



Anti-Discrimination Center “Memorial”

Russian LGBT Network

***Joint Submission to the Human Rights Council
at the 30th Session of the***

Universal Periodic Review

(Third cycle, May 2018)

Russian Federation

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INTRODUCTION

1. Anti-Discrimination Centre (ADC) Memorial, and the Russian LGBT Network made this joint submission in relation to the problem of racism and discrimination in Russia: the report focuses on discrimination based on ethnicity, gender, sexual orientation and gender identity, religious affiliation and health condition.
2. Anti-Discrimination Centre (ADC) Memorial¹ 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.
3. Russian LGBT Network is an interregional, non-governmental human rights organization that promotes equal rights and respect for human dignity, regardless of sexual orientation and gender identity. It monitors LGBT rights violations, unites and develops regional initiatives, advocacy groups both at national and international levels, and provides social and legal services for LGBT.

II. The Universal Periodic Review of the Russian Federation under the First and Second Cycle (2009 and 2013)

4. Being subject to the UPR under the first cycle in 2009, Russia received the following recommendations regarding discrimination²:

¹ For more information about the work of ADC Memorial, please visit its website adcmemorial.org

² Report of the Working Group on the Universal Periodic Review: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G09/162/59/PDF/G0916259.pdf?OpenElement>

Attention be paid to CERD's observation to strengthen the legislative framework in the area of non-discrimination with a special attention to gender equality, ethnic minority, indigenous people and migrants regardless of their minority status (Mexico); Apply its current anti-racism legislation in an effective way and take new structural measures specifically to counter discrimination (Belgium); Adopt a clear and comprehensive definition of racial discrimination in its legislation (New Zealand); Continue its policy to ensure gender equality aimed at upholding the rights of women (Belarus); Increase its efforts and take concrete policy measures in order to promote tolerance and non-discrimination of lesbian, gay, bisexual, transsexual and transgender persons (Sweden); Continue its positive measures for the protection of the dignity of the individual, freedom of thought, conscience and religion (Palestine); Increase its efforts to ensure full respect of the rights of persons belonging to minorities and indigenous groups, including education of their children (Sweden);

5. Being subject to the UPR under the second cycle in 2013, Russia supported/noted the following recommendations regarding discrimination³:

140.76. Amend its legislation so as to include an explicit provision on prohibition of discrimination based on gender and a specific provision on the definition of direct and indirect discrimination (Iceland); 140.83. Encourage high-level State officials and politicians to clearly take a position against racist and xenophobic political discourse (Tunisia); 140.82. Effectively counter all forms of racism, xenophobia and intolerance (Uzbekistan); 140.199. Take further measures to strengthen the mechanisms for the protection of social rights, in particular rights of children, women and persons with disabilities (Uzbekistan); 140.221. Strengthen federal and local legislation in favor of the rights of indigenous peoples (Bolivia (Plurinational State of)); 140.223. Officially endorse the United Nations Declaration on the Rights of Indigenous Peoples, and fully implement all relevant national laws and regulations (Denmark);

The Russian Federation also received 14 recommendations, associated with sexual orientation and gender identity issues. The states urged Russia to abolish regional laws, which do not meet the non-discrimination principle and fail to protect LGBT rights.

Comments analysis to the acceptance or unacceptance of these recommendations allows claiming that Russian Government considers the existing legislation as non-discriminatory towards LGBT. Russian Federation emphasizes Article 63 (p.1, "e") of the Administrative Code as the adopted measure to secure LGBT from violent attacks, by increasing the punishment for crime committed on the basis of hatred to any social group.⁴

Instead of accepting the recommendation to "take concrete measures preventing from using regulations in force with discriminatory purposes against the rights of LGBT"⁵, Russian authorities adopted the law replicating the content of the regional initiatives, introducing amendments to federal law "On children protection from information harmful for their health and development"⁶ and to the Administrative Offence Code of the Russian Federation, which established liability for "propaganda of non-traditional sexual relations among minors". Such law reinforced inferior role of LGBT people in all spheres of social life⁷, having deprived the community members from constitutionally guaranteed right on equality.

