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

### Report<sup>1</sup>

Committee on Equality and Non-Discrimination

Rapporteur: Mr Piet De BRUYN, Belgium, Members not belonging to a Political Group

### Summary

On 1 April 2017, the Russian newspaper *Novaya Gazeta* published its first report on a campaign of persecution against LGBTI people in the Chechen Republic, including cases of abduction, arbitrary detention and torture of men presumed to be gay, with the direct involvement of Chechen law-enforcement officials. This campaign unfolded against the backdrop of serious, systematic and widespread discrimination and harassment of LGBTI people.

The very existence of LGBTI people in the Chechen Republic has been denied by Chechen and Russian public officials. To date, no substantive investigation has been conducted. More than 114 LGBTI people and members of their families have fled the Chechen Republic.

Protecting all people from torture, degrading treatment, enforced disappearances, arbitrary detention and ultimately extra-judicial killings, irrespective of their origin, colour, age, gender or sexual orientation, is one of the founding principles behind the creation of the Council of Europe. Its member States should therefore provide international protection to LGBTI people fleeing persecution in the Chechen Republic, as well as their families and witnesses. There can be no impunity for the perpetrators of this campaign of persecution. The Parliamentary Assembly should call for an effective and impartial investigation to be conducted.

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1. Reference to committee: [Doc. 14313](#), Reference 4304 of 30 June 2017.



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## A. Draft resolution<sup>2</sup>

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 of 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 more 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 and should 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 international independent investigation by an international human rights organisation should an investigation at national level not be pursued;
  - 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 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 propaganda 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.

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2. Draft resolution adopted unanimously by the committee on 5 June 2018.

8. The Assembly also calls on all Council of Europe member States to:
  - 8.1. welcome persons 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 of the Office of the United Nations High Commissioner for Refugees (UNHCR) on International Protection No. 9 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 persons;
  - 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 on measures to combat discrimination on grounds of sexual orientation or gender identity.
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.

## **B. Draft recommendation<sup>3</sup>**

1. The Parliamentary Assembly refers to its Resolution ... (2018) on the persecution of LGBTI people in the Chechen Republic. In 2017, a campaign of persecution unfolded against the backdrop of serious, systematic and widespread discrimination and violence against lesbian, gay, bisexual, transgender and intersex (LGBTI) people in the Chechen Republic and resulted in abductions, arbitrary detentions, torture, beatings, intimidation and harassment.

2. Considering that all forms of persecution, hate speech, discrimination and harassment on any ground, including sexual orientation and gender identity, should be condemned in the strongest terms and should not go unpunished, the Assembly recommends that the Committee of Ministers:

2.1. call on the Russian Federation to comply with the recommendations laid down in Assembly Resolution ... (2018);

2.2. in the event of the Russian Federation failing to conduct an investigation within a reasonable lapse of time, consider launching a Council of Europe investigation into the campaign of persecution against LGBTI people which took place in 2017 in the Chechen Republic.

3. The Assembly recommends that when reviewing its Recommendation CM/Rec(2010)5 on measures to combat discrimination on grounds of sexual orientation or gender identity, the Committee of Ministers pay special attention to homophobic and transphobic hate speech, including by politicians, and its impact on discrimination on the grounds of sexual orientation and gender identity and hate crimes against LGBTI people.

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3. Draft recommendation adopted unanimously by the committee on 5 June 2018.

## C. Explanatory memorandum by Mr Piet de Bruyn, rapporteur

### 1. Introduction

1. On 1 April 2017, the Russian newspaper *Novaya Gazeta* published its first findings about discrimination and crimes against homosexuals in the Chechen Republic, alleging extra-judicial killings, torture, enforced disappearances, arbitrary detentions, harassment and intimidation on the ground of sexual orientation.<sup>4</sup> The journalists estimated that the campaign of persecution had started in February 2017, against the backdrop of systematic harassment. The newspaper published several follow-up reports throughout 2017, all alarming.<sup>5</sup>

2. The international community reacted with shock and astonishment. Several European political leaders condemned these alleged human rights violations and called on the Russian authorities to launch an official investigation.<sup>6</sup>

3. In May 2017, following international reactions, President Vladimir Putin reportedly ordered law-enforcement agencies to support Russia's Commissioner for Human Rights in addressing what he called the "rumours" of abuse in the Chechen Republic.<sup>7</sup>

4. Amongst those who reacted were several members of the Parliamentary Assembly. In April 2017, Mr Jonas Gunnarsson, my predecessor as General Rapporteur on the rights of lesbian, gay, bisexual, transgender and intersex (LGBTI) people, and Mr Frank Schwabe, rapporteur on "Human rights in the North Caucasus: what follow-up to [Resolution 1738 \(2010\)?](#)", issued a joint statement.<sup>8</sup> The following month, Mr Johan Nissinen (Sweden, NR) and other members of the Assembly tabled a motion for a resolution on "Alleged extreme discrimination and crimes against homosexuals in the Chechen Republic (Russian Federation)", asking the Assembly to look into this matter and make any appropriate recommendations.<sup>9</sup> The Committee on Equality and Non-Discrimination appointed me as rapporteur during the October 2017 part-session.

### 2. Scope of the report and sources

5. The authors of the motion expressed concern at the "numerous reports of extreme, State-initiated discrimination and crimes against homosexuals, especially males, in the Chechen Republic (Russian Federation) – resulting in alleged detentions in camps, beatings and torture by uniformed State personnel, and disappearances – in certain cases said to be followed by executions".

6. In the course of my work, I decided to enlarge the scope of the report to cover not only homosexual men but all LGBTI people. In addition, I proposed to change the title so that the subject matter was clearer: in the Chechen Republic, LGBTI people are subjected to various forms of discrimination, ill-treatment and violence which are so serious, systematic and widespread as to amount to persecution. Furthermore, this persecution is either conducted directly by the Chechen authorities or is condoned and even promoted by them, at the highest political level.

7. This is not the first time the Assembly has discussed the matter. In its [Resolution 2157 \(2017\)](#) "Human rights in the North Caucasus: what follow-up to [Resolution 1738 \(2010\)?](#)", the Assembly clearly stated that: "Considering the alarming reports of abductions of hundreds of men in Chechnya based on their alleged sexual orientation, the Assembly 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

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4. Honour killing, *Novaya Gazeta*, 1 April 2017, [www.novayagazeta.ru/articles/2017/04/01/71983-ubiystvo-chesti](http://www.novayagazeta.ru/articles/2017/04/01/71983-ubiystvo-chesti).

