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WATCH

## NO SUPPORT

Russia's "Gay Propaganda" Law Imperils LGBT Youth



## **No Support**

**Russia's "Gay Propaganda" Law Imperils LGBT Youth**

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# Glossary

Young people interviewed by Human Rights Watch for this report used a variety of terms to describe same-sex attraction and gender variance. Some of these terms are defined below.

<b>Asexual</b>	The sexual orientation of a person who experiences little or no sexual attraction to other people.
<b>Biological sex</b>	The biological classification of bodies as male or female based on such factors as external sex organs, internal sexual and reproductive organs, hormones, and chromosomes.
<b>Bisexual</b>	The sexual orientation of a person who is sexually and romantically attracted to both women and men.
<b>Cisgender</b>	The gender identity of people whose sex assigned at birth conforms to their identified or lived gender.
<b>Closeted/Being in the Closet</b>	A person who does not acknowledge their sexual orientation to others. People may be “fully” in the closet (not admitting their sexual orientation to anyone), fully out, or somewhere in between.
<b>Gay</b>	A synonym for homosexual in many parts of the world; in this report, used specifically to refer to the sexual orientation of a man whose primary sexual and romantic attraction is towards other men.
<b>Gender</b>	The social and cultural codes (as opposed to biological sex) used to distinguish between society’s conceptions of “femininity” and “masculinity.”
<b>Gender-Based Violence</b>	Violence directed against a person on the basis of gender or sex. Gender-based violence can include sexual violence, domestic

violence, psychological abuse, sexual exploitation, sexual harassment, harmful traditional practices, and discriminatory practices based on gender. The term originally described violence against women but is now widely understood to include violence targeting women, transgender persons, and men because of how they experience and express their genders and sexualities.

**Gender Expression** The external characteristics and behaviours that societies define as “feminine,” “androgynous,” or “masculine,” including such attributes as dress appearance, mannerisms, hair style, speech patterns, and social behaviour and interactions.

**Gender Identity** A person’s internal, deeply felt sense of being female or male, both, or something other than female and male.

**Gender Dysphoria (previously “Gender Identity Disorder,” or GID)** The formal diagnosis that psychologists and physicians use to describe persons who experience significant discontent with their biological sex and/or the gender they were assigned at birth. The International Statistical Classification of Diseases and Related Health Problems (ICD-10 CM) and the Diagnostic and Statistical Manual of Mental Disorders (DSM-V) classify GID as a medical disorder. The 2013 version of the DSM-V replaced “Gender Identity Disorder” with “Gender Dysphoria” in an attempt to avoid the stigma associated with “disorder,” and changed the criteria for the diagnosis.

**Gender Non-Conforming** Does not conform to stereotypical appearances, behaviours, or traits associated with sex assigned at birth.

**Heterosexual** The sexual orientation of a person whose primary sexual and romantic attraction is toward people of the other sex.

<b>Homophobia</b>	Fear of, contempt of, or discrimination against homosexuals or homosexuality, usually based on negative stereotypes of homosexuality.
<b>Homosexual</b>	The sexual orientation of a person whose primary sexual and romantic attractions are toward people of the same sex.
<b>Lesbian</b>	The sexual orientation of a woman whose primary sexual and romantic attraction is toward other women.
<b>LGBT</b>	Lesbian, gay, bisexual, and transgender; an inclusive term for groups and identities sometimes also grouped as “sexual and gender minorities.”
<b>Pansexual</b>	The sexual orientation of a person whose sexual or romantic attraction is not restricted by sex assigned at birth, gender, or gender identity.
<b>Queer</b>	An inclusive umbrella term covering multiple identities, sometimes used interchangeably with “LGBTQ.” Also used to describe divergence from heterosexual and cisgender norms without specifying new identity categories.
<b>Sexual and Gender Minorities</b>	An inclusive term for people with non-conforming sexualities and gender identities, such as LGBT, men who have sex with men (who may not self-identify as LGBT) and women who have sex with women.
<b>Sexual Orientation</b>	The way in which a person’s sexual and romantic desires are directed. The term describes whether a person is attracted primarily to people of the same or other sex, or to both or others.
<b>Transgender</b>	The gender identity of people whose sex assigned at birth does not conform to their identified or lived gender. A transgender



person usually adopts, or would prefer to adopt, a gender expression in consonance with their gender identity but may or may not desire to permanently alter their physical characteristics to conform to their gender identity.

**Transgender Men** Persons designated female at birth but who identify and may present themselves as men. Transgender men are referred to with male pronouns.

**Transgender Women** Persons designated male at birth but who identify and may present themselves as women. Transgender women are referred to with female pronouns.

**Transphobia** Fear of, contempt of, or discrimination against transgender and transsexual persons, usually based on negative stereotypes of transgender identity.

## Summary

Lesbian, gay, bisexual, and transgender (LGBT) youth in Russia face formidable barriers to enjoying their fundamental rights to dignity, health, education, information, and association. In Russia, antipathy towards homosexuality and gender variance is not new—LGBT people there have long faced threats, bullying, abuse inside their families, and discrimination—but the 2013 “gay propaganda” law has increased that social hostility. The law has also had a stifling effect on access to affirming education and support services, with harmful consequences for LGBT youth.

Russia’s “gay propaganda” law is a classic example of political homophobia. It targets vulnerable sexual and gender minorities for political gain. When Russian president Vladimir Putin signed the federal law in June 2013, he pandered to a conservative domestic support base. And on the international stage, the law helped position Russia as a champion of so-called “traditional values.” The legislation, formally titled the law “aimed at protecting children from information promoting the denial of traditional family values,” bans the “promotion of nontraditional sexual relations to minors”—a reference universally understood to mean a ban on providing children access to information about LGBT people’s lives. The ban includes, but is not limited to, information provided via the press, television, radio, and the internet.

The law has been used to shut down websites that provide valuable information and services to teens across Russia and to bar LGBT support groups from working with youth. But the law’s effects have been much broader: individual mental health professionals have curtailed what they say and what support they give to students, and the law gives the strong imprimatur of the Russian state to the false and discriminatory view that LGBT people are a threat to tradition and the family. Significantly, mental health providers we spoke with said the law interferes with their ability to offer honest, scientifically accurate, and open counseling services, leading some to self-censor themselves or set out explicit disclaimers at the start of sessions to avoid running afoul of the law.

Given the already deeply hostile climate for LGBT people in Russia when the law was passed, it is not surprising that its passage coincided with an uptick in often-gruesome vigilante violence against LGBT people in Russia—frequently carried out in the name of

protecting Russian values and Russia’s children. And while Russian government officials and parliament members claim that the goal of the “gay propaganda” law is to protect children from potentially harmful subject matter, the law in fact directly harms children by denying them access to essential information and increasing stigma against LGBT youth and their families. As the European Court of Human Rights concluded in 2017, the law reflects and reinforces “predisposed bias, unambiguously highlighted by its domestic interpretation and enforcement.”

This report—based largely on interviews with LGBT youth and mental health professionals in diverse locations in Russia, including urban and rural areas—documents the situation of LGBT youth there today. It looks at their everyday experiences in schools, homes, and in public, and their ability to access reliable and accurate information about themselves as well as counseling and other support services. As one mental health provider explained, “The whole situation is just worsening. As of today, teachers and teachers-psychologists are not allowed to speak positively [on LGBT topics]. They can’t just say to a kid, ‘Hey, everything is normal with you.’”

LGBT youth interviewed by Human Rights Watch described feelings of intense fear of disclosing their sexual orientation or gender identity in their daily lives, as well as distrust in the individuals and systems that should provide them safety and refuge. This fear extends beyond the school walls: some of the students Human Rights Watch interviewed said that others in their communities also threatened and physically abused them.

While some LGBT youth told us that teachers had supported and protected them, many others said their teachers characterize LGBT people as a symptom of perversion imported from Western Europe or North America, mirroring the political homophobia that motivated the passage of the “gay propaganda” law in the first place.

For some, peers are a source of relative support and openness—when compared with how their parents and teachers relate to issues of sexual orientation and gender identity. Others, however, face harassment, bullying, and discrimination at the hands of their classmates, who often repeat the stereotypes, misinformation, and noxious anti-LGBT rhetoric pervasive in Russian media. Some students heard comments from classmates suggesting that LGBT people do not deserve to live.

Nearly all of the youth we spoke with described intense feelings of isolation, which they attributed to persistent anti-LGBT rhetoric and hostile social attitudes. Their sense of isolation was exacerbated, they said, by the “gay propaganda” law. Repeatedly, they explained that their primary struggle is not coming to terms with being different as such, but rather finding accurate information about gender and sexuality in a hostile environment.

In the absence of accurate information and safe access to community spaces, or support from teachers and school mental health staff, many LGBT youth turn to the internet—an embattled, politicized, and often-censored space in Russia. However, the “gay propaganda” law has also restricted access to information about gender and sexuality online.

Mental health professionals we spoke with strongly echoed what LGBT youth said. They spoke of growing fear and anxiety among such youth since the law passed and an increase in demands for counselors attuned to LGBT issues, but also pervasive ignorance among psychologists and new self-censorship even among those who understand the issues and want to play a positive role in the lives of LGBT youth. One psychologist described how even in situations where it is clinically relevant to discuss a child client’s sexual orientation, he feels constrained by the law: “Teenagers often wait for me to ask a direct and precise question about his or her sexual orientation or gender identity, but the law prevents me from doing that.” A social worker pointed out that the law “is an effective means of intimidation.”

Psychologists told Human Rights Watch that the “gay propaganda” law has limited their ability to be fully candid on questions of sexual orientation and gender identity. Some explained that they felt forced to speak about sexual orientation and gender identity only in euphemisms, or to say explicitly at the outset of counseling sessions that they cannot and will not disseminate “gay propaganda” in attempts to dispel in advance any notion that they are violating the law.

By sending an official message approving the marginalization of LGBT people, psychologists told us, the “gay propaganda” law increases the challenges youth face. And by erecting legal barriers between marginalized youth and the support services and information they need, the law does significant harm.

## Deti-404

Deti-404 is an online group that offers psychological support, advice, and a safe online community for LGBT children, including those who experience violence and aggression because of their real or perceived sexual orientation or gender identity. “Deti” (дети) means “children.” The “404” in the group’s title is a reference to the standard internet “error 404” message indicating that a webpage cannot be found, so the group’s name can be read as referring to children who have been erased in official terms. Elena Klimova, a journalist and LGBT activist, launched Deti-404 while the “gay propaganda” law was pending in the parliament.<sup>1</sup>

On June 10, 2013, Yelena Mizulina, the author of the law at the State Duma, the lower chamber of Russia’s parliament, told reporters that the Deti-404 website did not constitute “gay propaganda” under the law. “Such a project is not concerned with the propaganda of non-traditional relationships,” she said. The reporter then asked her: “What is it like for these children when they discover that they are not like everyone else? How do they get information that it is not a disease, that it's okay?” Mizulina replied:

Information that is explanatory, or descriptive, or which does not call for anything, which is not provocative, which doesn’t depict non-traditional sexual relations, is not propaganda, it can be legally accessed by teens.<sup>2</sup>

The next day the State Duma voted unanimously to pass the law.