³ Find the matrix of recommendations here: <http://www.ohchr.org/EN/HRBodies/UPR/Pages/RUindex.aspx>

⁴ A/HRC/24/14 p.19 (R.140.96)

⁵ A/HRC/24/14 p.18 (R.140.96)

⁶ Federal Law of the Russian Federation No. 436-FZ of December 23, 2010

⁷ According to the cases that Russian LGBT Network documented after the law adoption, for more information please see reports: *Monitoring of discrimination on the grounds of sexual orientation and gender identity in*

The law banning “propaganda of non-traditional sexual relations” is also not consistent with the international obligations that Russian Federation takes under International Covenants on Civil and Political Rights (Article 21, Article 26); Covenant on Economic, Social and Cultural Rights (Article 2) and European Convention on Human Rights (Article 10 and Article 14), as well as Protocol №12 to the Convention (Article 1).

III. The International Obligations of Russia

6. The Russian Federation is a party to core UN Human Rights treaties having relation to the problem of discrimination: International Covenant on Civil and Political Rights; International Convention on the Elimination of All Forms of Racial Discrimination; International Covenant on Economic, Social and Cultural Rights; Convention on the Elimination of All Forms of Discrimination against Women; Convention on the Rights of the Child; Convention on the Rights of Persons with Disabilities.
7. Within the Council of Europe, Russia ratified the European Convention for the Protection of Human Rights and Fundamental Freedoms; the Framework Convention on the Rights of National Minorities; partly ratified the European Social Charter.

IV. Omnipresence of racism and discrimination based on ethnicity⁸

8. People belonging to visual minorities, like Roma, representatives of peoples from North and South Caucasus origin, working migrants coming from Central Asia and other visual minorities face ethnic discrimination, become victims of hate crime and hate speech. Since March 2014, Crimean Tartars and Ukrainians appear to be victims of discriminative policy, pressure and persecution.

1. Racism against Roma People

9. Russia still lacks a positive and well-articulated state policy on overcoming structural discrimination faced by Roma when obtaining personal documents, access to medical and social care, education and employment. The failure to resolve the problem of the Roma population’s extreme poverty combined with racism exhibited by authorities, result in attempts to remove Roma children from their families and place them in orphanages.⁹ Roma are still quite often victims of ethnic profiling in arbitrary arrests and detention, fingerprinting and confiscation of documents.
10. A substantial part of the Roma population live in dense settlements, ever since a law banning the nomadic way of life was adopted in 1956. The absolute majority of dwellings do not meet adequate housing standards; houses and land are not properly registered under the current law. This makes it difficult to arrange water, electricity, and gas lines into a non-legalized house, to have a registration there or to receive mail. Instead of finding a comprehensive solution to these

2015, 2016 <https://www.lgbtnet.org/ru/content/monitoring-diskriminacii-po-priznakam-seksualnoy-orientacii-i-gendernoy-identichnosti-v-2016>

⁸ More information in the joint report “Racism, Discrimination and Fight against terrorism” in contemporary Russia and its controlled territories: <https://adcmemorial.org/wp-content/uploads/CERDengRU.pdf>

⁹ For instance, in December 2016, the Head of the administration of Zelenodolsk (Tatarstan) instructed the child welfare department to remove Roma children from families that owed money on their electric bills. Such attempts took place against the backdrop of police persecution of Roma women who were subjected to groundless arrests and document checks, in the course of which police officers copied the personal information of their children out of their passports. There were approximately 15 lawsuits regarding deprivation of the parental rights of Roma parents in the dense settlements in Tatarstan. All of them were later denied by court.

problems, the Russian government has taken repressive measures against residents of the Roma settlements. Demolition and eviction of inhabitants of the destroyed houses is a common practice, often under the supervision of the police's Special Forces, prepared to suppress the protests at any time.¹⁰

11. Another form of discrimination against Roma is the segregation of children in "Roma classes" or even "Roma schools". Sometimes, Roma pupils are placed in special remedial classes for children with limited intellectual capacities, after passing tests that are proposed mainly for Roma. All Roma involved are given the same diagnoses, like "social deprivation" and "bilingualism". Roma children are also frequently subjected to segregation outside classrooms: they are not allowed to use common playgrounds or cafeterias, to participate in common school parties or celebrations. Segregation, "distance schooling" (when children go to schools for several hours a day only two-three times a week), and so-called "home schooling" (when a teacher comes to a child's home for several hours a week) result in poor quality of education and mass drop-out of Roma pupils.