5. Расправы над чеченскими геями (Crimes against Chechen gays), *Novaya Gazeta*, 4 April 2017, <https://www.novayagazeta.ru/articles/2017/04/04/72027-raspravy-nad-chechenskimi-gejami-publikuem-svidetelstva>; День, когда мертвые воскресли (The day when the dead were resurrected), *Novaya Gazeta*, 22 September 2017, <https://www.novayagazeta.ru/articles/2017/09/22/73943-den-kogda-mertvye-voskresli>; Максим первый, но не единственный, кто осмелится подать заявление в СК (Maxim is the first, but not the only one who dares to file a complaint), *Novaya Gazeta*, 16 October 2017, <https://www.novayagazeta.ru/articles/2017/10/16/74221-maksim-pervyy-no-ne-edinstvennyy-kto-osmelitsya-podat-zayavlenie-v-sledstvennyy-komitet>; Он пережил пытки в чеченской тюрьме (He survived torture in a Chechen prison), *Novaya Gazeta*, 16 October 2017, <https://www.novayagazeta.ru/articles/2017/10/16/74224-on-perezhil-pytki-v-chechenskoy-tyurme>.

6. See chapter 6 below.

7. Chechen "gay purge" victim: "No one knows who will be next", *BBC News*, 11 October 2017, [www.bbc.com/news/world-europe-41645281](http://www.bbc.com/news/world-europe-41645281).

8. <http://assembly.coe.int/nw/xml/News/News-View-en.asp?newsid=6584&lang=2>.

9. Doc. 14313.

LGBTI community in the North Caucasus, as well as human rights defenders and journalists reporting such violations.” Another report is currently being prepared by Mr Frank Schwabe (Germany, SOC) on “The continuing need to restore human rights and the rule of law in the North Caucasus region” for the Committee on Legal Affairs and Human Rights.

8. This report casts light on the wave of persecution against the LGBTI community in the Chechen Republic in 2017. I hope that it will give a voice to all those victims who have decided to remain silent, fearing retaliation against themselves and their families. It should also make all of us as politicians aware of the challenges which LGBTI people still have to face in Europe in the 21st century.

9. In preparing the report, I relied on secondary sources, such as media and reports of non-governmental organisations (NGOs), as well as on the information I obtained through various meetings with people who have been directly involved or affected. I met representatives of several NGOs providing support to LGBTI people from the Chechen Republic and several victims of the persecution against LGBTI people who have fled the Chechen Republic. These meetings were held in several Council of Europe member States. I also had the opportunity to meet Mr Maxim Lapunov, the only victim who has so far formally lodged a complaint.

10. I would also like to point out that Ms Tatyana Moskalkova, Commissioner for Human Rights of the Russian Federation, was invited to participate in a hearing of the Committee on Equality and Non-Discrimination to contribute to this report. I regret that the invitation was turned down and that she did not provide any written information.

11. Ms Tanya Lokshina, Russia programme director at Human Rights Watch, based in Moscow, and Mr Igor Kochetkov, Director of the Russian LGBT Network, provided valuable information for this report when they attended a hearing which was jointly organised by the Committee on Equality and Non-Discrimination and the Committee on Legal Affairs and Human Rights on 24 April 2018 in Strasbourg. I would like to thank them for their participation and commend their courage for the actions taken to support victims of the anti-LGBTI campaign, and in general for their outstanding support to victims of discrimination and violence on the grounds of sexual orientation and gender identity in a challenging context.

### 3. Attitude towards LGBTI people in the Russian Federation

12. In the past few years, along with the insistence in public discourse on traditional gender roles and family values, a climate of rising homophobia has been perceptible throughout the Russian Federation. This climate was epitomised by the adoption of the law prohibiting the so-called propaganda of non-traditional sexual relationships among minors in 2013, in spite of international criticism.<sup>10</sup> This law has inspired similar initiatives in other countries.

13. International reactions denouncing the risks presented by the adoption of this kind of legislation have not triggered change and it appears that this legislation is still rather popular today. In 2017, in its judgment in the case of *Bayev and Others v. Russia*,<sup>11</sup> the European Court of Human Rights found that it violated Articles 10 (freedom of expression) and 14 (protection from discrimination) of the European Convention on Human Rights (ETS No. 5).<sup>12</sup>

14. Several years after the entry into force of this law in 2013, Human Rights Watch found “an increase in discrimination and violence against lesbian, gay, bisexual, and transgender (LGBT) people and activists. The law sends a message that LGBT people are second-class citizens posing a threat to children and public morality”.<sup>13</sup>

15. In a poll published at the beginning of 2018, the Levada Center,<sup>14</sup> a Russian polling agency, found that “83 percent of Russians thought gay sex was “always reprehensible” or “almost always reprehensible”. Videos presenting LGBTI people as Western agents, dangerous persons, threats to political stability and to traditional

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10. Opinion on the issue of the prohibition of so-called “propaganda of homosexuality” in the light of recent legislation in some member States of the Council of Europe adopted by the Venice Commission at its 95th plenary session (Venice, 14-15 June 2013); Assembly [Resolution 1948 \(2013\)](#) on tackling discrimination on the grounds of sexual orientation and gender identity.

11. *Bayev and Others v. Russia*, Applications Nos. 67667/09, 44092/12 and 3.56717/12, judgment of 20 June 2017.

12. The judgment *Alekseyev v. Russia* is not yet executed, Applications Nos. 4916/07, 25924/08 and 14599/09, judgment of 21 October 2010.

13. European Court Condemns Russia’s Gay Propaganda Law, Human Rights Watch, 22 June 2017, [www.hrw.org/news/2017/06/22/european-court-condemns-russias-gay-propaganda-law](http://www.hrw.org/news/2017/06/22/european-court-condemns-russias-gay-propaganda-law).

14. Табу в сфере секса и репродукции, 11 January 2018, [www.levada.ru/2018/01/11/17389/?fromtg=1](http://www.levada.ru/2018/01/11/17389/?fromtg=1).

values circulate on social media and contribute to this homophobic climate. Homophobic videos were available on internet during the last presidential campaign in 2018, calling on people to vote so as to avoid chaos.<sup>15</sup> Legislation, media reports and political statements contribute to creating a climate encouraging homophobic attitudes.