Deti-404 has gained tens of thousands of members since then and has become a crucial source of information and refuge for LGBT youth in Russia. But contrary to

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<sup>1</sup> Letter from Elena Klimova to Svetlana Agapitova, Children’s Ombudsperson of St. Petersburg, April 19, 2016 (on file with Human Rights Watch)

<sup>2</sup> Ekaterina Vinokurova, “People Are Not Annoyed by Gays, But by Propaganda,” [«Людей ведь раздражают не геи, а пропаганда»], *Gazeta*, June 10, 2013, [https://www.gazeta.ru/politics/2013/06/10\\_a\\_5375845.shtml](https://www.gazeta.ru/politics/2013/06/10_a_5375845.shtml) (accessed November 10, 2018).

Mizulina’s assertions, Deti-404 has been a consistent target of the “gay propaganda” law in its five and a half years of existence.

Klimova has been charged under the “gay propaganda” law three times for operating Deti-404 and forced to change its digital location or re-launch the group to keep it functioning. Since a 2016 court decision, the group’s website, [www.deti404.com](http://www.deti404.com), has been formally blocked in Russia.

By enshrining discrimination in national law, Russia’s “gay propaganda” law violates Russia’s international human rights obligations. International bodies—including the European Court of Human Rights and the United Nations Committee on the Rights of the Child—have strongly condemned it for this reason.

Our interviews show that Russian youth are resilient amid the onslaught of anti-LGBT rhetoric, negative social attitudes, discriminatory laws, and persistent misinformation in their lives. The “gay propaganda” law, however, risks inflicting long-term harm on generations of Russian youth by encouraging discrimination and curtailing access to support services. The path forward requires repeal of the law and other reforms that uphold the basic rights of LGBT youth to freedom of expression and access to information. Mental health professionals, for their part, should not have to look over their shoulders when providing counseling and other services to LGBT youth: they should be free to provide counseling based on evidence and international best practices, not societal fears backed by repressive legislation.

# Recommendations

## To the President of the Russian Federation

- Immediately issue a public statement condemning the use of hate speech toward LGBT people.

## To the Government of the Russian Federation

- Repeal the “gay propaganda” law, Federal Law No. 135-FZ of June 29, 2013, which bans the distribution of information about LGBT people’s lives to “minors” (people under age 18).
- Repeal and amend other laws, including Federal Law No. 167-FZ of July 2, 2013, and governmental decree No. 93 of February 10, 2014, that contain discriminatory provisions against LGBT people.
- Instruct regional legislatures where regional “gay propaganda” laws remain in force to repeal these laws because they violate Russia’s international human rights obligations.
- Introduce legislation to protect the rights of all LGBT people, including children, such as legislation to explicitly proscribe discrimination against them in public services and to make sexual orientation and gender identity protected categories against discrimination in relevant provisions of Russia’s criminal and civil laws.
- Include information about sexual orientation and gender identity in the national curriculum based on guidelines set forth by the United Nations Educational, Scientific and Cultural Organization (UNESCO) and the United Nations Population Fund (UNFPA).
- End rhetoric by members of the government that stigmatizes LGBT people and allows Russian authorities to explicitly or tacitly deem anti-LGBT sentiments and violence as permissible.
- Ensure that judgments of the European Court of Human Rights (including *Bayev v. Russia*, *Alekseyev v. Russia*, and *Alekseyev and Others v. Russia*) on freedom of expression, assembly, and association are complied with through laws and policies of the Russian Federation.

- Instruct local authorities to comply with the standards on freedom of expression, association, and assembly set out in judgments of the European Court of Human Rights.
- Implement Recommendation CM/Rec(2010)5 of the Council of Europe Committee of Ministers to member states on measures to combat discrimination on grounds of sexual orientation or gender identity.
- Instruct relevant law enforcement agencies, such as the office of the prosecutor general, the Ministry of Interior, and the Investigative Committee, to gather data about homophobic and transphobic crimes, and make such data publicly available.
- Instruct prosecutors and judges to pay special attention to and use hate crime legislation when prosecuting crimes and infractions against LGBT people.
- Monitor the response of law enforcement officials to crimes against LGBT people, with the goal of continuously improving it.

### **To the Ministry of Health**

- Issue a non-discrimination policy inclusive of sexual orientation and gender identity for all mental health providers.

### **To the Ministry of Education**

- Establish reporting mechanisms to receive complaints of harassment, bullying, and violence, and promptly investigate and act appropriately by conducting swift and impartial investigations upon receipt of complaints.
- Provide guidance and training for teachers and administrators on how to respond when they see or hear about incidents of violence.
- Require age-appropriate, comprehensive, and inclusive sexuality education, based on scientific evidence and human rights, as a mandatory part of school curricula.
- Develop and implement a non-discrimination policy inclusive of sexual orientation and gender identity for all state schools.
- Ensure that all school psychologists are trained to work with LGBT children.



## To School Staff

- Teachers and administrators should challenge discriminatory attitudes expressed by students and staff that allow intolerance, bullying, and other forms of harassment and violence to flourish.
- Schools should involve children in the development of strategies for the elimination and prevention of bullying and other forms of violence in school.
- Until the Ministry of Education has developed a national non-discrimination policy that includes sexual orientation and gender identity, schools should introduce and implement their own nondiscrimination policies that cover these bases of discrimination.

## To the European Union and Its Member States

- Continue to publicly call on the Russian government to repeal the “gay propaganda” law.
- Publicly condemn acts of violence against LGBT people and activists and raise the issue in routine and high-level meetings with relevant Russian officials.
- In line with the June 2013 EU guidelines on promoting and protecting the enjoyment of all human rights by lesbian, gay, bisexual, transgender and intersex (LGBTI) persons, support initiatives to provide assistance and redress for victims of such violence, civil society and governmental monitoring of cases involving violence, and training of law enforcement personnel.
- Continue to urge the Russian government to fully implement the judgments of the European Court of Human Rights in the cases of *Bayev v. Russia* and *Alekseyev v. Russia* and Recommendation CM/Rec(2010)5 of the Council of Europe Committee of Ministers to member states on measures to combat discrimination on grounds of sexual orientation or gender identity.

## To the Council of Europe

- The Committee of Ministers of the Council of Europe should invite the Russian Federation to provide the committee with information on the steps it has taken to comply with the European Court of Human Rights’ judgment in *Bayev v. Russia* and to uphold the rights of children and adults to freedom of expression (including

freedom to seek and receive information) and freedom of association, in particular relating to LGBT issues.

- The Committee of Ministers should closely monitor the Russian Federation's implementation of the European Court of Human Rights' judgments in *Alekseyev v. Russia* (2010) and, once it becomes final, *Alekseyev and Others v. Russia* (2018).
- Follow up on the Parliamentary Assembly's Resolution 2230 (2018), adopted June 27, 2018, with an additional inquiry to the Russian government on the persecution of LGBTI people in Chechnya.

## To Participating States of the Organisation of Security and Co-operation in Europe (OSCE)

- Upon completion of the work of the independent expert appointed under the Moscow Mechanism, use all relevant OSCE institutions to ensure that Russia carries out the independent expert's recommendations.

## Methodology

This report is based on Human Rights Watch interviews conducted between October 2016 and April 2018 with 56 sexual and gender minority youth and 11 mental health providers and social workers in Russia, extensive review of court records and secondary source materials through November 2018, and prior Human Rights Watch research published in news releases and other public documents from 2014 to 2018.

Most interviews were conducted in Russian with simultaneous translation into English, some by an interviewer fluent in Russian, and a few completely in English. Interviewees live in different cities and regions across Russia, including St. Petersburg, Moscow, Magadan, Rostov, Astrahan, Irkutsk, Kaliningrad, Ulyanovsk, Tula, Novosibirsk, Khabarovsk, Volga, Kostroma, Krasnodar, Veliky Novgorod, Belgorod, Murmansk, Perm, Samara, as well as Altai, Sverdlovsk, Trans-Baikal, and Udmurtia regions.

Human Rights Watch researchers identified potential interviewees through Russian LGBT organizations, including Deti-404, and then contacted and interviewed them independently.

All interviewees were informed of the purpose of the interview, its voluntary nature and the goal and public nature of our reports. All interviewees gave their oral consent to participate in the interview. Pseudonyms have been used for all interviewees, and some additional identifying information, such as location, has been withheld. No interviewee received compensation for providing information. Most interviews were conducted by telephone or via internet communication.

In line with international standards, the term “child” refers in this report to a person under the age of 18.<sup>3</sup> Youth in Russia use a variety of terms to describe same-sex attraction and gender variance, as discussed more fully in the glossary, and as Human Rights Watch and

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<sup>3</sup> See Convention on the Rights of the Child, art. 1, November 20, 1989, 1577 U.N.T.S. 3 (entered into force September 2, 1990). The Union of Soviet Socialist Republics (USSR) ratified the convention on August 16, 1990, and Russia remains a state party to the convention.

other researchers have documented elsewhere.<sup>4</sup> This report describes the sexual orientation and gender identity of youth in the terms they used for these aspects of their identity.

Human Rights Watch wrote to the Russian Ministry of Education and Ministry of Health on October 12, 2018. Our letters appear in Appendices 1 and 2 respectively. The Ministry of Education responded on November 9, 2018; its letter appears in Appendix 3. The Ministry of Health has not responded to our letter.

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<sup>4</sup> See, for example, Human Rights Watch, *“Just Let Us Be”: Discrimination Against LGBT Students in the Philippines* (New York: Human Rights Watch, 2017), pp. i-ii; Human Rights Watch, *“Like Walking Through a Hailstorm”: Discrimination Against LGBT Youth in US Schools* (New York: Human Rights Watch, 2016), pp. i-ii; Human Rights Watch, *Shut Out: Restrictions on Bathroom and Locker Room Access for Transgender Youth in US Schools* (New York: Human Rights Watch, 2016), p. 18; Human Rights Watch, *“The Nail That Sticks Out Gets Hammered Down”: LGBT Bullying and Exclusion in Japanese Schools* (New York: Human Rights Watch, 2016), p. 25 n. 33.

# I. Growing Up Queer in Russia

I'm not having a good life. Every day is like torture. I'm just tired of this kind of life. Tired of pretending that I am a woman . . . tired of misunderstanding, tired of myself.

—Lev M., 18-year-old transgender man in grade 11, Moscow, December 2016

## Longstanding Antipathy in Law and Official Actions

Antipathy towards same-sex conduct is not new in Russia. Peter the Great banned “sodomy” in the army and navy in 1716, and the criminal code enacted under Nicholas I in 1835 prohibited same-sex sexual relations between civilian men.<sup>5</sup> Sex between men was decriminalized in 1917 but became a criminal offense in the Union of Soviet Socialist Republics (USSR or “Soviet Union”) in 1934, carrying a prison term of up to five years of hard labor.<sup>6</sup> In the Soviet era, thousands of men were convicted of sodomy and sent to labor camps and psychiatric institutions.<sup>7</sup> Same-sex relationships between women were not criminalized, but some lesbians faced forced psychiatric hospitalization.<sup>8</sup> In this climate of legal sanction and fear, the majority of LGBT people kept a low profile and concealed their identities.