2. Discrimination against migrant workers

12. Persons from the Caucasus and Central Asia often face racism and discrimination in Russia. Russia's overall policy on migrant workers is extremely harsh, which is demonstrated in the practices of anti-migrant raids by the police and other law enforcement agencies, mass expulsions for minor violations of migration rules, inadequate disciplinary measures against arbitrary treatment by the police, and fraud committed by employers¹¹. Migrants also face problems while finding housing¹².
13. Migrants coming from countries like Tajikistan, Uzbekistan, Ukraine, Moldova, Georgia must apply for a work license and even then they do not receive social guarantees and they do not receive free medical care (except for emergency medical care). State control over employers' observance of the rights of migrant workers is insufficient. Migrant children face risks of being separated with their parents during police raids and operations; they might be not taken to school and deprived from other basic rights depending on "migration status" of a child and parents.

3. Discrimination against indigenous people¹³

14. Mining, oil and gas companies have caused irreparable harm to territories where indigenous peoples have traditionally lived and used natural resources. In some territories work of oil, gas, and coal companies caused environmental catastrophes, rendering the practice of ceremonial rituals and traditional activities of indigenous peoples (hunting, fishing, reindeer herding, and gathering wild plants) impossible, while any protest of indigenous population is persecuted and criminalized.¹⁴ A number of defenders of indigenous rights have been forced to leave Russia and seek political asylum in other countries.

¹⁰ For instance, in 2016 121 houses were demolished in Plekhanovo, Tula Oblast — one of the largest Roma settlements in Russia; in July-August 2017, 5 houses were destroyed in Zelenodolsk district of Tatarstan. The demolitions were supervised by special police forces. In 2012-2017, ADC Memorial documented demolitions and evictions in at least five Roma settlements throughout Russia.

¹¹ More information in the joint report "Racism, Discrimination and Fight against terrorism" in contemporary Russia and its controlled territories: <https://adcmemorial.org/wp-content/uploads/CERDengRU.pdf>

¹² Ibid

¹³ More information in the report "The Russian Federation: Violation of Social and Economic Rights of Vulnerable Groups" (2017) https://adcmemorial.org/wp-content/uploads/CESCR_RF_2017eng.pdf

¹⁴ Such as the persecution of Khanty man Sergey Kechimov resulting from a conflict between the community and Surgutneftegaz (Khanty-Mansi Autonomous Okrug, 2015); what experts believe to be a fabricated criminal

15. The foreign agent law (2012) has had an extremely negative effect on the activities of social organizations defending the rights of indigenous peoples. This law has made it more difficult for NGOs to operate, harmed their reputation, and caused a schism within the community.
16. Experts and representatives of indigenous peoples have been alarmed by recently adopted bills, like the so called “law on the Far East hectare”,¹⁵ or the initiatives like “On Amendments to the Federal Law ‘On Territories of Traditional Land Use by Small Indigenous Groups of the North, Siberia, and the Far East of the Russian Federation.’”¹⁶ The latter bill is not in line with the provisions of international documents on indigenous rights and the Constitution; various provisions of it are primarily aimed at protecting the interests of business instead of supporting the population residing in these areas, while the participation of indigenous peoples in the operation of territories of traditional land-use has been reduced to a minimum.

V. Discrimination of women at work

17. Women in Russia are underrepresented on key positions in state bodies. The increasing influence of religion institutions in promotion of so-called “traditional values” strengthens patriarchal stereotypes. There is a gap in the salary rate of men and women, as women mostly work in low paid sectors.
18. Instead of taking positive measures to reach equality of men and women in enjoyment of the right to work, the Russian authorities insist on restriction of the women’s right to work explaining this by “care for reproductive health of women”. The Article 253 of the Russian Labor Code and Government Resolution No. 162 (25.02.2002) introduce the “List of Dangerous and Harmful Occupations Banned for Women” consisting of more than 450 professions, including prestigious and well paid ones.¹⁷
19. In 2013, the individual complaint of the river vessel officer Svetlana Medvedeva was brought to the UN CEDAW: women claimed discrimination as all types of deck and machinery work on board of the ship are on the list of profession banned for women.¹⁸ In 2016, CEDAW stated that this prohibition was the violation women’s rights to have the same opportunities as men for employment and choice of profession. The Committee also noted that the ban on big number of professions for women was solely connected with supposed harm to a woman’s reproductive health, although no scientific prove of this harm was given.¹⁹ However, the list of prohibited professions still has legal power, limiting the working rights of women. In September 2017, the Samara District Court recognized discrimination of Svetlana Medvedeva in access to work according to international law, but refused to apply these standards and oblige the employer to hire her, because the Russian legislation contradicts the international law.

case against Evenki community leader Sergey Nikiforov (Amur Oblast, 2015) connected to protests against gold mining companies; Nikiforov was ultimately sentenced to prison; pressure to residents of Kondopoga District in the Republic of Karelia who were protecting the Suna Forest from being cut down and living a tent camp in the forest for 9 months.

