agent”. As a result, at the moment the status of a “foreign agent” can be imposed on almost any person or organization just for their views, beliefs and statements, regardless of foreign funding.

¹⁵ The Head Radiofrequency Center is a federal state unitary enterprise subordinated to Roskomnadzor which is the main state agency responsible for censorship in Russia.

family values,” promoting “LGBTI+ ideology alien to Russia,” and, consequently, “undermining the foundations of Russia’s constitutional order” and “creating a threat to the country’s security.” The court [upheld](#) the claim in spite of the absurd nature of the charges. The court ruling entered into force in September 2022 after the appeal was reviewed. The financial backer was removed from the Unified State Register of Legal Entities on October 20, 2022, which marked the end of its existence in Russia. After the legal entity of the financial backer was shut down, the Russian LGBT Network continued its activities as an unregistered social movement, which had also previously been added to the “foreign agents” list.

c. Propaganda ban

31. The most egregious manifestation of state homophobia is the [federal law](#) on a so-called “ban on the promotion of non-traditional sexual relations to minors”, which was adopted in 2013. This law has been criticized by many international organizations¹⁶. However, the Russian authorities went even further in late 2022: A law imposing a total ban on the promotion of LGBTI+ issues to both minors and adults was [adopted and entered into force](#). The requirement relates to anything from which information can be extracted – movies, books, computer games, the media and so forth. Any goods containing such information (including books, movies, etc.) are also banned from sale. Violations of this ban entail a fine of 50,000 to 400,000 rubles for individuals; 100,000 to 800,000 rubles for officials; and 800,000 to 5 million rubles for legal entities or suspension of activities for up to 90 days.
32. This ban has already caused numerous cases of censorship, particularly in the book and film industries. [Bookstores](#) and e-book services are making books containing even passing references to LGBTI+ topics unavailable, because they fear that the new repressive laws will be [applied](#) against them. Roskomnadzor has distributed a list of movies and series that cannot be shown in Russia now, even if they are rated 18+. These include Brokeback Mountain, Call Me by Your Name, the series This Is Going to Hurt, and others. None of these are available from Russian online movie [services](#).
33. This same law [introduced a new ban](#) on the distribution to children of information “portraying non-traditional sexual relations”, including a description or depiction of non-traditional sexual relations. This effectively amounts to a ban on even mentioning LGBTI+ issues to minors. Violations of this ban entail a fine of 50,000 to 200,000 rubles for individuals; 100,000 to 400,000 rubles for officials; and 800,000 to 4 million rubles for legal entities.
34. Such bans are a gross violation of international human rights standards, and not just in relation to adult members of the LGBTI+ community, which is a fact that international organizations have repeatedly established.¹⁷ They also violate the right of children to receive information, including information about sexual orientation and gender identity, as an element of their freedom to see, receive, and impart information and ideas of all kinds (Art. 13 of the [Convention on the Rights of the Child](#)). The ban is also at odds with recommendations made by UN institutions, namely the [International Technical Guidance on Sexuality Education](#), which was compiled on the basis of facts and scientific data from UNESCO in conjunction with UNICEF, the WHO, UNAIDS, and others.¹⁸
35. Roskomnadzor, the main state agency responsible for censorship, massively blocks undesirable information resources, including those who spread information about LGBT people. In 2021, the Federal Agency for Youth Affairs (Rosmolodezh) also initiated extrajudicial blockings of LGBT resources under the pretext of protecting the interests of minors¹⁹.

¹⁶For example, the Venice Commission’s Opinion on the legal “ban on the propaganda of homosexuality” [No.707/2012.CDL-AD\(2013\)022](#).

¹⁷ECtHR judgment in the case of Bayev and Others v. Russia ([No.67667/09](#)); Views adopted by the [Human Rights] Committee under article 5 (4) of the Optional Protocol, concerning communication No.[2318/2013](#).

¹⁸In addition, the WHO [recommendations](#) on adolescent sexual and reproductive health and rights recognizes that young people have the right to complete and accurate information about sexual and reproductive health, including information about sexual diversity and gender identity. The recommendations also appeal to healthcare providers and educators to provide impartial, age-appropriate information that respects the private lives and confidentiality of young people. The law adopted in Russia does not provide any opportunity for fulfilling these recommendations, since it bans any description of LGBTI+ people and their relationships for minors.