16. On the rainbow map<sup>16</sup> released by the International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA) on 14 May 2018, the Russian Federation has a score of 11% and is at the bottom of the list of European countries as regards equality for LGBTI people.

17. The anti-LGBTI campaign which occurred in the Chechen Republic in 2017 did not trigger a strong opposition in public opinion in the Russian Federation. Rising homophobia and support for anti-propaganda legislation are signs of an overall context which can lead to the acceptance or toleration of discrimination and violence against LGBTI people.

18. On 14 May, Alexander Konovalov, Minister of Justice of the Russian Federation, addressing the Human Rights Council in the context of the 30th Session of Universal Periodic Review, in his reply to comments from other delegations, denied the existence of LGBTI people in the Chechen Republic.<sup>17</sup> This kind of statement by high-ranking Russian officials defies common sense and is deeply disturbing.

#### 4. Gender roles, the promotion of traditional values and so-called “honour” crimes

19. One also needs to look into the overall context in the Chechen Republic in order to understand the situation. While this report addresses discrimination and extreme violence against a specific group, there is an overall climate of impunity and absence of rule of law in the Republic.

20. Human rights defenders have been and continue to be threatened. In this context, I will mention only the arrest on 10 January 2018 of Mr Oyub Titiyev, Head of the Memorial Office in Grozny, since the report by Mr Schwabe will provide a more detailed insight into the pressure and attacks against them. Ms Elena Milashina, journalist at *Novaya Gazeta* who investigated the purge, has received death threats in connection with her work in the Chechen Republic.

21. Since he consolidated his power in the Chechen Republic in 2007, Ramzan Kadyrov has had a free hand to promote his vision of a traditional society. He has presented himself as the guardian of tradition, religion and authority. He has stated that his mission is to cleanse the nation of all deviations, including alcohol and drugs.<sup>18</sup> He has also made reference to the need to cleanse the blood of the nation,<sup>19</sup> using repressive tools. The use of aggressive and barbaric language contributes to creating a climate of fear. He stated that a man had to be a man and a woman should stay a woman, promoting a traditional definition of gender roles in society.<sup>20</sup>

22. In addition to these general statements, President Kadyrov urged women to adopt righteous behaviour and launched campaigns to impose a certain dress code. In 2013, our committee held a hearing on women’s rights in the North Caucasus, during which members received information on the systematic harassment of women not respecting the dress code in the Chechen Republic<sup>21</sup> or not behaving honourably. Some women were killed by their families for “inappropriate” behaviour. Families are allegedly washing their tarnished “honour” by taking care of the “problem” directly. “The legal system tends to close its eyes to crimes committed in adat’s name”,<sup>22</sup> reported the International Crisis Group. So-called “honour” crimes are perpetrated with full impunity. Families are called on to assume their responsibility to protect and preserve their honour.

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15. Russie. Une vidéo raciste et homophobe invite les électeurs à aller voter, *Courrier International*, 20 février 2018, <https://www.courrierinternational.com/article/russie-une-video-raciste-et-homophobe-invite-les-electeurs-aller-voter>. Direct link to a video which was posted during the presidential campaign: <https://youtu.be/38ILVRDRtjM>.

16. [https://www.ilga-europe.org/sites/default/files/Attachments/rainbow\\_europe\\_map\\_2018\\_small.pdf](https://www.ilga-europe.org/sites/default/files/Attachments/rainbow_europe_map_2018_small.pdf).

17. UPR Review of the Russian Federation, 14 May 2018, <http://webtv.un.org/meetings-events/watch/russian-federation-review-30th-session-of-universal-periodic-review/5784600846001/?term=#t=2h47m30s>.

18. “They said that I’m not a human, that I am nothing, that I should rather be a terrorist, than a faggot”, LGBT Persecution in the North Caucasus: a Report, Prepared by the Russian LGBT Network in co-operation with Elena Milashina (*Novaya Gazeta*), March 2018, [https://lgbtnet.org/sites/default/files/chechnya\\_obnovlennyy\\_doklad\\_mart\\_2018\\_eng.pdf](https://lgbtnet.org/sites/default/files/chechnya_obnovlennyy_doklad_mart_2018_eng.pdf).

19. Ramzan Kadyrov says there are no gay men in Chechnya — and if there are any, they should move to Canada, *Washington Post*, 15 July 2017, [www.washingtonpost.com/news/worldviews/wp/2017/07/15/ramzan-kadyrov-says-there-are-no-gay-men-in-chechnya-and-if-there-are-any-they-should-move-to-canada/?utm\\_term=.1a9e2d29d494](http://www.washingtonpost.com/news/worldviews/wp/2017/07/15/ramzan-kadyrov-says-there-are-no-gay-men-in-chechnya-and-if-there-are-any-they-should-move-to-canada/?utm_term=.1a9e2d29d494).

20. Video interview to TV Channel Russia 1, [www.youtube.com/watch?v=CB1biKfjPbE](http://www.youtube.com/watch?v=CB1biKfjPbE).

21. Human Rights Watch, Virtue Campaign on Women in Chechnya under Ramzan Kadyrov, 2012.

23. The United Nations Committee on the Elimination of Discrimination against Women (CEDAW) expressed concern at harmful practices and violence against women in the North Caucasus in its concluding observations in 2010<sup>23</sup> and 2015:<sup>24</sup> “The Committee remains concerned at the increasing prevalence of violence against women in the northern Caucasus, as well as of harmful practices, such as child and/or forced marriage, abduction of women and girls for forced marriage, crimes in the name of so-called honour, female genital mutilation and polygamy, notwithstanding the criminalization of such practices by federal law. The Committee is concerned that such harmful practices appear to be socially legitimized and surrounded by a culture of silence and impunity. The Committee reiterates its previous concern (see CEDAW/C/USR/CO/7, para. 10) that the federal Government may lack the will and an efficient mechanism to ensure the application of federal legislation in the regions and autonomous entities to fully implement the Convention coherently and consistently.”<sup>25</sup>

24. Being LGBTI means contravening the so-called traditional society where a couple is composed of a woman and a man. In the Chechen Republic, coming out often means being shunned by the family. Homosexuality is considered a disease and a provocation. LGBTI people are forced to hide their sexual orientation and are obliged to live a secret life. They fear being rejected, beaten up, tortured, abducted or even killed if they come out. When the police or security forces discover that a person is LGBTI, they threaten systematically to tell the family if the person does not give them a certain sum of money.