¹⁵ Federal Law № 119-FZ (2.05.2016) allows to receive a piece of land of 1 hectare in the Far East Federal Okrug that damages the places of traditional living of indigenous people.

¹⁶ Published 31 May 2017, <http://regulation.gov.ru/projects#npa=66793>

¹⁷ More information about the list of professions banned for women here: <https://adcmemorial.org/all-jobs4all-women/#/forbid>

¹⁸ More information about this case here : <https://adcmemorial.org/www/7226.html?lang=en>

¹⁹ More information on the CEDAW decision here : <https://adcmemorial.org/www/11416.html?lang=en>

VI. Discrimination based on religious affiliation²⁰

20. Last years the influence of the Russian Orthodox Church increased in many spheres of public life, including representation in the media, introduction of religious lessons to school curriculum, Church attempts to take over public buildings and land. At the same time, other religious groups and movements had been persecuted by the state.
21. Persons belonging to some Muslim communities suffer from suspicion of religious extremism and connections with Islamic radicals. This affects natives of the North Caucasus and millions of migrant workers from Central Asian countries, since 2014 Crimean Tatars are often accused too. Repressions against religious organizations and groups combined with police ethnic profiling take the form of trans-discrimination. In Crimea, people who practice Islam have been particularly targeted by arbitrary searches of local mosques, arrests and detention of religious leaders.
22. Some cases of anti-Semitism have been registered, such as vandalism towards synagogues and sites of religious significance to Judaism (in Arkhangelsk, Perm, Bryansk), memorial plaques to victims of World War II (in Pskov Oblast, Tver Oblast, and Volgograd) and Jewish cemeteries (in Kaliningrad, Petrozavodsk, and other cities). In 2017 deputies of State Duma (Russian Parliament) made anti-Semitic remarks: even though there was a large-scale public response to the statements of these politicians, their anti-Semitic speeches were not condemned at the state (or even party) level, and the deputies asserted that they had simply been “misunderstood.”
23. In April 2017, Jehovah’s Witnesses organizations have been banned as extremist on the grounds of their assertion of their “religious superiority”. The Administrative Center of Jehovah’s Witnesses in the Russian Federation has consequently been declared an extremist organization and banned.²¹ This also means that hundreds of thousands followers of this denomination might be accused in violation of the law: Supreme Court judgment of 20 April 2017 placed Jehovah’s Witnesses under the threat of criminal prosecution, since any organized actions on their part can be construed as a continuation of the activities of a banned organization (Article 282 of the Criminal Code).

VII. Discrimination on health condition grounds.

24. In Russia, serious obstacles exist for disabled people and people having health problems (though not recognized as disabled) in access to education. In pre-school and school system of education, the conditions for inclusion of children having health-related specifics are not created, and there is severe lack of goodwill shown by kindergartens/schools’ directors to admit such children. At college/university level, there are limitations for enrollment of students. Medical inspection and submission of medical certificate are mandatory for the enrollment to many profiles.²²
25. There are cases of refusals in enrollment of disabled people at university and post-university level, even to medical universities. In 2013, ADC Memorial supported the legal appeal of a disabled student who was refused enrollment for an internship in psychiatry, although he had successfully finished university and passed all the entrance exams for the internship (a form of post-university education at medical universities in Russia).²³ The Court recognized the violation of the student’s

²⁰ More information in the joint report “Racism, Discrimination and Fight against terrorism” in contemporary Russia and its controlled territories: <https://adcmemorial.org/wp-content/uploads/CERDengRU.pdf>

²¹ More information about this ban here : <https://adcmemorial.org/www/12928.html?lang=en>

²² The list of specialties that require mandatory medical inspection was established in the Decree of the Government #697, 14.08.2013.

²³ More information on the case of Andrey Sosnov here: <https://adcmemorial.org/www/11677.html?lang=en>

rights in this case; however, the common practice of exclusion persons with special needs from the education system remains.