¹⁹ Previously, the Russian authorities had to go to court to block LGBT resources (as a rule, prosecutors filed lawsuits “in the interests of an indefinite circle of persons” or “in the interests of minors”). However, the court procedure was lengthy and often lost by the prosecutors, as the owners of the resources could participate in the hearings and present their arguments and evidence. The participation of Rosmolodezh simplified the blocking procedure, since it becomes extrajudicial; besides, the amendments to the legislation adopted in the end of 2022 have made the practice of blocking LGBT resources widespread. With these changes, the owners of resources have no chance of unblocking, even if they appeal the decisions on blocking.

36. At the end of 2021, the websites and the online cinema of the Side by Side International LGBT Film Festival were arbitrarily [blocked](#) by Roskomnadzor based on the decision of Rosmolodezh. Despite the marked rate 18+, the resources were blocked based on the usual reason – the so-called "propaganda of non-traditional sexual relations among minors". The court rejected the appeal for unblocking.
37. The sites of the [Russian LGBT Network](#), the [Parni+](#) portal, the [Online Museum of LGBT History of Russia](#) and many other LGBT resources, up to LGBT dating [groups](#) in social networks, were similarly persecuted.
38. At the end of 2022, the Russian government included information "promoting non-traditional sexual relations and (or) preferences, paedophilia, sex change" in the list of content for inclusion in the Roskomnadzor unified register of banned sites,²⁰ which in fact legalized and simplified the extrajudicial procedure for blocking information about LGBT people. In January 2023, Roskomnadzor officially [reported](#) on the inclusion of 306 websites containing information of LGBTI+ to the register of prohibited information, since December 6, 2022 (the entry into force of the law on the "LGBT propaganda ban").
39. In December 2021, the Ministry of Culture [refused](#) to include the Side by Side International LGBT Film Festival in the list of international festivals to be held on the territory of Russia in 2022. The ground of the refusal was explained as the Side by Side "promotes non-traditional sexual relations among minors", despite the fact that the festival has always marked the rate 18+. In fact, this meant a ban on the film festival in Russia in 2022, even in an online format. In October 2022, the Arbitration Court of Moscow [refused](#) to recognize illegal the decision of the Ministry of Culture.
40. Since the adoption of the "propaganda law", the security forces used to conduct illegal raids on LGBTI+ initiatives on a regular basis. In February 2023, the police and the Center "E"²¹ [searched](#) the community center of the Far Eastern Public Movement "Mayak", right during a group meeting in support of LGBTI+ people. The law enforcement officials had neither a search warrant nor a court order, explaining their visit as an "inspection". An hour after the search, the meeting participants were taken to the police station for interrogation. Being threatened with violence during the search, a young man had to give the police access to his phone; his correspondence was read and copied. There are reasons to believe that with the growth of state homo-bi-transphobia, such acts of pressure and intimidation will occur often and affect not only human rights, educational and other non-profit LGBTI+ initiatives, but also gay clubs,²² LGBT-parties and other places of meetings of LGBTI+ people.

G. Discrimination of transgender people

41. On May 5, 2022, the Russian Health Ministry [published Order No. 342-n](#)²³, which expands the list of work activities requiring a mandatory psychiatric evaluation. At the same time, the Russian Government's [Order No. 3759-r of Dec. 5, 2022](#) approved a list of medical psychiatric counterindications for performing certain types of jobs and hazardous activities. Along with diagnoses like schizophrenia and delusional disorders, the list contains diagnoses F.60 through F.69 (ICD-10).
42. In Russia, the F.64 diagnosis ("gender identity disorders") is given to transgender people, including as part of the procedure for receiving the medical opinion on gender transition required for a person to have their gender marker changed in official documents.
43. Even though this list requires that a diagnosis be accompanied by "chronic and prolonged symptoms of illness that are persistent or often become aggravated," the inclusion of F.64 in this list is just another reflection of the state's pathologization of transgender people, and the vague wording of these documents creates the high risk that entire areas of work activities will be shut off to transgender people just because they are transgender²⁴. There are clearly no grounds for including the F.64 diagnosis in this list, since it does not objectively interfere with the performance of work function and poses no danger to others.

²⁰ Decree of the Government [№2412](#), 24.12.2022, "On amendments to the Decree of the Government №1101, 26.10.2012".

²¹ Center "E" – The Center on Counteracting Extremism is a subdivision of the Ministry of Internal Affairs; in fact, it is a kind of political police engaged in combatting dissent.

²² Such a [raid](#) took place in the end of 2022 in the St.Petersburg gay-club "Central Station".

²³ The order establishes the procedure for mandatory psychiatric examinations for workers performing certain jobs, as well as jobs requiring a psychiatric evaluation.