Same-sex relations between men were decriminalized in 1993, two years after the breakup of the Soviet Union, and in 1999 the Russian Ministry of Health recognized the standards of the International Classification of Diseases (ICD), which had been revised in 1990 to remove a diagnosis for homosexuality.<sup>9</sup> The age of consent in Russia is the same

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<sup>5</sup> See Laura Engelstein, *The Keys to Happiness: Sex and the Search for Modernity in Fin-de-Siècle Russia* (Ithaca: Cornell University Press, 1992), pp. 58-59; Dan Healey, *Homosexual Desire in Revolutionary Russia: The Regulation of Sexual and Gender Dissent* (Chicago and London: University of Chicago Press, 2001), pp. 79-81; Dan Healey, *Russian Homophobia from Stalin to Sochi* (London: Bloomsbury, 2018), pp. xii-xiii.

<sup>6</sup> Healey, *Homosexual Desire in Revolutionary Russia*, pp. 80-81.

<sup>7</sup> Healey, *Russian Homophobia from Stalin to Sochi*, p. 158-175; Igor Kon, “Soviet Homophobia,” *Gay.ru*, 1998, <http://www.gay.ru/english/history/kon/soviet.htm> (accessed August 21, 2018).

<sup>8</sup> Healey, *Homosexual Desire in Revolutionary Russia*, p. 69; “History,” informational brochure, Side by Side LGBT Film Festival, 2013, p.3.

<sup>9</sup> World Health Organization, “The ICD-10 Classification of Mental and Behavioural Disorders,” <http://www.who.int/classifications/icd/en/bluebook.pdf?ua=1> (accessed August 22, 2018).

regardless of sexual orientation and in 2003, following various changes, was set at 16 years old.<sup>10</sup>

The Russian public, however, increasingly views LGBT people as “abnormal” and “perverse,” and widespread social stigma around homosexuality persists.<sup>11</sup> A 2018 survey by a government-run polling agency found that 63 percent of respondents believe there is a subversive force working in Russia to destroy “Russian values” through the spreading of “gay propaganda.” The trend is also encouraged by the absence of any concerted official efforts to condemn discrimination against LGBT people. The hardening of negative social attitudes coincides with the increasing spread of hateful, anti-LGBT rhetoric, including by public officials in the media, and the promulgation of regional and national anti-LGBT “gay propaganda” laws that prohibit the “promotion” of “nontraditional sexual relations to minors,”<sup>12</sup> understood to mean the depiction of LGBT people in anything other than a negative light. (These “gay propaganda” laws are discussed more fully in the following section.)

In early 2017, law enforcement and security officials in Chechnya systematically rounded up dozens of men suspected of being gay, held them for days in secret locations, and

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<sup>10</sup> In 2012 Federal Law No. 14-FZ amended article 134 of the Criminal Code, setting out penalties for having sexual relations with children under 16 years of age and providing that the penalties for same-sex relations with a child under 16 are more severe than for heterosexual, underage sex. See Federal Law of February 29, 2012, No. 14-FZ “On Amendments to the Criminal Code of the Russian Federation and Certain Legislative Acts of the Russian Federation with a View to Strengthening Liability for Crimes of a Sexual Nature Committed Against Minors” [Федеральный закон от 29 февраля 2012 г. N 14-ФЗ “О внесении изменений в Уголовный кодекс Российской Федерации и отдельные законодательные акты Российской Федерации в целях усиления ответственности за преступления сексуального характера, совершенные в отношении несовершеннолетних”], art. 17, *Rossiiskaia Gazeta*, March 2, 2012, <https://rg.ru/2012/03/02/nesovershennoletnyedok.html> (accessed April 30, 2018).

<sup>11</sup> According to the Levada Center, a Russian polling group, as of March 2015, 37 percent of Russians believe homosexuality is an illness in need of treatment and 35 percent believe consenting same-sex adults do not have the right to be in a relationship. *Levada Center*, “Homophobia,” June 10, 2015, <http://www.levada.ru/en/2015/06/10/homophobia/> (accessed November 20, 2018). A 2017 Levada Center poll showed that 81 percent of respondents disapproved of same-sex relationships. *Levada Center*, “Taboo in the Field of Sex and Reproduction,” October 1, 2018, <https://www.levada.ru/2018/01/11/17389/?fromtg=1> (accessed November 20, 2018). A 2018 survey by a government-run polling agency found that 63 percent of respondents believe there is a subversive force working in Russia to destroy “Russian values” through the spreading of “gay propaganda.” Russian Public Opinion Research Center, “Conspiracy Theory Against Russia,” August 20, 2018, <https://wciom.com/index.php?id=61&uid=1570> (accessed October 19, 2018).

<sup>12</sup> Federal Law of June 29, 2013, No. 135-FZ, “On Amendments to Article 5 of the Federal Law ‘On Protecting Children from Information Harmful to their Health and Development’” [Федеральный закон от 29 июня 2013 г. N 135-ФЗ г. Москва “О внесении изменений в статью 5 Федерального закона ‘О защите детей от информации, причиняющей вред их здоровью и развитию’ и отдельные законодательные акты Российской Федерации в целях защиты детей от информации, пропагандирующей отрицание традиционных семейных ценностей”], *Rossiiskaia Gazeta*, July 2, 2013, <http://www.rg.ru/2013/06/30/deti-site-dok.html> (accessed April 30, 2018).

subjected them to humiliation, starvation, and other torture, forcing them to hand over information about other men who might be gay.<sup>13</sup> The “gay propaganda” law did not cause the purge—Chechnya’s leader has targeted various groups deemed “undesirable” for years<sup>14</sup>—but the law did provide some rhetorical justification and political cover.<sup>15</sup> Russian federal authorities initially dismissed reports of the anti-gay purge in Chechnya. While they eventually pledged to open an investigation,<sup>16</sup> to date none has been carried out.<sup>17</sup> In August 2018, 15 participating states of the Organisation for Security and Co-operation in Europe (OSCE) called on Russia to report on the actions it has taken to stop abuses in Chechnya against LGBT people as well as journalists, human rights defenders, lawyers, and nongovernmental organizations.<sup>18</sup> In November 2018, 16 participating states invoked the OSCE’s “Moscow Mechanism,” triggering the appointment of an independent expert who will look into allegations of the abuses.<sup>19</sup>

## The “Gay Propaganda” Law

On June 29, 2013, Russian president Vladimir Putin signed Federal Law No. 135-FZ “aimed at protecting children from information promoting the denial of traditional family values.”<sup>20</sup>

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<sup>13</sup> Human Rights Watch, “*They Have Long Arms and They Can Find Me*: Anti-Gay Purge by Local Authorities in Russia’s Chechen Republic” (New York: Human Rights Watch, 2017), <https://www.hrw.org/report/2017/05/26/they-have-long-arms-and-they-can-find-me/anti-gay-purge-local-authorities-russias>

<sup>14</sup> Tanya Lokshina (Human Rights Watch), “Don’t Tolerate the Intolerable from Chechnya’s Strongman Kadyrov,” *Moscow Times*, July 19, 2017, <https://www.hrw.org/news/2017/07/19/dont-tolerate-intolerable-chechnyas-strongman-kadyrov>.

<sup>15</sup> Graeme Reid (Human Rights Watch), “The Olympics Have Left Sochi, But Don’t Forget LGBT Russians,” *Huffington Post*, February 8, 2018, <https://www.hrw.org/news/2018/02/08/olympics-have-left-sochi-dont-forget-lgbt-russians>.

<sup>16</sup> “Moskalkova Promised to Send a Request to the Prosecutor General’s Office on the Persecution of Gays in Chechnya” [Москалькова пообещала направить запрос в Генпрокуратуру о преследовании геев в Чечне], *Novaya Gazeta*, April 6, 2017, <https://www.novayagazeta.ru/news/2017/04/06/130527-moskalkova-roobeschala-napravit-zapros-v-genprokuraturu-o-presledovanii-geev-v-chechne> (accessed August 22, 2018); “Moskalkova Transferred to the SK of Russia New Data on Gays in Chechnya” [Москалькова передала в СК России новые данные о геях в Чечне], *Rosbalt*, May 16, 2017, <http://www.rosbalt.ru/russia/2017/05/16/1615502.html> (accessed August 22, 2018).

<sup>17</sup> Kaitlin Martin, “No Justice for Chechnya’s Anti-Gay Purge Victims,” April 5, 2018, <https://www.hrw.org/news/2018/04/05/no-justice-chechnyas-anti-gay-purge-victims>.

<sup>18</sup> Hugh Williamson (Human Rights Watch), “Governments Pressure Russia to Act on Chechnya Abuses,” August 31, 2018, <https://www.hrw.org/news/2018/08/31/governments-pressure-russia-act-chechnya-abuses>. The 15 states invoked the OSCE’s “Vienna Mechanism,” which allows states to raise questions about the human rights situation in other participating states. An additional mechanism known as the “Moscow Mechanism” allows participating states to establish independent experts to help resolve specific situations. See OSCE, “Human Dimension Mechanisms,” n.d., <https://www.osce.org/odihr/human-dimension-mechanisms> (accessed September 4, 2018).

<sup>19</sup> OSCE, “OSCE’s Moscow Mechanism Invoked to Look into Alleged Human Rights Violations in Russian Federation’s Chechen Republic,” November 2, 2018, <https://www.osce.org/odihr/401924> (accessed November 20, 2018).

<sup>20</sup> Federal Law of June 29, 2013, No. 135-FZ. In addition to the federal “gay propaganda” law, several regions, including Arkhangelsk, Ryazan, and St. Petersburg, have their own “gay propaganda” laws. See generally *Expression Abridged: A Legal*

The law bans the “promotion of nontraditional sexual relations to minors,” a reference that is universally understood to mean discussion of lesbian, gay and bisexual relationships.<sup>21</sup> Promoting nontraditional sexual relations to children is considered to be:

spreading information aimed at instilling in minors nontraditional sexual arrangements, the attractiveness of nontraditional sexual relations and/or a distorted view that society places an equal value on traditional and nontraditional sexual relations or propagating information on nontraditional sexual relations making them appear interesting.<sup>22</sup>

The ban includes but is not limited to information provided via the press, television, radio, and the internet. Passed unanimously by the Russian parliament, the law consists of amendments to the Law on Protection of Children from Information Harmful to Their Health and Development and to the Code of Administrative Violations.

Under the law, people found responsible for “propaganda of nontraditional sexual relations to minors,” an administrative infraction, face fines of between 4,000 and 5,000 rubles (US\$59 to \$74); government officials face fines of 40,000 to 50,000 rubles (US\$590 to US\$735); and organizations, up to 1 million rubles (US\$14,730) or temporary suspension of an organization’s activities for up to 90 days. Heavier fines may be imposed for the same actions if done through mass media and telecommunications, including the internet. Foreigners who violate the ban can be deported.<sup>23</sup>

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*Analysis of Anti-LGBT Propaganda Laws* (London: Thompson Reuters Foundation and IGLYO, 2018); Paul Johnson, “‘Homosexual Propaganda’ Laws in the Russian Federation: Are They in Violation of the European Convention on Human Rights?” *Russian Law Journal*, vol. III (2015), pp. 38-45; Article 19, *Traditional Values? Attempts to Censor Sexuality: Homosexual Propaganda Bans, Freedom of Expression and Equality* (London: Article 19, 2013).

