Parliamentary Assembly
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COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Resolution 2230 (2018)[1]

Persecution of LGBTI people in the Chechen Republic (Russian Federation)

Parliamentary Assembly

1. On 1 April 2017, the Russian newspaper *Novaya Gazeta* published its first report on a campaign of persecution against lesbian, gay, bisexual, transgender and intersex (LGBTI) people in the Chechen Republic which had been taking place since the end of February that year. *Novaya Gazeta* reported cases of abduction, arbitrary detention and torture of men presumed to be gay, with the direct involvement of Chechen law-enforcement officials on the orders of top-level Chechen authorities. This campaign of persecution unfolded against the backdrop of serious, systematic and widespread discrimination and harassment against LGBTI people in the Chechen Republic.

2. The Assembly condemns in the strongest terms all forms of persecution, hate speech, discrimination and harassment, on any grounds, including sexual orientation and gender identity. It recalls that the treatment of vulnerable groups is a sign of the strength of democratic systems and reflects their level of respect for human rights. In this regard, it expresses dismay at the statements of Chechen and Russian public officials denying the existence of LGBTI people in the Chechen Republic.

3. Even if the large-scale campaign of persecution has stopped, its effects continue. LGBTI people who have stayed in the Chechen Republic remain invisible; they know that reporting ill-treatment to the Chechen authorities would be to no avail; on the contrary, it would risk exposing them and their families to retaliation.

4. To date, more than 114 LGBTI people and members of their families have fled the Chechen Republic to other regions of the Russian Federation, other Council of Europe member States and beyond. The Assembly commends the actions taken by countries which have accepted their asylum claims and encourages other countries to follow their example by providing international protection within the meaning of the 1951 United Nations Convention relating to the Status of Refugees.

5. In its Resolution 2157 (2017) Human rights in the North Caucasus: what follow-up to Resolution 1738 (2010)*?*, considering the alarming reports of abductions of hundreds of men in the Chechen Republic based on their alleged sexual orientation, the Assembly already urged the Russian Federation to "carry out an immediate and transparent investigation into these reports in order to bring to justice those responsible and to ensure the safety of the LGBTI community in the North Caucasus, as well as human rights defenders and journalists reporting such violations".

6. The Russian Federation holds responsibilities as a Council of Europe member State to ensure the respect of the provisions of the European Convention on Human Rights (ETS No. 5) throughout its territory.

7. In the light of these considerations, the Assembly urges the Russian Federation to:

7.1. conduct an impartial and effective investigation into the persecution of LGBTI people in the Chechen Republic and ensure there will be no impunity for the perpetrators;

7.2. allow an independent international investigation by an international human rights organisation, should an investigation at national level not be pursued;

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1. *Assembly debate* on 27 June 2018 (24th Sitting) (see Doc. 14572, report of the Committee on Equality and Non-Discrimination, rapporteur: Mr Piet De Bruyn). *Text adopted by the Assembly* on 27 June 2018 (24th Sitting).
See also Recommendation 2138 (2018).

7.3. ensure the legal and physical protection of victims, their family members and witnesses of persecution of LGBTI people in the Chechen Republic;

7.4. implement the judgment of the European Court of Human Rights (the Court) in the case of *Bayev and Others v. Russia* and other relevant judgments, and repeal, as recommended by the Court, the law prohibiting the so-called promotion of non-traditional sexual relationships among minors, which has contributed to reinforcing an overall climate of discrimination and prejudice against LGBTI people;

7.5. ensure the protection of human rights defenders throughout the country, including those working on the promotion and protection of the rights of LGBTI people;

7.6. authorise the publication of the report of the visit made by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) to the Chechen Republic in December 2017 and implement its recommendations without delay;

7.7. fully implement the recommendations of the European Commission against Racism and Intolerance (ECRI) in the context of its 5th monitoring cycle;

7.8. provide full support to the review process of Committee of Ministers Recommendation CM/Rec(2010)5 on measures to combat discrimination on grounds of sexual orientation or gender identity.

8. The Assembly also calls on all Council of Europe member States to:

8.1. welcome people fleeing the Chechen Republic after being the victims of persecution motivated by actual or perceived sexual orientation or gender identity, as well their family members and witnesses of such persecution, by granting them international protection within the meaning of the 1951 United Nations Convention relating to the Status of Refugees;

8.2. ensure the respect of the Guidelines on International Protection No. 9 of the Office of the United Nations High Commissioner for Refugees (UNHCR) which provide guidance for processing asylum claims on the basis of sexual orientation and gender identity, and related resettlement cases;

8.3. provide protection to victims and witnesses of persecution against LGBTI people in the Chechen Republic who have fled, and also medical and psychological support to these people;

8.4. support the non-governmental organisations and human rights defenders helping victims and witnesses of the anti-LGBTI campaign;

8.5. take a strong stand condemning violence and discrimination on the grounds of sexual orientation and gender identity;

8.6. firmly condemn homophobic statements and calls for violence against LGBTI people made by politicians and political leaders;

8.7. refrain from using the argument of protecting so-called traditional values as a ground for limiting rights, including freedom of expression and association;

8.8. ensure the full implementation of Committee of Ministers Recommendation CM/Rec(2010)5.

9. The Assembly calls on national parliaments to discuss measures to be taken at the national level to provide support to the victims and witnesses of the campaign of persecution against LGBTI people.