## 5. Extra-judicial killings, arbitrary detention and use of torture against LGBTI people in the Chechen Republic

25. During the bilateral meetings I have held with victims and witnesses of this targeted persecution, I have received first-hand information about the use of torture, mistreatment and arbitrary detention against LGBTI people in the Chechen Republic. Several persons are still missing, including the pop singer Zelim Bakayev, who is now believed to have died following his abduction. *Novaya Gazeta* reported at least three deaths during the actual purge, but more are feared since several disappearances have been reported.

26. I met several times with Elena Milashina, journalist at *Novaya Gazeta*, who investigated this targeted persecution. I also had meetings with representatives of the Russian LGBT network in 2017 and 2018.<sup>26</sup> This Network helps those fearing torture and victims of degrading treatment and torture leave the Chechen Republic. To date, the Russian LGBT Network has helped 114 persons leave the Chechen Republic, including 41 persons who say they that they had been detained and tortured and 30 family members who feared for their safety.<sup>27</sup> They contacted the Network via a hotline and received shelter in hidden safe houses. Some stayed in the Russian Federation and others (92) left to go abroad. Victims are often afraid of seeking justice and fear retaliation, which may explain why few have officially filed complaints to date.

27. Evidence has been collected by human rights organisations in order to bring those responsible to justice. Human Rights Watch documented meticulously the purge through interviewing victims and witnesses.<sup>28</sup> The details of victims’ testimonies tally. When being tortured, victims were interrogated and forced to give the names of other LGBTI people. Most detainees were outed to their families. According to Tanya Lokshina, the anti-gay purge was unique in its magnitude and its horror.<sup>29</sup>

22. International Crisis Group, *The North Caucasus: The Challenges of Integration, Ethnicity and Conflict*, 19 October 2012, <https://d2071andvip0wj.cloudfront.net/220-the-north-caucasus-the-challenges-of-integration-i-ethnicity-and-conflict.pdf>.

23. In its concluding observations about the Russian Federation in 2010, the CEDAW expressed “concern at the increasing rate of violence against women and killings of women in the Chechen Republic of the Russian Federation as well as harmful traditional practices, such as honour killings and bride kidnapping. The Committee also notes with concern that such cases of violence and killings are rarely documented, prosecuted and punished, [www2.ohchr.org/english/bodies/treaty/CD\\_Concl\\_Obs\\_2010/CEDAW/46th%20session/CEDAW-C-USR-CO-7%20\(e\).pdf](http://www2.ohchr.org/english/bodies/treaty/CD_Concl_Obs_2010/CEDAW/46th%20session/CEDAW-C-USR-CO-7%20(e).pdf).”

24. Concluding observations of the CEDAW, 2015, CEDAW/C/RUS/CO/8, <http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2fPPRiCAqhKb7yhsniNnqKYBbHCTOaqVs8CBP2%2fEJgS2uWhk7nuL22CY5Q6EygEUW%2bbboviXGrJ6B4KEJr4JaIKJZyYib0P1wYeg13mjbxpuvBQIHs8SaZvXdjX>.

25. *Ibid.*, paragraph 23.

26. *LGBT Persecution in the North Caucasus: a Report*, Russian LGBT Network, 31 July 2017, [https://lgbtnet.org/sites/default/files/final\\_chechnya\\_publish.pdf](https://lgbtnet.org/sites/default/files/final_chechnya_publish.pdf).

27. *Russian Gay-Rights Group Says It Helped 114 People Flee Chechnya*, Radio Free Europe, 3 April 2018, [www.rferl.org/a/chechnya-gay-rights-group-helped-114-people-escape/29142430.html](http://www.rferl.org/a/chechnya-gay-rights-group-helped-114-people-escape/29142430.html).

28. *They have long arms and they can find me*, Anti-gay purge by local authorities in Russia’s Chechen Republic, Human Rights Watch, May 2017, [www.hrw.org/report/2017/05/26/they-have-long-arms-and-they-can-find-me/anti-gay-purge-local-authorities-russias](http://www.hrw.org/report/2017/05/26/they-have-long-arms-and-they-can-find-me/anti-gay-purge-local-authorities-russias).

28. I was shocked to discover that, according to testimonies, Magomed Daudov, Speaker of the Chechen Parliament<sup>30</sup> had played a key role in the anti-LGBTI campaign. Human Rights Watch reported that he watched some of the victims being tortured.

29. High-level Russian officials called for an investigation and regretted that victims would not file complaints. In September 2017, Maxim Lapunov, despite security risks, filed an official complaint. The allegations of persecution could no longer be considered as rumours.

30. Maxim Lapunov is the first and only victim to officially file a complaint and to speak out publicly about the anti-LGBTI campaign.<sup>31</sup> He shared with me his story in person. He is not Chechen but lived and worked as an events organiser in the Chechen Republic for two years. He told me he was abducted and held in captivity from 16 to 28 March 2017 in a basement, where he was regularly beaten up by Chechen security forces. His captors wanted information about all the gay persons he knew. They read all the messages he had on his phone. Several men, speaking Chechen, entered one after the other the room where he was being detained. Each of them beat him up, with their hands or with plastic tubes. They would let him fall and catch his breath and then recommence the beating. After some time, he was brought to another room, where he was forced to fight with a Chechen man. He was asked to perform sexual favours on this man, which he refused, and was again severely beaten. He lost the sense of time. He told me he did not expect to survive. He was forced to record a testimony acknowledging he was gay, had to give names and addresses of family members and his fingerprints were taken.

31. Intimidations continued after his release. He was warned not to tell anyone what had happened and that the Chechen diaspora would find him if he did. He fled the Chechen Republic and joined his family in the Ural region, but he and his family members received threats from Chechnya. He then went to Moscow and he asked the Russian LGBT Network for support. He was provided with medical support, food, housing, psychological help and, in the end, assistance to leave the country.