<sup>21</sup> The explanatory note of the federal “gay propaganda” law in its bill form referred explicitly to “the promotion of homosexuality . . . carried out via the media as well as via the active pursuit of public activities which try to portray homosexuality as normal behavior. This is particularly dangerous for children and young people who are not able to take a critical approach to this avalanche of information with which they are bombarded on a daily basis. In view of this, it is essential first and foremost to protect the younger generation from exposure to the promotion of homosexuality.” “Putin Signed a Law Banning Gay Propaganda to Children [Путин подписал закон о запрете гей-пропаганды среди детей],” *RIA Novosti*, June 30, 2013, <http://ria.ru/politics/20130630/946660179.html> (accessed October 19, 2018).

<sup>22</sup> Federal Law No. 135-FZ, article 3.2(b).

<sup>23</sup> *Ibid.* In November 2018, as this report was being finalized, one US dollar was equal to 67.87 rubles. US dollar equivalents are rounded to the nearest dollar for amounts between \$10 and \$100 and to the nearest five dollars for higher amounts.



The passage of Russia’s 2013 “gay propaganda” law coincided with a ratcheting up of homophobic rhetoric in state media and an increase in homophobic violence around the country. As Human Rights Watch documented in a December 2014 report, this included attacks by vigilante groups and individuals against LGBT people, and an increase in attacks on LGBT rights activists. Anti-gay groups used the 2013 law to justify campaigns of harassment and intimidation of LGBT teachers and other school or college staff to get them fired from their jobs.<sup>24</sup>

On September 23, 2014, Russia’s Constitutional Court deemed the ban constitutional. It found that the ban aimed to safeguard constitutional values such as “family and childhood” and protect children from harm to their development. The court also rejected arguments that the ban interfered with the right to privacy or prohibited or censured what it called “nontraditional” sexual relationships or debates about them.<sup>25</sup>

On October 18, 2017, Evdokiya Romanova, an activist, was found guilty of spreading “propaganda of non-traditional sexual relationships among minors using the internet” and fined 50,000 rubles (US\$735). The content that came under scrutiny was two Facebook posts Romanova made in 2015 and 2016, including one about the Youth Coalition for Sexual and Reproductive Rights, an international group that advocates for young people’s access to accurate information about health and sexuality. The group believes that information and education are vital for safeguarding the life, health, and well-being of young people.

Romanova’s sentence was at least the seventh time Russian courts had found citizens guilty of “gay propaganda” under the 2013 federal law. Other cases include:

- Roskomnadzor, the federal agency empowered to oversee online and media content, targeted Elena Klimova, founder of the group Deti-404 and the administrator of the group’s online activities, alleging that the group’s activities

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<sup>24</sup> See Human Rights Watch, *License to Harm: Violence and Harassment Against LGBT People and Activists in Russia* (New York: Human Rights Watch, 2014), <https://www.hrw.org/report/2014/12/15/license-harm/violence-and-harassment-against-lgbt-people-and-activists-russia>; Human Rights Watch, “Russia: Anti-LGBT Law a Tool for Discrimination,” June 29, 2014, <https://www.hrw.org/news/2014/06/29/russia-anti-lgbt-law-tool-discrimination>.

<sup>25</sup> Decision of September 23, 2014, of the Constitutional Court of the Russian Federation, excerpted in *Bayev v. Russia*, App. No.67667/09 (Eur. Ct. H.R. June 20, 2017).

contained “propaganda of nontraditional sexual relationships” in 2014, leading to courts convicting her twice of violating the law in 2015.

- On June 30, 2013, Dmitry Isakov held a one-minute protest on the central square of Kazan, a city 800 kilometers east of Moscow, holding a poster that said: “Being gay and loving gays is normal; beating gays and killing gays is criminal.” In December 2013, a court fined Isakov under the “gay propaganda” law.<sup>26</sup>
- On January 18, 2016, a court in Murmansk, in northwestern Russia, fined Sergei Alekseenko, an LGBT rights activist, for violating the “gay propaganda” ban. Alekseenko is the former director of Maximum, a group in Murmansk that provided legal and psychosocial support to LGBT people. The court found that certain items posted on Maximum’s website contained positive information about LGBT relations and imposed a fine of 100,000 rubles (US\$1,475).
- In May 2018, Roskomnadzor took steps to shutter *ParniPlus*, a website containing information about the HIV epidemic among men who have sex with men in Russia. The head of Moscow’s Federal AIDS Center has called Russia’s HIV epidemic a “national catastrophe,”<sup>27</sup> and prevalence rates among men who have sex with men have increased dramatically in recent years. Epidemiologists have linked this trend closely with the “gay propaganda” law’s stifling of sexual health information.<sup>28</sup>
- In August 2018, the Commission on Minors and the Protection of Minors’ Rights fined 16-year-old Maxim Neverov of Biysk 50,000 rubles (US\$735) for violating the “gay propaganda” law. The commission stated that Neverov had posted on his Vkontake account “some pictures (photos) of young men whose appearance (partly nude body parts) had the characteristics of propaganda of homosexual relations according to the expert opinion.”<sup>29</sup> Neverov was the first child under age 18 to be fined under the “gay propaganda” law, and immediately filed an appeal of the

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<sup>26</sup> Human Rights Watch, “Shocked by Russia’s Intolerance,” December 23, 2013, <https://www.hrw.org/news/2013/12/23/dispatches-shocked-russias-intolerance>.

<sup>27</sup> Sophie Jones, “How Social Conservatism Fueled Russia’s HIV Epidemic,” *Politico*, February 25, 2018, <https://www.politico.com/magazine/story/2018/02/25/russia-hiv-aids-epidemic-social-conservatism-orthodox-church-217011> (accessed October 19, 2018).

<sup>28</sup> Chris Beyrer, et. al., “The Expanding Epidemic of HIV-1 in the Russian Federation,” *Plos*, November 2017, <https://doi.org/10.1371/journal.pmed.1002462> (accessed October 19, 2018).

<sup>29</sup> Russia LGBT Network, “A Schoolchild Was Found Guilty of ‘Propaganda of Homosexuality Among Minors’ and Fined 50,000 Rubles,” August 8, 2018, <https://lgbtnet.org/en/newseng/schoolchild-was-found-guilty-propaganda-homosexuality-among-minors-and-fined-50-000-rubles> (accessed October 19, 2018).

case.<sup>30</sup> In October 2018, a court in Biysk dismissed Neverov’s case, saying there was not enough evidence of “gay propaganda” presented.<sup>31</sup>

In addition, in November 2018 police confiscated several student drawings submitted to a contest held in Yekaterinburg in honor of International Tolerance Day. One of the seized drawings showed three couples—a man and a woman, two men, and two women—with the caption “We don’t choose our appearance, orientation, or race. We are all unique in our own ways.” Police told reporters the seized drawings would be examined for signs of “homosexual propaganda.”<sup>32</sup>

LGBT youth interviewed by Human Rights Watch said that the law adversely affected their lives. Aleksey M., an 18-year-old first-year university student, described the law’s restriction on accurate and affirming information about LGBT life as akin to “cutting off air.”<sup>33</sup> Diana F., a 14-year-old lesbian from the Khabarovsk region, said she felt as if the law “literally makes homophobes have free rein in our country.” LGBT people, she said, “are afraid to organize prides and demonstrations. They’re afraid of being beaten or humiliated, and the offenders will go unpunished.”<sup>34</sup> Anton M., a 15-year-old gay boy, said: “Many people simply don’t understand this [law] and believe that Russia completely banned LGBT relationships, and this results in oppression.”<sup>35</sup> And 18-year-old Valentina D. said:

I believe that it [the “gay propaganda” law] creates a negative image of LGBT people, as many may think that if something is illegal, it is really something dangerous, criminal, bad. Even the name “LGBT propaganda”—

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<sup>30</sup> Daria Litvinova, “First Russian Minor Fined Under ‘Gay Propaganda’ Law Appeals,” *Reuters*, August 20, 2018, <https://www.reuters.com/article/us-russia-lgbt-lawmaking/first-russian-minor-fined-under-gay-propaganda-law-appeals-idUSKCN1L51GD> (accessed October 19, 2018).

<sup>31</sup> See Human Rights Watch, “Russian Youth Wins ‘Gay Propaganda’ Case,” October 31, 2018, <https://www.hrw.org/news/2018/10/31/russian-youth-wins-gay-propaganda-case>.

<sup>32</sup> Olga Korelina, “Police Seize ‘International Tolerance Day’ Drawings from Russian Grade School, After News Outlet Called Them ‘Gay Propaganda,’” *Meduza*, November 29, 2018, <https://meduza.io/en/feature/2018/11/29/police-seize-international-tolerance-day-drawings-from-russian-grade-school-after-news-outlet-calls-them-gay-propaganda> (accessed November 30, 2018).

<sup>33</sup> Human Rights Watch interview with Aleksey M., June 14, 2018.

<sup>34</sup> Human Rights Watch interview with Diana F., January 6, 2017.

<sup>35</sup> Human Rights Watch interview with Anton M., February 10, 2017.

how can love become propaganda? We have too many stereotypes and too little information in our society, and the law only makes it all worse.<sup>36</sup>

The law has also contributed to widespread misinformation about gender and sexuality in Russia—including for parents, as documented later in this report. A 2018 survey by a government-run polling agency found that 63 percent of respondents believe there is a subversive force working in Russia to destroy “Russian values” through the spreading of “gay propaganda.”<sup>37</sup>

## Endemic Discrimination and Abuse

For many LGBT children, most arenas of life—home, school, and the neighborhood—are risky. Those interviewed for this report describe being constantly on alert for harassment and violence. Many confront the anguished choice of hiding who they are to protect themselves from abuse or being open about their identity and placing themselves at greater risk.

Russian Orthodox Church leaders have made inflammatory public statements about gay people, and the strong and growing influence of the Russian Orthodox Church had fueled existing anti-LGBT sentiments. In 2014, for example, one high-level church official said that same-sex relations should be “completely eliminated” from Russian society, preferably through “moral persuasion” but if necessary through a public referendum on recriminalizing homosexuality.<sup>38</sup> These and other virulently anti-LGBT statements reinforce negative attitudes, send the implicit message that society condones violence against LGBT youth and adults, and dissuade those subjected to abuse from seeking redress.

Some of the students Human Rights Watch interviewed said they were subject to violence or threats of violence. Denis P., an 18-year-old gay university student, told us, “In general my life is not bad. But sometimes I face homophobic attacks. It was especially bad, when I was in school, in a small town.” He continued:

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<sup>36</sup> Human Rights Watch interview with Valentina D., February 12, 2017.