26. HIV-positive people are stigmatized in Russia and discriminated in employment. In the Federal Aviation Regulations approved by the Ministry of Transport (2002), HIV was declared a universal obstacle to work in aviation. On March 13, 2017, the Supreme Court of the Russia considered appeal against the Regulations in the case of a man who had successfully worked as a flight attendant for more than 10 years and was declared unfit for work in 2016 after being diagnosed with HIV.²⁴ Recently HIV-positive people were not allowed to be employed on sea and river vessels.²⁵
27. HIV-positive foreigners or those infected with some other deceases (like tuberculosis or syphilis) have problems to unite with their families in Russia, due to the ban for such persons to enter the country, even when the disease is well-treated and no more infectious. While the law allowing HIV-positive foreigners to live in the Russian Federation if they have relatives – citizens of Russia, was finally adopted,²⁶ a legislative ban for foreigners with other treatable diseases to stay in Russia remains.

VIII. Discrimination based on sexual orientation or gender identity (SOGI):

1. Hate crimes against LGBT – assaults, murders, lack of efficient investigation.

28. During the years 2014 - 2016 Russian LGBT Network in cooperation with LGBT Initiative group “Coming-out” has submitted to Office for Democratic Institutions and Human Rights of OSCE 160 cases, categorized as hate crimes against LGBT²⁷. Annually the institution proceeds information prepared by human right defenders and highlights an increasingly high level of crime based on SOGI in comparison to hate crimes motivated by other attributes of the survivors in Russia²⁸. Firstly, the framed background that tolerates negative attitude to LGBT people, consequently resulted in the outburst of violent assaults organized by anti-LGBT groups. The perpetrators justify their mission as a struggle over maintaining morality, which through the legal initiatives, implicated to the federal law banning propaganda of “non-traditional” sexual relations, is defined by the government as something opposite to “non-conventional” practices. 65 gay men in 2016 suffered from organized crime and blackmail²⁹.
29. Russian legislation stipulates penalty for hate crimes, however considering the legal practice implementation, the Article of the Criminal Code (63 p.1”e”) which contains penalty-enhancement provision due to aggravating circumstances for violent actions committed because of hatred to a

²⁴ More information here: <https://adcmemorial.org/www/12749.html?lang=en>

²⁵ The Decree of the Government N 742, 24.06.2017, established the list of diseases that impede the employment on river and sea vessels. http://www.consultant.ru/document/cons_doc_LAW_218744/

²⁶ Federal law N438-FZ, 30.12.2015.

<http://publication.pravo.gov.ru/Document/View/0001201512300070?index=0&rangeSize=1>

²⁷ OSCE, ODIHR, SOGI statistics <http://hatecrime.osce.org/what-hate-crime/bias-based-sexual-orientation-and-gender-identity>, p. 11.) (accessed on 25 September 2017)

²⁸ OSCE, ODIHR, Overview of incidents reported by civil society <http://hatecrime.osce.org/russian-federation> (accessed on 25 September 2017)

²⁹ Data summarized by Russian LGBT Network, LGBT Initiative group in Saint Petersburg “Coming-out”, Moscow LGBT group “Stimul”.

social group, is barely taken into account when the survivor is a representative of an LGBT segment of population.

30. There is a lack of trust to police among the community and fear to repeatedly become a subject of discrimination caused by deep-rooted prejudice from law enforcement officers. LGBT people restrain from disclosing their identity in the atmosphere of intolerance and very seldom report the violations, happened because of their SOGI. Such apprehensions, bonded with the listed above factors, are reasonable. At least 18 cases demonstrate that the reports with explicit evidence testifying the hatred motive due to SOGI, were not considered as bias-motivated crime in course of criminal investigations³⁰. In 2015-2016, police refused to initiate 9 cases reported as hate crimes against LGBT³¹.
31. Very often, after the reports are filed to law-enforcement, cases left uninvestigated because of a failure to identify a suspect liable to prosecution. On November, 2013, 2 unknown assailants attacked Dmitry Chizhevsky a visitor of an event named “Rainbow Coffee Party” in Saint Petersburg. They shot his eye with an air gun. Criminal proceedings begun under Article 213 of the Criminal Code (“hooliganism”), but suspended in connection with incapability to identify the criminals. Neither the lawyer nor the victim received full information about the progress of the investigation. In the case was filed to the European Court for Human Rights; in 2017 it is communicated.
32. Case qualification as bias motivated is challenging even when the criminal declares that the crime was forged by hatred. The case of famous journalist Dmitriy Tsilikin, who was killed with a knife during the figurehead dating in his own flat by the men on his SOGI basis is a clear example. In course of the investigation the defendant firmly stated that he was guided by hatred to «a certain social group» meaning LGBT. The murderer was charged without consideration of aggravating circumstances of the manslaughter, stipulated by the law.