32. Mr Lapunov told me that he met with Ms Moskalkova, Commissioner for Human Rights of the Russian Federation, in August 2017. She took his statement and sent it to the federal investigative authorities. He met several times with investigators, in the presence of his lawyers. He asked the Russian authorities for State protection but did not receive a reply. He has now left the Russian Federation since he feared for his safety.<sup>32</sup> According to Tanya Lokshina from Human Rights Watch, “he did not have to face what every Chechen man caught in the purge feared: being targeted by his own relatives for tarnishing family honour or exposing his entire family to overwhelming stigma because of his homosexuality”.<sup>33</sup>

33. I also tried to collect information about the situation of LBT women. At least 12 women, two of them transwomen, were also detained by Chechen authorities last year.<sup>34</sup> LBT women face difficulties in a Chechen society which promotes traditional gender roles.<sup>35</sup> The Russian LGBT Network reported that remaining invisible is a necessary choice for lesbian and bisexual women in the North Caucasus.<sup>36</sup> They are often victims of violence within their families. Several of them told the Russian LGBT Network that they had been taken to psychiatric clinics to cure their homosexuality or to mosques for exorcism sessions. Corrective rapes and forced marriages are considered as ways of “putting them back on the right track”. Testimonies of transgender people published in the press describe how the security situation has changed for them in the past 15 years in the Chechen Republic.<sup>37</sup>

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29. Hearing on 24 April 2018 in Strasbourg.

30. They have long arms and they can find me, Human Rights Watch, op. cit.

31. Bilateral meeting on 6 February 2018. He authorised me to share his testimony in this report.

32. Victim of Chechnya’s “gay purge” calls on Russia to investigate, *The Guardian*, 16 October 2017, [www.theguardian.com/world/2017/oct/16/victim-chechnya-anti-gay-purge-urges-russia-investigate-maxim-lapunov](http://www.theguardian.com/world/2017/oct/16/victim-chechnya-anti-gay-purge-urges-russia-investigate-maxim-lapunov).

33. Victim of Chechnya’s anti-LGBT purge seeks justice, Human Rights Watch, 19 October 2017, [www.hrw.org/news/2017/10/19/victim-chechnyas-anti-lgbt-purge-seeks-justice](http://www.hrw.org/news/2017/10/19/victim-chechnyas-anti-lgbt-purge-seeks-justice).

34. Information provided by Mr Igor Kochetkov, Russian LGBT Network, Hearing held on 24 April 2018 in Strasbourg.

35. The Chechnya LGBT crisis – one year on, *EU Observer*, 12 March 2018, <https://euobserver.com/opinion/141268>.

36. Written contribution persecution of LBT women in the North Caucasus sent by the Russian LGBT Network on 11 May 2018.

37. How a transgender Chechen escaped Russia and found asylum in the United States, *The Washington Post*, 17 September 2017, [www.washingtonpost.com/world/europe/a-transgender-chechen-woman-and-her-plea-for-asylum-in-america/2017/09/01/0edc5bd6-8916-11e7-96a7-d178cf3524eb\\_story.html?noredirect=on&utm\\_term=.11f5f1546d25](http://www.washingtonpost.com/world/europe/a-transgender-chechen-woman-and-her-plea-for-asylum-in-america/2017/09/01/0edc5bd6-8916-11e7-96a7-d178cf3524eb_story.html?noredirect=on&utm_term=.11f5f1546d25), and A transgender life in Chechnya, Aida Mirmaksumova, Open Democracy, 28 June 2017, [www.opendemocracy.net/od-russia/aida-mirmaksumova/transgender-life-in-chechnya](http://www.opendemocracy.net/od-russia/aida-mirmaksumova/transgender-life-in-chechnya).

34. Methods used for the persecution of LGBTI people in the Chechen Republic are similar to the ones used against other vulnerable groups, including drug users. “Using strategies tested in the fight against the Islamists, the authorities blacklist families, attacking clan solidarity. Some detainees accused of being gay are forced to confess publicly in ‘liberation ceremonies’, which other men in their family are required to attend ... By shaming whole families, the authorities seek, often successfully, to involve them in repression, forcing victims to flee their homes; some have to take refuge in a country where they can elude reprisals from the diaspora. Women are forced into exile if they wish to pursue a homosexual lifestyle rather than obey the familial injunction to marry.”<sup>38</sup> It is nevertheless difficult for them to leave since they need the authorisation of their parents or husband to do so, according to tradition, and their family members are likely to chase after them.

## 6. Reactions by the Chechen authorities

35. In February 2017, President Ramzan Kadyrov announced that all gay men in the Chechen Republic would be exterminated by Ramadan (May 2017).<sup>39</sup> Following the publication of investigations by journalists and human rights organisations, President Putin invited Ramzan Kadyrov to the Kremlin to explain the situation on 19 April 2017. President Kadyrov said the allegations were rumours.<sup>40</sup>

36. Shortly after, Mr Kadyrov’s spokesperson, Alvi Karimov, stated the reports of an anti-gay purge were false since such men did not exist in the Chechen Republic.<sup>41</sup> In a television interview for the United States television Channel HBO on 14 July 2017, President Kadyrov, asked about the purge against gay men, said: “This is nonsense. We don’t have this kind of people here. We don’t have any gays. If there are any, take them to Canada. Praise be to God. Take them far from us so that we don’t have them at home. To purify our blood, if there are any here, take them ... They are devils. They are for sale, they are not people. God damn them for what they are accusing us of. They will have to answer to the Almighty for this”.<sup>42</sup>

37. Ms Kheda Saratova, member of the Human Rights Council, which is an advisory body to the Head of the Chechen Republic, claimed she had seen no evidence of the alleged persecution. “In our Chechen society, any person who respects our traditions and culture will hunt down this kind of person without any help from authorities, and do everything to make sure that this kind of person does not exist in our society.”<sup>43</sup>

38. The Russian LGBT Network and *Novaya Gazeta* filed a complaint with the Investigative Committee and the Prosecutor’s General Office, and received a reply that there was “no urgency in initiating an investigation”.<sup>44</sup> Ms Moskalkova also submitted information to the Investigative Committee. However, the Commissioner for Human Rights is not mentioned in the Code of Criminal Procedure and has no authority to conduct or officially contribute to an investigation.<sup>45</sup>

39. Ms Moskalkova promised however to make sure the allegations made by Mr Lapunov were investigated and stated, “I believe there are grounds to open a criminal case and provide State protection to Maxim Lapunov” at the beginning of November 2017.<sup>46</sup>

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38. Homosexuals as “terrorists”, Chechnya’s very long state of emergency, *Le Monde diplomatique*, Arthur Clech, April 2018, <https://mondediplo.com/2018/04/11/chechnya-lgbti>.

39. Russia Investigates Chechnya’s Bloody Anti-Gay Purge, *Newsweek*, 26 May 2017, [www.newsweek.com/chechnya-gay-purge-ramzan-kadyrov-russia-human-rights-616445](http://www.newsweek.com/chechnya-gay-purge-ramzan-kadyrov-russia-human-rights-616445).