<sup>37</sup> Russian Public Opinion Research Center, “Conspiracy Theory Against Russia,” August 20, 2018, <https://wciom.com/index.php?id=61&uid=1570> (accessed October 19, 2018).

<sup>38</sup> “Russian Orthodox Church Calls for a Referendum on the Issue of Punishment for Homosexual Relations” [РПЦ выступает за референдум в вопросе наказания за гомосексуализм], *Izvestia*, January 10, 2014, <http://izvestia.ru/news/563711> (accessed September 15, 2014).

Students of other schools threatened me. They said they were going to catch me, pepper spray my face, and do other violent things. They wanted to tell everything to my parents. On the street, as well as at school, I was facing constant bullying, they pointed their fingers at me, shouted: “Look, there is a faggot!”<sup>39</sup>

Vigilante attacks on LGBT people and inadequate responses from authorities have instilled deep fear among many LGBT youth in Russia. Georgy L., a 14-year-old transgender boy, explained why he was fearful based on his assessment of the environment for LGBT teenagers in Russia:

Hazing, beatings, and undermining of LGBT teens are not taken seriously. I’m sure the police will not consider a report from a teenager about being beaten, if he says that he is part of the LGBT community. Adults can safely mock us, rape us, and undermine us.<sup>40</sup>

Anton M., a 15-year-old gay boy in the 9<sup>th</sup> grade, said, “If you stand out from the crowd (and I stood out for about six months), it is difficult, but you get used to it.” He explained that he had dyed his hair, apparently a strong signal in many parts of Russia that a man or boy is gay. “Many people were shouting at me, some just did double-takes. One day, a man stopped his car and gave me the finger,” he told us. “At first, it was very strange, I did not expect such a reaction. Then I got used to it.”<sup>41</sup>

Georgy, the 14-year-old transgender boy, described the reactions he gets when people overhear his classmates using male pronouns to refer to him:

It's not clear straight away that I am not a male [biologically]. I have a short haircut, bind my chest, and wear only male clothes. But people don't want to notice the obvious, sometimes they think I am just a lesbian, call me by my “passport name,” or others will whisper loudly [about me] among themselves.

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<sup>39</sup> Human Rights Watch interview with Denis P., February 1, 2017.

<sup>40</sup> Human Rights Watch interview with Georgy L., February 12, 2017.

<sup>41</sup> Human Rights Watch interview with Anton M., February 10, 2017.

Such reactions happen frequently, he told us, adding that hearing these reactions is extremely upsetting. He explained:

I'm confused, I feel uncomfortable, I want to leave as soon as possible. I begin to fear that they will disclose and disgrace me. Because of this, I am haunted by paranoia, I feel it, when I heard the words, "Is it a boy or a girl? What is its sex?" Especially when I am in a crowd of people, I hear these words, and hurry to escape as soon as possible.<sup>42</sup>

A school psychologist described the situation of one of the boys she works with:

He is Mr. Gay. He's not just gay—he's gay-gay: orange socks, his hairstyle, dyed hair, Odic beauty, all of his friends are girls, mannerism of the highest sort. He is obviously gay. . . . And he never left his house at night to walk around his neighborhood. . . . He said: "Do you think that I don't understand that if I, in these orange socks, with this hairstyle and scarf, go outside at 10p.m., that I won't come home?"<sup>43</sup>

The "gay propaganda" laws have worsened already widespread and virulent anti-LGBT attitudes. The school psychologist explained:

Everyone is very careful. That's how this law affected [people], of course, by really forcing them under the floor-boards. That is, before this someone somewhere could have said, once in a while, that he is gay, but not now. No sane person would . . . .<sup>44</sup>

## Treatment by Parents

If you come out in Russia, it can lead to many problems in your family, in society.

—Alina P., a 15-year-old bisexual girl, Sverdlovsk region, December 2016

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<sup>42</sup> Human Rights Watch interview with Georgy L., February 12, 2017.

<sup>43</sup> Human Rights Watch interview with Alyona G., psychologist, March 28, 2018.

<sup>44</sup> Human Rights Watch interview with Alyona G., psychologist, March 28, 2018.

Parents and other adults can be an important source of guidance and support to LGBT youth, and most of the students we interviewed explicitly said it was a priority for them that their parents accept them for who they were. However, many parents seemed ill-equipped to be supportive of LGBT children, our interviews suggested. As a result, many LGBT youth felt that they could not turn to their parents for the guidance they wanted and felt they needed.

“I tried to have a conversation about LGBT [issues] with my parents, but they were homophobic, and getting no support [from them] I sort of dropped it,” said Veronika A., a 17-year-old in the Astrahan region.<sup>45</sup>

For many of the youth Human Rights Watch interviewed, stigma began at home. Taras P., a 15-year-old bigender student who uses a boy’s name but prefers female pronouns, told us:

My girlfriend’s mother . . . banned any mention of my name, forbade me from the house, and so on. The mother of another gay friend took him to a psychologist several times. Basically, all the parents impose a great taboo on this topic, they feel shame, even though they don't know anything about LGBT issues.<sup>46</sup>

Ekaterina T., a 15-year-old lesbian, said that she was not out to her parents and had no plans to tell them because they frequently express anti-LGBT attitudes. She added, “There is no support. Nobody understands me, in fact. And this is very hard.”<sup>47</sup> Others echoed these fears—sometimes based on media reports they had read or stories they had heard from peers.

In fact, many of the LGBT youth we spoke with said they were afraid that their parents would react with verbal abuse, restrictions on who they could see and what they could do in their free time, physical violence, or by kicking them out of the house. As a result, they had not come out to their parents.

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<sup>45</sup> Human Rights Watch interview with Veronika A., December 11, 2016.

<sup>46</sup> Human Rights Watch interview with Taras P., February 6, 2017.

<sup>47</sup> Human Rights Watch interview with Ekaterina T., December 23, 2016.

A psychologist in Moscow said that three of the four LGBT youth clients she worked with had problems with their families:

These were problems, primarily, in the family. That is, complete rejection in the family, and the parents of these teenagers asked me for separate consultations and cried in my office: “What's going on with my child? Could you also work with this [problem]?” Meaning, they considered this a big problem.<sup>48</sup>

A Moscow-based social worker who runs an online help portal as well as support groups for LGBT youth explained that the majority of the queries her organization receives are from friends of LGBT youth who are worried about them. She said: “Typically [the inquiry is] about relationships with parents. Meaning, it is about a conflict with the parents.” She explained: “In extreme cases, it is when they leave their home and live with acquaintances.”<sup>49</sup>

Some students who discussed their sexual orientation or gender identity with their parents were surprised to find that their parents were supportive. More commonly, however, the youth we interviewed who had been open with their parents reported that their parents were negative or ambivalent about acknowledging them for who they were.

Some transgender youth reported particularly difficult experiences with their parents. Lev M., an 18-year-old in the 11<sup>th</sup> grade at a Moscow high school, described his mother’s reaction when he told her he was transgender:

I came out to her in early January 2015, a few days after New Year’s. We had a scandal because of it and never talked about it after. We almost never speak about my trans identity. I can't understand her attitude, because it changes from time to time. One time she says that she doesn't want to see me changing my sex, then says that she doesn't care, next she says that if I want to do surgery, it is necessary to resolve my health issues. Because of

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<sup>48</sup> Human Rights Watch interview with Lyuba M., psychologist, March 30, 2018.

<sup>49</sup> Human Rights Watch interview with Marina R., psychologist, March 28, 2018.



this, her position is not clear to me. She doesn't support me. I am a daughter for her, not a son.

Our neighbors and her friends pester her with questions about me—the people who can see me in those rare moments when I go out on the street. I'm a homebody, hermit, social-phobic, introvert, and all that. So I do not like to go out; the house is safer.<sup>50</sup>

In another example, Vasily A., a 15-year-old transgender boy, said:

A month ago, I came out to my mom (my father doesn't live with us). My mom said it's okay, she accepts me. I was so happy, I thought my life finally became MINE after that. The first few days she still was using the feminine gender and my passport name, even though I asked her not to say it, not even mention it. Three weeks passed, it seemed to me that this time was enough for her to get used to the fact. Then, I approached her, wanted to start a conversation, recalled the last conversation we had, and she said she did not remember anything of the sort. The next day she bought me two dresses, one for me to wear to the school New Year's celebration, and the other for everyday wear.

Vasily said his mother does not usually object to the way he dresses, but often checks to make sure he does not wear a binder around his chest. "I can wear what I'm comfortable in, but I can put on my binder only in the toilet of the nearby mall, because my mom always checks." He explained that this started when he wore the binder during a visit to his former nanny. When his mother came to pick him up, his nanny happened to comment that she had thought his breasts were bigger. As Vasily put it: "I always stoop, my mom did not notice. [But this time] she put her hand on my back and felt the wrapping through the shirt. At home, she forced me to take off the t-shirt and explain. Now she always does that, when I'm going somewhere—she touches my back and checks."<sup>51</sup>

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<sup>50</sup> Human Rights Watch interview with Lev M., December 10, 2016.

<sup>51</sup> Human Rights Watch interview with Vasily A., December 23, 2016.

A psychologist who works with LGBT youth said: “It’s very often in my experience that parents refuse to talk about [sexual orientation and gender identity] and reject this as an issue altogether.” She explained: “In those cases, the main objective of my work becomes to educate and inform them. We can be a great resource when parents are ready to get information and support their children because then these parents become defenders of their children.”<sup>52</sup>

A psychologist in Vladivostok told Human Rights Watch that she had met with child clients whose parents brought them to her and asked her to “fix” them, as well as parents who brought their children in and asked for psychological support to accept their child. This psychologist stressed that whether a LGBT youth or a parent received knowledgeable, supportive care from a psychologist depended on a chance encounter with a supportive professional who was willing to risk running afoul of the law. Many of her peers in mental health services did not receive appropriate training about sexual orientation and gender identity-related issues. Discussing an in-patient rehabilitation center where she worked for two years, she said: “Theoretically, such a teenager could reach out there, but I don’t know if he would receive appropriate help.”<sup>53</sup>

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<sup>52</sup> Human Rights Watch interview with Anna N., psychologist, October 12, 2016.

<sup>53</sup> Human Rights Watch interview with Timur L., psychologist, April 20, 2018.

## II. Hostile Hallways

Against the backdrop of Russia’s “gay propaganda” law, anti-LGBT hostility has become entrenched in Russian schools in recent years. Whether a student finds support, respect, and affirmation from peers, teachers, or school staff depends almost entirely on chance.

Most LGBT students we interviewed for this report said the environment in Russian schools is indifferent, hostile, or outright violent. Experience there can have immediate as well as lifelong consequences. Most said that schools provide neither reliable information nor support for LGBT youth—forcing them to turn elsewhere. And the relentless hostility that many face in school impairs their ability to focus on their studies, and thus their access to education.