2. Enforced disappearances and tortures of people for homosexuality

33. The lack of readiness to provide prompt response to the alarming human rights violation reported by organizations on behalf of the survivors made savage state-sponsored crime against gay people in Chechnya possible. In the beginning of the blatant campaign targeting homosexual men, the Head of the Republic appointed by The Russian President was publicly speaking out on the situation demonstrating his contempt to LGBT, clarifying that Chechnya “is not a place *for such people*”. Chechen leaders of public opinion, including regional Commissioner for human rights under the head of the republic, forebode reprisals for LGBT, intimidating and totally excluding LGBT from social life by indicating the need to hide their individuality as inappropriate for the local community. This message also indirectly legitimizes possible aggressive or even violent response of the society to LGBT community. By September, 2017, 41 persons reported to be persecuted by law-enforcement on the grounds of SOGI, 26 of these people were subjected to tortures in police offices and military facilities, (which in individual cases lasted from 1 day to 3 weeks) i.e. barracks with no windows and food supplement.
34. The survivors and new released detainees testify that enforced disappearances and tortures in illegal detention, committed by police officers are not over by the date. In addition to the

³⁰ Russian LGBT Network Monitoring data, 2016.

³¹ Russian LGBT Network Monitoring data, 2015 and 2016.

sufferings exerted to the survivors, law enforcement agents are reported to coerce the victim's families to give fake testimonies to journalists.

35. Despite the assurances of Russian government that “any instances of improper treatment of detainees are duly investigated by the Investigative Committee and Office of the Procurator-General”³² the actual state of affairs leads to opposite conclusions. Since the first disturbing news on the topic were distributed, the criminal case was not initiated, and pre-investigatory work, as a very limited authority, did not bring to efficient results, which would galvanize credible investigation of vital human rights violations on the federal level.
36. The issues of enforced disappearances, arbitrary detention, tortures and manslaughter committed by law enforcement agents in the North Caucasus were several times emphasized and addressed to the Russian Government by the Committee Against Torture³³. At least in regard to the protection of the citizens in question it is not carried out.

3. Freedom of speech and a right to peaceful assembly.

37. By virtue of the provisions of Constitution, all citizens are guaranteed with freedom of speech and peaceful assembly. After the amendments to the federal law on “children protection from information harmful for their health” these rights has been markedly restricted. In 2016 activists received 44 refusals to public manifestations in support to LGBT. Providing the founds for the refusals, city administrations refer to the law banning propaganda, and in some cases gives unrelated to the law reasons, which allegedly put obstacles on the way to peaceful assembly sanctioning. 51 cases documented in 2016 are connected to detentions of the marchers during public demonstrations, including some that do not require sanctioning in advance, but notification about the planned event.
38. In 2017 a lesbian activist Anna Grabetskaya was fined with 150 euro during the one-man demonstration which is considered to be a unique form of public opinion expression under current legislation. Another activist, an LGBT ally – Romanova was charged with administrative offence for the news articles repost, dedicated to same-sex marriage in Ireland and exhibition about LGBT minors in Saint Petersburg, which Russian law enforcement considered a «propaganda of non-traditional sexual relations among minors via the Internet»³⁴.
39. Since the federal law on propaganda was passed, 15 Russian citizens were fined under the Article 6.21 of the Administrative Offense³⁵.

4. Discrimination in employment

40. Despite the non-discriminatory provisions of the Labor Code, LGBT often become subjects to discrimination in labor. The law banning propaganda caused significant rise of the refusals, bullying and harassments at working place.

³² A/HRC/24/14/Add.1 p.15 (R140.102)

³³ CAT/C/RUS/CO/5, p. 13.