40. Kremlin Downplays Reports Of Abuse Of Gay Men In Chechnya, Radio Free Europe, 20 April 2017, [www.rferl.org/a/kremlin-downplays-reports-gay-men-abused-chechnya/28442560.html](http://www.rferl.org/a/kremlin-downplays-reports-gay-men-abused-chechnya/28442560.html).

41. “They Starve You. They Shock You”: Inside the Anti-Gay Pogrom in Chechnya, *The New York Times*, 21 April 2017, [www.nytimes.com/2017/04/21/world/europe/chechnya-russia-attacks-gays.html](http://www.nytimes.com/2017/04/21/world/europe/chechnya-russia-attacks-gays.html).

42. Video interview available in the article “Ramzan Kadyrov says there are no gay men in Chechnya — and if there are any, they should move to Canada”, *The Washington Post*, 15 July 2017, [www.washingtonpost.com/news/worldviews/wp/2017/07/15/ramzan-kadyrov-says-there-are-no-gay-men-in-chechnya-and-if-there-are-any-they-should-move-to-canada/?utm\\_term=.fe0853dbf8ab](http://www.washingtonpost.com/news/worldviews/wp/2017/07/15/ramzan-kadyrov-says-there-are-no-gay-men-in-chechnya-and-if-there-are-any-they-should-move-to-canada/?utm_term=.fe0853dbf8ab). See also: <https://www.outsports.com/2017/7/14/15973178/chechnya-gay-mma-ramzan-kadyrov>.

43. Chechen police “have rounded up more than 100 suspected gay men”, *The Guardian*, 2 April 2017, [www.theguardian.com/world/2017/apr/02/chechen-police-rounded-up-100-gay-men-report-russian-newspaper-chechnya](http://www.theguardian.com/world/2017/apr/02/chechen-police-rounded-up-100-gay-men-report-russian-newspaper-chechnya).

44. “They said that I’m not a human, that I am nothing, that I should rather be a terrorist, than a faggot” LGBT Persecution in the North Caucasus: a Report, prepared by the Russian LGBT Network in co-operation with Elena Milashina (*Novaya Gazeta*), March 2018, [https://lgbt.net.org/sites/default/files/chechnya\\_obnovlennyy\\_doklad\\_mart\\_2018\\_eng.pdf](https://lgbt.net.org/sites/default/files/chechnya_obnovlennyy_doklad_mart_2018_eng.pdf).

45. Ibid.

46. Investigators to Open Case Into Gay Chechen Purge *The Moscow Times*, 1 November 2017, <https://themoscowtimes.com/news/investigators-to-open-case-into-gay-chechen-purge-59444>.

40. A pre-investigation check has been opened, which should normally last for 30 days. After this period, an investigator should take the decision whether or not to open a criminal case, and send their decision to their supervisor. In Mr Lapunov's case, the latter asked for more checks and the procedure has come to a standstill. Ms Moskalkova criticised the insufficient activity of the investigators on this case.<sup>47</sup> No official criminal investigation has so far progressed beyond the pre-investigation checks.<sup>48</sup>

41. In January 2018, President Ramzan Kadyrov attacked defenders of the rights of LGBTI people. He said they "make up nonsense for money". "That is all an invention by foreign agents who are paid a few kopecks. So-called human rights activists make up all sorts of nonsense for money", he told the BBC.<sup>49</sup>

42. In April 2018, the Russian LGBT Network obtained access to 18 volumes of documentation about cases collected by the Russian federal authorities, including a document evidencing that the authorities had chosen not to launch a criminal case "due to the absence of a crime having been committed". According to Igor Kochetkov, "the local and federal authorities tried everything not to open a case. They have no interest in conducting an investigation ... Pre-investigation checks have been carried out by Chechen police officers, some of which have been identified as being perpetrators".<sup>50</sup> Testimonies of victims are not taken seriously, since there have been public statements denying the mere existence of LGBTI people in the Chechen Republic. I sincerely hope a thorough, impartial and effective investigation will be conducted at the national level. Should this not be the case, in my opinion the Assembly should call for an independent international inquiry to be conducted by an international human rights organisation.

## 7. Calls by the international community

43. Several heads of State and ministers<sup>51</sup> expressed their concern and called for an investigation by the Russian authorities, via statements or during bilateral meetings with the Russian President or the Russian Minister of Foreign Affairs, or at press conferences. Sigmar Gabriel, German Minister for Foreign Affairs, initiated a letter to his counterpart Minister Sergey Lavrov, together with foreign affairs ministers from France, the Netherlands, Sweden and the United Kingdom, addressing the persecution of LGBTI people in the Chechen Republic. Although it is not a priority in diplomatic exchanges, the persecution of LGBTI people in the Chechen Republic has not been a forgotten topic. According to Tanya Lokshina from Human Rights Watch, the outcry was so intense that the Kremlin was compelled to tell the Chechen authorities to stop the purge.

44. Five United Nations human rights independent experts, Mr Vitit Muntarbhorn (Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity), Mr Sètondji Roland Adjovi (Chair-Rapporteur of the Working on Arbitrary Detention), Ms Agnes Callamard (Special Rapporteur on extrajudicial, summary or arbitrary executions), Mr Nils Melzer (Special Rapporteur on torture and other cruel, inhumane and degrading treatment or punishment) and Mr David Kaye (Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression) called on the Russian authorities to open an investigation. "The arrested men are subjected to physical and verbal abuse, torture including with electric shocks, beatings, insults and humiliations. They are forced to give contact details of other gay people and threatened with having their sexual orientation disclosed to their family and community – a move which could put them at risk of 'honour killings'".<sup>52</sup> The Office for Democratic Institutions and Human Rights (ODIHR) also called on the Russian authorities to investigate reports of human rights violations against gay men in the Chechen Republic.<sup>53</sup>

45. On 16 May 2017, the European Parliament adopted a resolution on the implementation of the Council's LGBTI Guidelines, particularly in relation to the persecution of (perceived) homosexual men in Chechnya, Russia.<sup>54</sup> In this resolution, the European Parliament expresses "its deep concern at the reports of arbitrary detention and torture of men perceived to be gay in the Republic of Chechnya in the Russian Federation; calls

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47. Ibid.

48. "They said that I'm not a human, that I am nothing, that I should rather be a terrorist, than a faggot" LGBT Persecution in the North Caucasus: a Report, op. cit.