Due to the repressive legal and social climate, LGBT youth in Russia often feel isolated from their peers at school. Many of the students we spoke with told us that they knew nobody else who was gay, lesbian, bisexual, or transgender.<sup>54</sup> “Probably the most difficult thing is to find people who will understand you,” 15-year-old Alina P. said.<sup>55</sup>

### Treatment by School Staff

When some of my classmates joke about LGBT issues, the teacher immediately says, “LGBT is nonsense, it is wrong.” Once when we were reading a story, the teacher made a slip of the tongue—reading that a boy loved another boy. My classmates began to laugh, and the teacher said she just made a mistake, and that gays are disgusting.

— Alina P., a 15-year-old bisexual girl, Sverdlovsk region, December 2016

Teachers at my school knew everything that was happening to me. I didn’t get any sympathy or help. They were openly hostile or indifferent. “Hey, kids can solve their problems themselves,” they said.

— Aleksey M., 18-year-old university student describing his high school experience, June 2018

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<sup>54</sup> For example, Human Rights Watch interview with Diana F., January 6, 2017.

<sup>55</sup> Human Rights Watch interview with Alina P., December 25, 2016.

Russian schools are hostile environments for LGBT students. LGBT youth told Human Rights Watch they frequently overheard anti-LGBT slurs from teachers and fellow students. While staff were supportive in some cases, in others, teachers specifically targeted LGBT students for abuse.

Some students felt sufficiently confident in themselves to express their sexual orientation or gender identity but received negative reactions from adults. In many cases, those who asked school staff about LGBT topics received ignorant or prejudiced responses from teachers that caused the students to think of their identities as pathological or problematic—exacerbating the fear and isolation they already felt.

### *Teachers' Use of Anti-LGBT Slurs*

Tanya K., a 17-year-old in her first year of university, said one of her high school teachers mentioned non-traditional sexual orientation on rare occasions and “in an insulting manner.”<sup>56</sup> Veronika A., a 17-year-old bisexual girl, said she heard similar comments from her high school teachers, and noted that “some teachers called non-heterosexual people ‘abnormal’ or even ‘dangerous.’”<sup>57</sup>

Many other students reported that their teachers expressed the view that LGBT people were “unnatural” or “immoral.” For example:

- Natalya P., 16, told us: “One teacher said it is unnatural, that God is shocked by such people, and that it is necessary to give birth to children, and unnecessary to feel sexual pleasure.”<sup>58</sup>
- Arseny D., a 15-year-old transgender boy, said, “My teachers spoke about homosexuality only in a negative way (‘It’s a sin,’ ‘It’s immoral’).”<sup>59</sup>
- Kirill G., a 16-year-old gay boy, said, “My biology teacher knew very little of LGBT and at times spewed some nonsense about how it’s ‘against the laws of

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<sup>56</sup> Human Rights Watch interview with Tanya K., December 8, 2016.

<sup>57</sup> Human Rights Watch interview with Veronika A., December 11, 2016.

<sup>58</sup> Human Rights Watch interview with Natalya P., December 18, 2016.

<sup>59</sup> Human Rights Watch interview with Arseny D., December 7, 2016.

nature’ and ‘those people are sick.’ And the social science teacher quoted the Bible and would not accept any other arguments.”<sup>60</sup>

- David O., 18, said, “My teacher once brought up the issue of homosexuality in class—[saying] it is personal business but that she does not support the upbringing of children in such families because the child will not be fully happy without a mother.”<sup>61</sup>

Some teachers equated being LGBT with having a disability. Nora T., a 17-year-old college student who identifies as pansexual, said that at the school she attended until she was 15-years-old, “The teachers spoke about LGBT people as people who need mental health care and that homosexuality is a mental illness.”<sup>62</sup>

Other teachers stated that LGBT people did not deserve to live, sometimes using words that could be taken as encouraging violence. Irina L., a 14-year-old lesbian in the 7<sup>th</sup> grade, told us her geometry teacher responded to a group of boys who were making fun of LGBT people by saying, “Such people should be killed.”<sup>63</sup>

Teachers often characterized LGBT people as a perversion imported from Western Europe or North America. Vera Y., a 16-year-old lesbian, said: “Our social studies teacher said it all came from America, and it is a perversion, and things should not be this way in Russia.” She also said that her teachers frequently denounced LGBT people in class, including a biology teacher who said homosexuality is “against the laws of nature.”<sup>64</sup>

Vasily A., a 15-year-old transgender boy, said his teachers bring up LGBT issues “often, but never in a positive way.” He added, “Our teachers say everything is getting bad, meaning that everything will be like in the US or Europe. They say people in the West are stupified by their tolerance. Their conclusion is, love = stupidity.”<sup>65</sup>

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<sup>60</sup> Human Rights Watch interview with Kirill G., February 17, 2017.

<sup>61</sup> Human Rights Watch interview with David O., June 7, 2018.

<sup>62</sup> Human Rights Watch interview with Nora T., February 2, 2017.

<sup>63</sup> Human Rights Watch interview with Irina L., January 30, 2017.

<sup>64</sup> Human Rights Watch interview with Vera Y., December 21, 2016.

<sup>65</sup> Human Rights Watch interview with Vasily A., December 23, 2016.

Some teachers used anti-LGBT slurs or other derogatory terms to refer to LGBT people. Raisa N., a 16-year-old girl from Sverdlovsk region who described herself as pansexual, reported that her teachers and classmates sometimes discussed LGBT people during breaks at school. “They spoke about one girl, like how she is ‘an example of what you shouldn’t be’ and how they ‘don’t know how she’d be able to live her life at all.’ Students and teachers used almost the same words—‘monstrosity,’ ‘laughingstock,’ ‘Gayropa’ [an insult combining the English word ‘gay’ and the Russian word for Europe (Европа)].” Referring to the Austrian singer and drag artist who won the Eurovision Song Contest in 2014, she added, “They also spoke about Conchita Wurst, using absolutely negative comments bordering on hatred.”<sup>66</sup>

Describing her literature class when she was in the 9<sup>th</sup> grade, Yana T., an 18-year-old lesbian, said:

One day our teacher was lecturing about some writer and casually she said that he got married to a man. Everyone in the class chuckled, and she said with a nasty smile, “Well, in case you did not know, there are lot of those . . . pigeons now.” [“Pigeon” is an insulting slang word for gay.] All students in the class giggled again, and one boy shouted: “Not pigeons, but faggots!” It was disgusting.<sup>67</sup>

### *Teachers Targeting Students*

In some cases, our interviewees told us teachers singled students out for criticism, telling them that their clothing, hairstyle, or mannerisms marked them as being gay, lesbian, or transgender, or simply abnormal. For instance, Vlad A., a 16-year-old in the 10<sup>th</sup> grade, said:

One of the teachers talked to me about my clothes and she told that only degraded, “lowered” men [prison slang for men forced to have sex with

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<sup>66</sup> Human Rights Watch interview with Raisa N., December 8, 2016. See “Conchita,” n.d., <http://conchitawurst.com/> (accessed October 19, 2018).

<sup>67</sup> Human Rights Watch interview with Yana T., December 20, 2016.

other men], meaning gays, wear skinny jeans. She said that I should dress differently so as not to look like them.

Another teacher once said that two boys who were holding hands during her class looked like gays. She said it to mock them.<sup>68</sup>

In another example, 15-year-old Irina R. told us:

Two of my friends often hugged as a joke . . . they looked like they were a couple. Teachers and other students paid attention to it, and said thing like: “C’mon, guys, you’re normal? We don’t need anything like this in our school!”<sup>69</sup>

Natalya P., 16, described similar remarks by her teachers:

[One] teacher, when he saw two boys hug, started to tell this joke: “If one guy is gentle with another, castration is the way to go.” Another teacher was very angry when some girls wished another girl a happy birthday and kissed her. She said something like: “You’re acting like lesbians! The teachers are shocked by your behavior!” And she also once said to my classmate, a boy who grew his hair out, “You look gay!”<sup>70</sup>

Lev M., an 18-year-old transgender student, reported a comment from a teacher “who shouted at me in class, saying that I look neither like a man nor like a woman.”<sup>71</sup>

Other school staff also criticized students for their appearance. “Once I started going to school dressed like a guy, the guards at the entrance would harass me—they’d say, ‘As a girl, you should not dress like a guy, that’s not acceptable,’” Nikita R., a transgender 18-year-old man, said.<sup>72</sup>

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<sup>68</sup> Human Rights Watch interview with Vlad A., December 21, 2016.

<sup>69</sup> Human Rights Watch interview with Irina R., December 17, 2016.

<sup>70</sup> Human Rights Watch interview with Natalya P., December 18, 2016.

<sup>71</sup> Human Rights Watch interview with Lev M., December 10, 2016.

<sup>72</sup> Human Rights Watch interview with Nikita R., August 17, 2017.

Some teachers and other staff targeted students who were known to be LGBT with hateful comments. Pyotr E., a gay 16-year-old in St. Petersburg, told us:

My biology teacher raised the topic of LGBT people in class and began to say that they're sick, watching my reaction. I did not start a discussion with him; it was evident this was a provocation. My geography teacher said in class that I'm a pervert and a sport of nature.<sup>73</sup>

In addition, after some of the parents of Pyotr's classmates began to complain that their children should not have to attend school with a gay student, the principal threatened to expel Pyotr. Eventually, however, she dropped her threat. "She has just reconciled herself to my existence," Pyotr said.<sup>74</sup>

Psychologists described similar accounts of verbal abuse and harassment by teachers. In one such case:

[A] teacher at school bullied both boys and girls . . . . If you're a girl, he could say, "You look horrible. You should dress as a girl. You should look like this [as a girl]." If it was a boy, "Aren't you a man? Are you some kind of a gay person?" He could start to bully one kid, and then, the whole class would continue his bullying targeting that kid. As a result, in the class, you could have different types of bullying of different intensity. Those victims who came to me afterwards had an emotional violence trauma. Very vivid bullying that was started by the teacher and then picked up by the classmates.<sup>75</sup>

### *Cautious Discussion of LGBT Issues*

LGBT students told us that teachers who did discuss LGBT issues were often circumspect. Speaking of a discussion on same-sex marriage in her history class, Veronika A., the 17-year-old, said: "I would describe the teacher's approach as 'cautious': the teacher

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<sup>73</sup> Human Rights Watch interview with Pyotr E., December 22, 2016.

<sup>74</sup> Human Rights Watch interview with Pyotr E., December 22, 2016.

<sup>75</sup> Human Rights Watch interview with Antonina P., psychologist, November 16, 2017.



obviously was afraid to hurt someone's feelings, because the topic of the rights and freedoms of the LGBT community in the modern Russian society is obviously quite painful.”<sup>76</sup> Raisa N., 16, gave another example:

We had several hours of sexual education [in the curriculum] . . . . Our teacher took a neutral position on this topic. [The discussion was] from a biological standpoint: “Homosexuality does exist, it is not a disease, and historical sources indicate that homosexuality has always existed.” Fortunately, the teacher did not impose his point of view and listened to ours. It surprised me, actually. The teacher told us that there is this [“gay propaganda”] legislation. My friend said that this law is unconstitutional because people are not allowed to express themselves, even though they have a right to. The teacher replied, “Russia cannot be understood with the mind alone.”<sup>77</sup>

### *Supportive School Staff*

We heard of a few teachers who responded positively when students raised LGBT issues in class, which could put them at risk of violating the “gay propaganda” law. In one such case, 15-year-old Alina P. told us that her psychology class was discussing love and relationships. When the discussion turned to LGBT people, “the teacher said that in the modern world relationships aren’t always necessarily between a man and a woman and that there is nothing wrong about this.”<sup>78</sup>

Pyotr E., a 16-year-old gay boy, said:

Only two teachers protected me—my homeroom teacher and my geometry teacher. My geometry teacher banned the guy who insulted me in front of

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<sup>76</sup> Human Rights Watch interview with Veronika A., December 11, 2016.

