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

Reply to Recommendation¹: Recommendation 2138 (2018)
Committee of Ministers

1. The Committee of Ministers informs the Parliamentary Assembly that the following reply was adopted by a majority as provided by Article 20 (d) of the Statute.
2. The Committee of Ministers has carefully examined [Recommendation 2138 \(2018\)](#) – “Persecution of LGBTI people in the Chechen Republic (Russian Federation)”, which it forwarded to the Steering Committee for Human Rights (CDDH) for information and potential comments.
3. The Committee of Ministers would point out that human rights are universal and indivisible and all persons, irrespective of their sexual orientation or gender identity, are protected by the European Convention on Human Rights. It refers to Recommendation [CM/Rec\(2010\)5](#) on measures to combat discrimination on grounds of sexual orientation or gender identity, in which it recognises that “lesbian, gay, bisexual and transgender persons have been for centuries and are still subjected to homophobia, transphobia and other forms of intolerance and discrimination even within their family – including criminalisation, marginalisation, social exclusion and violence – on grounds of sexual orientation or gender identity, and that specific action is required in order to ensure the full enjoyment of the human rights of these persons”.
4. The Committee of Ministers notes with concern that hate crimes targeting LGBTI persons continue to be committed in Council of Europe member States. It points out that, in accordance with the requirements of the European Convention on Human Rights as interpreted by the Court, States have an obligation to carry out effective investigations and to take account of possible grounds of discrimination so that when such crimes are detected they do not go unpunished. States also have a positive obligation to protect the right to life of all persons placed under their jurisdiction and their right not to be subject to treatment in breach of Article 3 of the European Convention on Human Rights.
5. According to information provided by the Secretary General following his visit to the Russian Federation on 20 and 21 June 2018, the investigation into allegations of persecution of LGBTI persons in the Chechen Republic is still under way. The Committee of Ministers calls on the Russian Federation to carry out an immediate and transparent investigation into the reports of persecution of LGBTI persons in order to bring to justice those responsible and to ensure the safety of the LGBTI persons in the North Caucasus, as well as human rights defenders, journalists and other media workers reporting such violations and abuses.
6. As the Assembly points out, the implementation of Recommendation [CM/Rec\(2010\)5](#) is currently being examined. The CDDH, which has been charged with this task, has sent the member States a questionnaire designed to collect up-to-date national information on legislation and awareness-raising measures introduced or planned to combat various types of hate speech (particularly in the media and/or by public authorities or bodies), which can be reasonably interpreted to incite hatred or discrimination against LGBTI persons. National good practices which it has been possible to identify on the basis of replies to the questionnaire might

1. Adopted at the 1333rd meeting of the Ministers' Deputies (9 January 2019).



be drawn on profitably by member States in their efforts to combat discrimination on the grounds of sexual orientation or gender identity effectively throughout their respective territories. The results of this study are expected to emerge in 2019.