49. Chechnya gay rights activists "make up nonsense for money" – Kadyrov, Sarah Rainsford, *BBC News*, 29 January 2018, [www.bbc.com/news/world-europe-42854814](http://www.bbc.com/news/world-europe-42854814).

50. Hearing held on 24 April 2018 in Strasbourg.

51. Chancellor Merkel, President Macron, Minister Boris Johnson, EU High Representative for Foreign Affairs Mogherini, among others.

52. End abuse and detention of gay men in Chechnya, UN human rights experts tell Russia, 13 April 2017, [www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21501](http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21501).

53. ODIHR Director calls on Russian authorities to urgently investigate reports of shocking human rights violations against gay men in Chechnya, 13 April 2017, [www.osce.org/odihr/311611](http://www.osce.org/odihr/311611).

on the authorities to end this campaign of persecution, to immediately release those who are still illegally detained, to ensure legal and physical protection for victims and the human rights defenders and journalists who have worked on this case, and to allow international human rights organisations to conduct a credible investigation into the alleged crimes". It also "condemns all statements by the Chechen authorities that condone and incite violence against LGBTI people, including the statement by the Chechen Government spokesperson denying the existence of homosexuals in Chechnya and discrediting the report as 'lies and absolute disinformation'; deplores the unwillingness of local authorities to investigate and prosecute the serious violations directed specifically at individuals based on their sexual orientation, and reminds the authorities that the rights to freedom of assembly, association and expression are universal rights and apply to all; calls for the immediate release of those who are still illegally detained; urges the Russian authorities to provide legal and physical protection for the victims, as well as for the human rights defenders and journalists who have worked on this case".<sup>55</sup>

46. On the occasion of the International Day against Homophobia, Transphobia and Biphobia (IDAHOT) 2017, the Secretary General of the Council of Europe Thorbjørn Jagland expressed his concern "about the recent allegations of mass persecutions of LGBTI people in the Chechen Republic of the Russian Federation. Discrimination and violence against LGBTI people is the worst kind of populism. Using minorities as scapegoats is unfortunately a growing trend. It is dangerous to democracy and governments must do all they can to stop it. Societies based on human rights, democracy and the rule of law need strong anti-discrimination laws, which are properly applied, and policies to integrate minorities and protect their rights. We also need to tackle irresponsible political dialogue inciting people to hatred and prejudice. LGBTI people have the same rights as everyone else under the European Convention on Human Rights, and we cannot and will not tolerate violence and discrimination against them".<sup>56</sup>

47. Marking IDAHOT in 2018, Ms Dunja Mijatović, Council of Europe Commissioner for Human Rights, also came back to the severe ill-treatment and humiliation to which around 100 gay (or perceived gay) men were subjected in Chechnya from February to April 2017.<sup>57</sup>

48. Mr Jagland carried out an official visit to the Russian Federation on 19 and 20 October 2017, during which he discussed the alleged persecution of gay people in the Chechen Republic with Ms Tatyana Moskalkova, Commissioner for Human Rights of the Russian Federation.

49. Several national parliaments held debates on the situation of LGBTI people in the Chechen Republic following the publication of the articles by *Novaya Gazeta*. Members of the *Bundestag* and the House of Commons<sup>58</sup> raised this issue with their respective ministers for foreign affairs. Such initiatives should be praised and further encouraged, so as to discuss possible actions to be taken.

50. Several States<sup>59</sup> have offered protection to LGBTI people fleeing the Chechen Republic in fear of persecution. Canada announced it had granted asylum to 31 LGBTI people who fled the Chechen Republic.<sup>60</sup> Several European Union countries<sup>61</sup> have followed suit and have done their utmost to ensure the safety of the persons concerned, which remains a serious issue. Belgium officially reported having provided humanitarian visas to five gay men who fled the Chechen Republic.<sup>62</sup> Germany also announced it had granted protection to

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54. European Parliament resolution on the implementation of the Council's LGBTI Guidelines, particularly in relation to the persecution of (perceived) homosexual men in Chechnya, Russia (2017/2688(RSP)), 16 May 2017.

55. Ibid.

56. They have the same rights as everyone else, 16 May 2017, [www.coe.int/en/web/portal/17-may-international-day-against-homophobia?desktop=false](http://www.coe.int/en/web/portal/17-may-international-day-against-homophobia?desktop=false).

57. States should invest more efforts in combating homophobia and transphobia, Statement by the Council of Europe Commissioner for Human Rights, 16 May 2017, [www.coe.int/en/web/commissioner/-/states-should-invest-more-efforts-in-combating-homophobia-and-transphobia](http://www.coe.int/en/web/commissioner/-/states-should-invest-more-efforts-in-combating-homophobia-and-transphobia).

58. Debate in the House of Commons on the situation in the Chechen Republic, with the participation of Sir Alan Duncan, Minister of State for Europe and the Americas, 20 April 2017, <https://parliamentlive.tv/event/index/e3896dd5-cd04-42ad-a097-ae18df5e415e?in=10:33:05>.

59. Only five countries are helping gay Chechens leave Russia, *EU Observer*, 3 August 2017, <https://euobserver.com/lgbti/138680>.

60. Asile au Canada pour une trentaine d'homosexuels tchéchènes, 2 September 2017, [www.lemonde.fr/ameriques/article/2017/09/02/asile-au-canada-pour-une-trentaine-d-homosexuels-tchetchenes\\_5180168\\_3222.html#m2fDmKuSf6vekRTQ.99](http://www.lemonde.fr/ameriques/article/2017/09/02/asile-au-canada-pour-une-trentaine-d-homosexuels-tchetchenes_5180168_3222.html#m2fDmKuSf6vekRTQ.99).

61. In addition to Belgium, France, Germany and Lithuania have granted asylum to LGBTI people who fled the Chechen Republic, Gay Chechens flee threats, beatings and exorcism, *BBC News*, 6 April 2018.

62. Belgium Provides Five Chechen Gays With Humanitarian Visas, Radio Free Europe, 6 April 2018, [www.rferl.org/a/russia-chechnya-belgium-visas-for-gays/29149753.html](http://www.rferl.org/a/russia-chechnya-belgium-visas-for-gays/29149753.html).

LGBTI people from the Chechen Republic. Some of them reported living in fear of retaliation, even far from the Chechen Republic.<sup>63</sup> Specific attention should be paid to the possible threat represented by some members of the diaspora which might have supported the campaign of persecution against LGBTI people.