<sup>77</sup> Human Rights Watch interview with Raisa N., December 8, 2016. The teacher’s response was a common aphorism in Russia which is drawn from the opening line of a poem by Fyodor Tyutchev: “Russia cannot be understood with the mind alone/No ordinary yardstick can span her greatness:/She stands alone, unique—/In Russia, one can only believe.” F.I. Tyutchev, “Russia cannot be understood with the mind alone,” in *Поэты* [Стихотворения] (Moscow: Sovetskaya Rossiya, 1986).

<sup>78</sup> Human Rights Watch interview with Alina P., December 25, 2016.

her from making up his tests. After this incident, I often had tea and cookies [with her] in her classroom.<sup>79</sup>

Some other students told us that their teachers intervened to stop bullying and harassment by classmates. For example, Kirill G., a gay 16-year-old, told us that his classmates began to mock him after a friend outed him at school. His teacher stepped in, he said. He added, “I think, according to the ‘propaganda’ law, she could not talk to them directly about this topic. So, she just threatened them with repercussions and reined them in. She did not speak directly on this topic with me either.”<sup>80</sup> Zinaida M., a 17-year-old bisexual girl, described her teachers as supportive of her relationship with her girlfriend and said, “There was a case when a girl tried to humiliate me in front of the whole class, but the teacher supported me and told her it’s not her business.”<sup>81</sup>

### *Hostile Environments*

Anti-LGBT slurs and insults from other students are common, as discussed more fully in the “Treatment by Classmates” section, below. Asked what teachers did when students told anti-LGBT jokes or used words like “faggot” or “pigeon” (голубком) to refer to LGBT people, Yana T. replied, “NOTHING. They absolutely didn’t care. They just asked for silence in the classroom.”<sup>82</sup> Pyotr E., 16, said that once some of his classmates slammed him against the wall in front of the school’s vice-principal. She ignored it and when he called her on it directly muttered something about kids “tripping on flat surfaces.”<sup>83</sup>

Other LGBT students described similar reactions from their teachers when they were harassed or bullied. Aleksey M., who said he faced relentless abuse, including sexual harassment, from classmates at the school he had graduated from the previous year, told us, “Teachers at my school knew everything. I didn’t get any sympathy or help. They were openly hostile or indifferent. ‘Hey, kids can solve their problems themselves,’ they said.”<sup>84</sup>

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<sup>79</sup> Human Rights Watch interview with Pyotr E., December 22, 2016.

<sup>80</sup> Human Rights Watch interview with Kirill G., February 17, 2017.

<sup>81</sup> Human Rights Watch interview with Zinaida M., January 6, 2017.

<sup>82</sup> Human Rights Watch interview with Yana T., December 20, 2016.

<sup>83</sup> Human Rights Watch interview with Pyotr E., December 22, 2016.

<sup>84</sup> Human Rights Watch interview with Aleksey M., June 14, 2018.

In addition to bullying and harassment, LGBT students encounter various forms of discrimination in schools that make educational environments hostile or unwelcoming. Discrimination takes a toll on LGBT students' mental health and ability to learn.

Transgender students face specific challenges when it comes to dress and self-expression. For example, some transgender students Human Rights Watch interviewed had experienced rigorous policing of how they dressed and expressed their gender at school. Such restrictions are particularly damaging and humiliating for transgender youth, as wearing gender-affirming clothing is an important part of social transition.

"I want to be like a normal teenager, just go to school, hang out, but every time I put on the uniform, I feel so bad that I literally do not want to leave the house," said Vasily A., a 15-year-old transgender boy, adding that he has to wear a girl's uniform to school because it is compulsory for all students at his school to wear uniforms. "At school no one but my [best] friend knows that I'm transgender . . . I simply cannot tell the others because I want people to hang out with me, I don't want to be a pariah. But even the friend I came out to misgenders me," he said.<sup>85</sup>

Transgender students are usually not able to use bathrooms that correspond to their gender identity, an additional humiliation. "I am embarrassed to go into the female bathrooms, but I cannot go into the male bathrooms without a fight. Even the administration forbade this," Alexander N., a 16-year-old transgender boy, said.<sup>86</sup>

And transgender students who ask teachers to address them using the gender that matches their identity told us most of their teachers did not do so.<sup>87</sup> Similarly, a psychologist told us, "In my practice, I have never had a case when teachers . . . would refer to a transgender student with a name or gender he or she prefers. It has never happened."<sup>88</sup>

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<sup>85</sup> Human Rights Watch interview with Vasily A., December 23, 2016.

<sup>86</sup> Human Rights Watch interview with Alexander N., June 7, 2018.

<sup>87</sup> For example, Human Rights Watch interview with Lubov K., May 30, 2018.; Human Rights Watch interview with Dmitry L., May 30, 2018.

<sup>88</sup> Human Rights Watch interview with Darya R., psychologist, December 8, 2017.

## Treatment by Classmates

Groups of my classmates would surround me and tell me: “Do you want to see what a real man looks like? We will put you in a dress and make you a proper woman.”

—Nikita R., an 18-year-old transgender man, August 2017

LGBT youth told Human Rights Watch their classmates often repeated the stereotypes, misinformation, and hostility pervasive in Russian media. For some, peers were a source of relative support and openness—compared with the responses of parents and teachers on issues of sexual orientation and gender identity. Others, however, faced harassment, bullying, and discrimination at the hands of their classmates. Teachers rarely intervened when they observed such abuse, LGBT students told us, adding that the indifference they observed from most teachers dissuaded them from complaining about it.

Nevertheless, some students explained that their friends and classmates were supportive. For example, 14-year-old Mikhail S. said, “All my [female] friends know about my sexual orientation. And I know about their sexual orientation too. I am really lucky to have such friends and environment. [Some of] the boys in my class know about that too and they have a good attitude to me.” However, not all students are that accepting: “[A] girl said to others that I want to become a guy and that I even have a girlfriend, so they began to laugh and scoff at me.” Mikhail described the experience of another LGBT student in the same school: “Other students are good to her, she is a very sociable person, she has many friends. Of course, there are those who sometimes bully her, shout bad things at her. But she's a very positive person, and she does not pay attention to them.”<sup>89</sup>

Others described how context determines the social attitudes they experience. Veronika A., a 17-year-old bisexual girl, said her school felt relatively safe: “I think the attitude of students in general is neutral. There were moderate homophobes, there were some gay-friendly people, but in general the attitude was calm.” She said, however, “In my neighborhood and in children’s summer camps, the attitude was much more hostile.”<sup>90</sup>

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<sup>89</sup> Human Rights Watch interview with Mikhail S., December 17, 2016.

<sup>90</sup> Human Rights Watch interview with Veronika A., December 11, 2016.

Vera Y., a 16-year-old lesbian in Moscow, told us that she was outed by two classmates:

During one frank conversation with my best friend, two of my classmates filmed it on video and sent to everyone. I do not remember very well what I was saying, like I told her about how I came to the conclusion that I am a lesbian, and how much easier I feel afterward. It was spread through chat on VKontakte [a social media platform similar to Facebook] to all my friends and also the acquaintances of those people that made this video.

After the video was posted online, a group of her classmates started to harass her. “They screamed in the corridor about my sexual orientation, they attempted to humiliate me morally. They often called me a prostitute, and it is also slut-shaming, which is doubly worse,” she said.<sup>91</sup>

Aleksey M., an 18-year-old pansexual university student, said his high school classmates had acted violently towards him because of his gender expression:

Everything was tense—I faced violence and non-acceptance . . . Maybe it was because I had a short hair-cut and used male pronouns when I talked about myself. Several times, people at my school attempted to harass me sexually, trying to “change me.”<sup>92</sup>

David O., an 18-year-old gay university student in Moscow, described to Human Rights Watch how in his high school, classmates, due to their lack of education on sexual orientation and gender identity, defaulted to pejorative stereotypes:

All of [my classmates] are probably not ardent homophobes, but because of lack of information they revert to pre-programmed clichés. If you take only my class, most guys are between a “negative attitude” and “homophobes.” In a parallel class there was a girl, very well-integrated socially, who around grade 11 stopped hiding that she was a lesbian. Unfortunately, her

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<sup>91</sup> Human Rights Watch interview with Vera Y., December 21, 2016.

<sup>92</sup> Human Rights Watch interview with Aleksey M., June 14, 2018.

classmates turned out to be very hostile, and there was constant ridicule. My classmates knew and talked about it behind her back. She took it quite poorly and attempted suicide.<sup>93</sup>

A psychologist who works with LGBT youth said almost every LGBT client she has ever had was “treated as if they were as scapegoats, clowns, or outcasts.”<sup>94</sup>

Some LGBT students experienced outright hostility from their classmates. “When other students heard rumours that I’m trans, they called me ‘it’ and made jokes like ‘even with a dick sewn on you won’t be a real man.’ But I’m glad nothing went further than words,” Arseny D., a 15-year-old transgender boy, told us, saying that he heard these kinds of comments nearly every day at one point.<sup>95</sup>

Others reported that they were teased and harassed, said that their classmates described them as sick or pitiful, or overheard anti-LGBT comments that led them to conceal their identities and live in fear of attack.

“I’m the black sheep, in a sense. I have been overlooked for a long time. I do not exist for my classmates,” said Lev M., an 18-year-old transgender man in the 11<sup>th</sup> grade.<sup>96</sup> “Some of my current classmates think that homosexuality is an illness, and it’s ‘not their fault.’ . . . Others believe that such people should be killed,” Raisa N. told us. Describing her school environment, she said:

It’s not really a good place. No one will speak openly, but there are a lot of rumors behind your back, and it’s a lot of pressure. It’s not a comfortable environment. And it’s be particularly difficult for transgender kids—I am sure, if some girl [biologically female] asks a teacher to use male pronouns in respect of her, it won’t be taken seriously, there will be denial, and it will only make things worse.<sup>97</sup>

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<sup>93</sup> Human Rights Watch interview with David O., June 7, 2018.

<sup>94</sup> Human Rights Watch interview with Darya R., psychologist, December 8, 2017.

<sup>95</sup> Human Rights Watch interview with Arseny D., December 7, 2016.

<sup>96</sup> Human Rights Watch interview with Lev M., December 10, 2016.

<sup>97</sup> Human Rights Watch interview with Raisa N., December 8, 2016.