³⁴ Monitoring data of Samara LGBT group “Avers”, 2017

³⁵ Interview with Damir Gaynutdinov at Meduza <https://meduza.io/feature/2017/09/15/samarskuyu-aktivistku-sudyat-za-repost-statey-the-guardian-i-buzzfeed-ee-obvinyayut-v-gey-propagande> (accessed on 25 September 2017)

41. The educational institutions, for minors specifically, consider LGBT as inappropriate workers. At least 23 cases testify that LGBT teachers encountered pressure from school administration, as reported some schools principals were following instructions from higher-ups. In most of the cases employers, produce LGBT-teachers and allies ultimate agreement urging them to resign "on their own volition" or to be dismissed in conformity with the Article of the Labor Code, that shuts the door on teaching career – “resignation for commission of an immoral offense, incompatible with the continuation of the work”.
42. Music class lesbian teacher Alevtina from Saint-Petersburg was fired on such basis, after her SOGI was revealed. She went through all national instances to assert her rights, but the court did not find the explicitly discriminatory dismissal illegal. At least 13 LGBT educators lost their job like that.
43. Many transgender persons face economic distress, because of refusals to get employed on the basis of a mismatch between their IDs and gender expression or identity, reflecting the appearance. The survivors report that it is hard to receive a written cause for a denial, because employers simply refuse to register the fact formally, which would enable transgender persons to file suits to the court.
44. The qualitative research findings are supported by the data revealed as a result of quantitative online survey³⁶, that Russian LGBT Network annually conducts. According to an online survey 653 of the 3759 respondents (17.3%) encountered problems with employers and/or colleagues related not to the professional qualities, but to the sexual orientation and/or gender identity of the respondents; at the same time 521 respondents (13.9%) were victims of layoffs motivated by homophobia or transphobia.

IX. Recommendations:

We call the Russian government to take measures in compliance to international standards and UN Human Rights Committees. In particular:

- Adopt comprehensive anti-discrimination legislation, with the definition of all forms of discrimination in accordance to international standards;
- Amend the existing anti-extremist legislation and measures to fight extremism in line with the recommendations of the Venice Commission, make it an effective tool for fighting manifestations of racism and xenophobia related to violence, and to avoid unjustified restrictions of basic human rights.
- Cancel the list of professions banned for women, thereby implementing the decision and recommendation of international bodies;
- In ethnically diverse regions and localities, monitor recruitment practices in public institutions with an aim to prevent racism and discrimination on the basis of ethnicity;
- Put an end to ethnic profiling by law enforcement officers towards migrants and representatives of ethnic minorities;
- Adopt and implement a state program of comprehensive support for Russia’s Roma population aimed at overcoming structural discrimination that includes positive measures on documentation and the exercise of rights to housing, a high-quality education, employment, and access to medical and social assistance;

³⁶ Quantitative study results, 2016: https://lgbtnet.org/sites/default/files/diskriminaciya_i_nasilie_po_priznaku_sogi_2016.pdf , (accessed on 25 September 2017), p. 11.

- The RF Government must implement its obligations to protect the migrants rights; harmonize national labor laws with the EAEU Treaty in terms of ensuring equal rights of migrants and permanent residents to labor; reject plans to exclude the family members of migrants from mandatory health insurance; provide effective state monitoring of compliance with workplace conditions for migrants; accept the children of foreign citizens in Russian schools regardless of their status or whether or not their parents have a registration;
- Specify «homophobia» and «transphobia» as aggravating circumstances in the Criminal Code (Article 63 p.1”e”);
- Annul the law banning “propaganda of non-traditional sexual relations” as LGBT discriminating;
- Urgently investigate the situation with LGBT persecution in the North Caucasus, as crime against humanity or special intent (dolus specialis) ;
- Initiate the criminal case against the perpetrators who incite to hatred on the grounds of SOGI and administer genocide of Russian population in the Republic of Chechnya and neighboring subjects;
- In conformity with the constitutional principle of all-citizens equality before the law stop the practice of arbitrary bringing to account for incitement to hatred defined by Article 282, Criminal Code of the Russian Federation;
- Cease administrative persecution of people, expressing the opinion about the equality to fundamental rights access regardless of SOGI;
- Explicitly outline in the Article 3 and 64 of the Labor Code that discrimination in labor based on sexual orientation and gender identity is illegal;
- Defend LGBT employed in educational sphere from illegal dismissals by providing the clarification in Article 81(8) Labor Code, that sexual orientation and gender identity could not be considered as the immoral deed;
- Provide trainings for the law-enforcement officers with the view to guarantee unbiased procession of all reports regardless of the applicants’ SOGI.