51. The Office of the United Nations High Commissioner for Refugees (UNHCR) has developed specific guidelines on processing claims for refugee status based on sexual orientation and/or gender identity, which need to be further promoted.<sup>64</sup> These guidelines clearly define specific persecution against LGBTI people.

52. Often, gay men hide their homosexuality and are married to a woman in the Chechen Republic. The situation of their wives and children after they leave the Republic is a matter of concern. Homosexuality is a taboo topic, sometimes ignored by close relatives, including the spouse. When invited for an interview in a consulate in Moscow, one woman married to a gay man who had fled persecution in the Chechen Republic, denied the fact that her husband was homosexual and was not granted the authorisation to join him in the country where he had fled. She could not tolerate the idea that her husband was gay, and could not flee although she was herself victim of threats following the departure of her husband.<sup>65</sup>

53. The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) made a visit to the Chechen Republic from 28 November to 4 December 2017.<sup>66</sup> The CPT “looked into the investigation of certain specific complaints/reports of unlawful detention and ill-treatment by law-enforcement officials in the Chechen Republic”.<sup>67</sup> It adopted its report in March 2018 and sent it to the Russian authorities for comments. I sincerely hope the Russian authorities will authorise its publication, which will be a positive sign showing there is willingness to share findings by an international human rights body on the situation in the Republic. The proposed draft resolution includes a call for the publication of this report.

54. The adoption of the report of the European Commission against Racism and Intolerance (ECRI) on the Russian Federation (5th monitoring cycle) is foreseen in 2018. I sincerely hope that the Russian authorities will fully implement all ECRI recommendations, including those concerning LGBT people.

## 8. Conclusions and recommendations

55. One year after the publication of the findings by *Novaya Gazeta*, and despite international calls, no substantive investigation has been conducted into the wave of persecution against LGBTIs in the Chechen Republic in 2017. Similarly, no measures have been taken to address the overall discrimination, harassment and violence to which LGBTI people are subjected on a daily basis. In fact, the very existence of LGBTI people in the Chechen Republic is denied, not only by the Chechen authorities but also more recently by the Russian authorities.

56. Denial is not an acceptable response. An acceptable response is that the Russian authorities conduct an impartial and effective investigation into last year’s events and ensure there is no impunity for perpetrators. One victim has formally lodged a complaint. This case should be investigated through the appropriate legal and judicial procedures. But the fact that only one person formally lodged a complaint does not absolve the Russian authorities from opening a broader inquiry into last year’s persecution campaign, because of the wealth of conclusive evidence which is in the public domain, the gravity of the crimes which are reported and the involvement of public officials.

57. The state of relations between the Parliamentary Assembly and the Russian Federation is far from satisfactory and this has had an impact on my ability to obtain first-hand information as rapporteur. Nevertheless, the Russian Federation remains a member State of the Council of Europe and should strive to uphold human rights. Should the Russian Federation refuse to conduct an inquiry, it should at least allow an international independent investigation to be conducted by an international human rights organisation.

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63. Auch im Exil noch gejagt und bedroht, Deutschlandfunk, 27 October 2017, [www.deutschlandfunk.de/gewalt-gegen-tschetschenische-schwule-auch-im-exil-noch.1773.de.html?dram:article\\_id=399233](http://www.deutschlandfunk.de/gewalt-gegen-tschetschenische-schwule-auch-im-exil-noch.1773.de.html?dram:article_id=399233).

64. UN High Commissioner for Refugees, “Guidelines on International Protection No. 9: Claims to Refugee Status based on Sexual Orientation and/or Gender Identity within the context of Article 1A(2) of the 1951 Convention and/or its 1967 Protocol relating to the Status of Refugees”, 23 October 2012, [www.unhcr.org/refworld/docid/50348afc2.html](http://www.unhcr.org/refworld/docid/50348afc2.html).

65. Information provided by Igor Kochetkov, Chairperson of the Russian LGBT Network, Bilateral meeting held in Strasbourg on 24 April 2018.

66. Council of Europe anti-torture Committee visits the Chechen Republic of the Russian Federation, [www.coe.int/en/web/cpt/-/council-of-europe-anti-torture-committee-visits-the-chechen-republic-of-the-russian-federation](http://www.coe.int/en/web/cpt/-/council-of-europe-anti-torture-committee-visits-the-chechen-republic-of-the-russian-federation).

67. Ibid.

58. There will be no change if there is no strong political signal that the persecution of LGBTI people cannot be tolerated. Discrimination on the grounds of sexual orientation or gender identity contradicts the essence of equality. There is a connection between the campaign of persecution in the Chechen Republic and the anti-propaganda legislation in the whole of the Russian Federation, in the sense that the latter contributes to stigmatising LGBTI people and creating a fertile ground for hatred. I would therefore recommend that the Assembly call again on the Russian Federation to repeal the 2013 anti-propaganda legislation, with a view to respecting freedom of expression and stopping discrimination. The Assembly should also call for the implementation of relevant judgments of the European Court of Human Rights.

59. Furthermore, whereas the campaign was limited to the Chechen Republic, the risk of spill-over exists and our reaction to this targeted persecution might have an impact on potential similar events in other countries. It should be made clear that there can be no impunity for persecution against LGBTI people, regardless of the country or the circumstances.

60. I also believe Council of Europe member States should welcome people fleeing persecution from the Chechen Republic on the ground of their sexual orientation and gender identity, provide them with a safe haven and look favourably at their claims for international protection. The protection of victims, witnesses and family members must be a priority in handling the situation. LGBTI people who have fled the Chechen Republic fear reprisals from the Chechen community abroad. They need safety, protection and support, including specific psychological support. Families of persecuted LGBTI people in the Chechen Republic also deserve utmost attention, regardless of whether they stay or leave.

61. I hope this report will not only contribute to shedding light on this issue but will also call for action by all Council of Europe member States, so as to take a stand to reaffirm that the rights of LGBTI people are not special rights but human rights. It is our duty not to stay silent and to try to use every opportunity we have to reiterate our commitment to this. It is also our responsibility to ensure that LGBTI people are not treated as second-class citizens.

62. Protecting all people from torture, degrading treatment, enforced disappearances, arbitrary detention and ultimately extra-judicial killings, irrespective of their origin, colour, age, gender or sexual orientation, is one of the founding principles behind the creation of the Council of Europe. We cannot turn a blind eye to what has happened and might still be happening in one of the member States. We cannot accept that people are persecuted for who they are.