²⁴ It should be noted that F.64 is also on the List of Medical Counterindications for Vehicle Operation, approved by [Decree of the Russian Government of Dec. 29, 2014, No. 1604](#). Judicial practice shows that when courts revoke drivers' licenses, they often do not clarify the nature of the psychiatric disorder; the presence of an official diagnosis is sufficient to deprive a citizen of their driver's license on this ground.

44. Commissions issuing medical opinions required for a person to change their gender marker in their official documents exist in only several regions of Russia²⁵. This creates major difficulties for transgender people living in regions that do not have these commissions. The commissions themselves are generally part of a private medical organization; the process of obtaining an opinion is expensive and can take many days. The government created a legal framework for changing documents²⁶, but it has effectively abandoned any effort to help transgender people with this process.
45. Judicial practice of recognition of marriages invalid due to “fictitiousness” in case of one of the spouses is a transgender person is of high concern.
46. In November 2022, the Proletarski District Court of Tver [invalidated](#) the marriage of two females which was concluded before the spouse changed the documents from male’s to female’s ones; thus, at the moment of registration, there were no formal obstacles for the marriage. The court refused the arguments of the defendants' representatives that "family relations have existed" between the married persons, therefore their marriage could not be recognized as “fictitious”. The court satisfied the prosecutor's claims on “fictitiousness” being based on the fact that currently both spouses were women, which, in line with the Russian legislation, is an obstacle for marriage.
47. At the same time, in the Russian legislation "sex change by one of the spouses" doesn't exist among the grounds for invalidating a marriage, while "fictitious marriage" implies that the spouse(s) doesn't intend to start a family (Art. 27.1 of the Family Code). It is important to note that according to the law, marriage is recognized as invalid from the date of its conclusion (Art. 27.4 of the Family Code), which annulates all legal consequences of marriage happened even before the change of gender documents.
48. This practice is further spreading throughout Russia and indicates a threatening attack on the family rights of T-people, including deprivation of rights acquired during marriage (e.g., the right to divide the common property of spouses, the right to inheritance, the right to be recognized as a father due to the state of marriage with a mother at the time of birth of a child etc

Recommendations

49. In light of these problems, we call on the Russian government to take the following measures to comply with its international obligations and increase the level of protection for human rights:
 - cancel the list of professions banned for women, as well as exclude the discriminative article 253 from the Labor Code;
 - adopt a comprehensive law on prevention of domestic violence which would include an adequate definition of different forms of domestic violence; material, legal and procedural provisions on persecution of aggressors; special protective measures (restraining orders);
 - pay special attention to the situation of women in the North Caucasus: provide effective investigation of crimes committed against women and girls, including "honor killings", FGM, early arranged marriages, persecution based on SOGI;
 - carefully and fully implement the recommendations adopted at the 39th UPR session concerning comprehensive, objective, and impartial investigation of crimes against gay citizens in Chechnya;
 - take measures to suppress hate speech and intolerance relating to LGBTI+ people in public space, particularly in the media;
 - recognize the motive of hate toward LGBTI+ people as an aggravating factor in accordance with criminal law and duly investigate such hate crimes;
 - guarantee international protection for refugees subject to persecution, including on the basis of SOGI;

²⁵ The commissions are created by medical organizations on a purely voluntary basis and only if the organization has the required specialists on staff. The law does not contain any requirements or recommendations regarding the creation of commissions in every region (or in certain regions, for example, depending on population).

²⁶ Health Ministry Order [No.850n](#) “On the Approval of Forms and Procedures for Medical Organizations to Issue a Document on Gender Change” of Oct. 23, 2017 was adopted in 2017.

- create a legal mechanism for recognizing same-sex relationships (for example, partnerships) to provide same-sex couples with a legal regime that resembles as closely as possible the legal regime for registering heterosexual relationships, including in matters of raising children;
- eliminate legal restrictions for single fathers to use surrogate mothers;
- introduce a statutory ban restricting parental rights or any other interference in the family due to the sexual orientation or gender identity of the parents or the children and ensure legal recognition for same-sex parents;
- stop repressing LGBTI+ organizations and initiatives, deeming them “foreign agents” and forcing them to shut down;
- stop blocking information resources containing LGBTI+ topics;
- revoke the ban on the promotion of non-traditional sexual relations and the ban on children receiving information about LGBTI+ relationships that is appropriate for their age and level of development;
- ensure respect for the family rights of T-people who have made the transition and officially changed a gender marker, including guarantees of inviolability of the registered marriage, recognition and protection of parental rights etc.;
- take concrete steps to de-pathologize transgender people and remove the F.64 diagnosis from regulations that prohibit people with this diagnosis from performing certain types of work.