Tanya K., a 17-year-old lesbian, said of her high school classmates, “They have a more negative attitude to gay men than to lesbians. We didn't have any visible LGBT persons at school [other than me], but the attitude was clear.”<sup>98</sup> Diana F., a 14-year-old lesbian, recounted: “My classmates did not believe me at first. Then they began to joke about me. Mostly, these were insults, but sort of subtle insults.”<sup>99</sup> Irina R., a 15-year-old girl, told us, “Some guys [at school] expressed their anger to LGBT people, threatened to beat a gay man, if they ever see one.”<sup>100</sup>

Some students hear comments from classmates suggesting that LGBT people should be killed. Nora T., a 17-year-old girl in her second year of college, said at the school she attended until she was 15 her classmates “said that these people should be killed and that they are not worthy to live.”<sup>101</sup> Thirteen-year-old Daniil K. told us his classmates regularly said things like “this is not normal, this is a disease, and even that it’s better to ‘exterminate’ LGBT people.”<sup>102</sup>

As noted above, some teachers fail to protect LGBT students from harassment and violence, and in some cases even foster it. Kristina Z., a 16-year-old bisexual girl, said that her classmates began to harass her after teachers suggested that there was something wrong with her:

There is one teacher in our school . . . she made fun of me in front of the whole class, at first she made subtle hints, then she spoke directly, and then all the teachers began to insist that I need a psychologist. My classmates called me “Pink” [Розовая, a slang word used to refer to a lesbian].<sup>103</sup>

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<sup>98</sup> Human Rights Watch interview with Tanya K., December 8, 2016.

<sup>99</sup> Human Rights Watch interview with Diana F., January 6, 2017.

<sup>100</sup> Human Rights Watch interview with Irina R., December 17, 2016.

<sup>101</sup> Human Rights Watch interview with Nora T., February 2, 2017.

<sup>102</sup> Human Rights Watch interview with Daniil K., January 5, 2017.

<sup>103</sup> Human Rights Watch interview with Kristina Z., January 31, 2017.

## Survival Strategies

Over time, despite the deluge of misinformation from the government, families, teachers, and the internet, Russian LGBT youth interviewed by Human Rights Watch found ways to protect themselves. For example, Lev M., an 18-year-old transgender man in the 11<sup>th</sup> grade, said: “I would prefer always and everywhere to speak and to assert myself as male, but I'm afraid of violence. I always wear a large black hoodie, so that way I turn into a guy for people around me.”<sup>104</sup>

Georgy L., a 14-year-old transgender boy, gave us a list of places in and out of school where he spends as little time as possible. “School corridors, sports locker rooms, cafes and cinemas. In general, I avoid small crowded places where it’s easy to get to me and I can’t hide or escape,” he said, adding, “In the locker room I behave quietly and try not to attract any attention. But when they shout something after me, I just go away quickly, hiding on the stairs. It’s scary.”<sup>105</sup>

Many of the students Human Rights Watch interviewed said they avoided disclosing their sexual orientation or gender identity if possible. Alina P., a 15-year-old bisexual girl, said: “We are not open, because many students despise LGBT people.”<sup>106</sup> Irina L., a 14-year-old lesbian in the 7<sup>th</sup> grade, said that the handful of students in her school who were known to be LGBT faced bullying. To avoid the same treatment, she has told only a few people that she is attracted to girls. “Only those people who are definitely not homophobic know about my orientation. No one knows in my school because it is considered like something disgusting in Russia,” she told us.<sup>107</sup>

Similarly, a school psychologist told us, “You won’t find a gay boy at our school who will openly admit to being gay. This cannot happen at all.”<sup>108</sup>

LGBT youth who cannot hide their identities endure regular harassment. As one psychologist remarked of the transgender youth he works with:

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<sup>104</sup> Human Rights Watch interview with Lev M., December 10, 2016.

<sup>105</sup> Human Rights Watch interview with Georgy L., February 12, 2017.

<sup>106</sup> Human Rights Watch interview with Alina P., December 25, 2016.

<sup>107</sup> Human Rights Watch interview with Irina L., January 30, 2017.

<sup>108</sup> Human Rights Watch interview with Alyona G., psychologist, March 28, 2018.



When I talked to the clients who were transgender women, they told me that they got used to [being treated badly] . . . they are on their own, and . . . [when they get harassed], they usually make a joke out of it. They make jokes out of verbal or physical harassment they face. They surrender and that's it—that is how they survive.<sup>109</sup>

Some students reported that they had a supportive core group of friends. For instance, Anton M., a 15-year-old gay boy in the 9<sup>th</sup> grade, said, “Most of my classmates know about me . . . . My classmates have a normal attitude toward me.” He added that the student body in general was not as supportive, saying, “Attitudes among students are different, but negative attitudes are the most noticeable.”<sup>110</sup> Georgy L. said: “Five of my friends support me. . . . They are the only people who call me by male pronouns and don't ask me questions about my gender and appearance,” he said.<sup>111</sup>

Larisa V., a 14-year-old who identifies as pansexual, described her Moscow high school as very open. “I can easily name about six LGBTQ [student body] members,” she said. Even so, she said students were not out to the school as a whole. “Normally we don't show relationships in the school except [for] friendship,” she explained.<sup>112</sup>

Pyotr E., a 16-year-old gay 10<sup>th</sup> grader in St. Petersburg, said, “I do experience some problems, but they are not as severe as they were not so long ago . . . . At school I am out and everyone knows about my orientation. My family is also aware of it. Some people accept and love me, some still don't accept me . . . . Now I have a higher position in the school hierarchy, and homophobes in school are trying to establish good relations with me. . . . That's because I've changed. I've changed my behaviour and my character. I became stronger and showed them I didn't care about their words or opinions.”<sup>113</sup>

Some older interviewees reported that the environment at universities and colleges was significantly better than that they had experienced in secondary school. Nonetheless,

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<sup>109</sup> Human Rights Watch interview with Darya R., psychologist, December 8, 2017.

<sup>110</sup> Human Rights Watch interview with Anton M., February 10, 2017.

<sup>111</sup> Human Rights Watch interview with Georgy L., February 12, 2017.

<sup>112</sup> Human Rights Watch interview with Larisa V., February 8, 2017.

<sup>113</sup> Human Rights Watch interview with Pyotr E., December 22, 2016.

deep-seated social hostility against LGBT people, fueled in part by the “gay propaganda” law, continued to impinge on their sense of dignity and security.

For example, Nora T., a 17-year-old in her second year at college, said, “Here we have more tolerant teachers and LGBT people who openly speak about themselves.”<sup>114</sup> Veronika A., a 17-year-old bisexual girl in her first year of university, told us, “My friends know about my sexual orientation. Some of them were shocked at first, but in general they like, understand, and support me in spite of my identity.”<sup>115</sup>

Valentina D., an 18-year-old lesbian who was in her first year at university when we interviewed her, said, “At the university, the atmosphere seems much more tolerant. People here are older, and they don't humiliate and hate someone because he or she is different. Here I feel much better than school.” Even so, she told us, “I can't say that my environment is completely nice and friendly, I occasionally hear from my classmates, ‘You're one of those? Phew, this is disgusting!’ and so on.”<sup>116</sup> Similarly, Nora T., the 17-year-old, described her college classmates' reactions to LGBT people as neutral or negative. “I've even met people who told me that if they are given permission to shoot LGBT people, they would do it happily,” she said.<sup>117</sup>

## Interactions with School Psychologists

No child's safety or healthy development should depend on a chance encounter with a compassionate or knowledgeable adult. In Russia, however, that is often the case for youth exploring their sexual orientation or gender identity. Some students reported positive interactions with school psychologists; others recounted acrimonious or abusive encounters.

Irina R., a 15-year-old in the 9<sup>th</sup> grade, told Human Rights Watch that her school psychologist gave her information about same-sex sexual orientation. “When I told the psychologist that I was questioning my orientation, she absolutely calmly shrugged and

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<sup>114</sup> Human Rights Watch interview with Nora T., February 2, 2017.

<sup>115</sup> Human Rights Watch interview with Veronika A., December 11, 2016.

<sup>116</sup> Human Rights Watch interview with Valentina D., February 12, 2017.

<sup>117</sup> Human Rights Watch interview with Nora T., February 2, 2017.

asked: ‘And why are you so afraid? It is not a problem.’” She recounted that the psychologist helped her “to understand my orientation and to adjust my relationship with my parents.” She also said the school psychologist “has a positive attitude toward the LGBT community. She finally convinced me that this is normal.”<sup>118</sup>

However, other students who sought information and support from school mental health staff experienced the complete opposite.

Nikita R., an 18-year-old transgender man, said that when he was in secondary school, he visited the school mental health officer. “She showed me some pictures of abstract images and then just told me I was crazy,” he said. “They treated me like a little child—it was useless. I didn’t even tell them anything about my sexual orientation or gender identity. I just asked them once about the LGBT community in general.” The counselors responded to Nikita’s question by smiling. “They said, ‘Oh, that’s just a popular movement, a fashionable trend—but it’s a dead end.’ They told me a human wouldn’t want to be LGBT.” For Nikita, this experience remained scarring even as an adult:

From my experiences as a kid, I now generally try to avoid seeing mental health professionals. They told me so many times that my problem was my appearance, that I just can’t trust their analysis.<sup>119</sup>

One psychologist who works with LGBT youth and adults said: “[Some clients] have told me that they did not talk to school psychologists because they didn’t trust them.” She explained, “Those clients also felt that there might be some disagreement between them and school psychologists. I’ve always been the very first psychologist my clients talked to.”<sup>120</sup>

## Adverse Impact on Education

Some LGBT children find their education curtailed as a consequence of the abuse they face. Valentina D., 18 and now in her first year of university, said that her high school environment was so hostile that she left:

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<sup>118</sup> Human Rights Watch interview with Irina R., December 17, 2016.

<sup>119</sup> Human Rights Watch interview with Nikita R., August 17, 2017.

<sup>120</sup> Human Rights Watch interview with Darya R., psychologist, December 8, 2017.

The school was a living hell, I always felt an atmosphere of hatred, some teachers spoke out against LGBT people and my classmates supported them. I often faced rude insults, humiliating jokes—harsh words that can even be called threats . . . . It became so unbearable that I decided in my last year of school to transfer to self-education, and I studied and prepared for the final exams by myself.<sup>121</sup>

Alexander N., a 16-year-old transgender boy, left his college during his first year because of the harassment he faced from classmates. (Colleges in Russia are specialized two-year training schools for students who have chosen a vocational education track after finishing the 9<sup>th</sup> grade.) “[E]ntire groups of other students were bullying me. I had multiple nervous breakdowns when I grew tired of having to endure this,” he said.<sup>122</sup>

Others said that they only recognized the toll their school environment took on them, and the extent to which it impaired their ability to focus on their studies, once they left. “[M]y life at university has become completely different. It is much easier to breathe,” Aleksey M., 18, told us, adding that he found it easier to concentrate in class and participate in activities with classmates than he had in high school. “At university, I have a friendly, understanding environment,” he said.<sup>123</sup>

Human Rights Watch wrote to the Russian Ministry of Education and Ministry of Health to request information about protections for LGBT youth.<sup>124</sup> The Ministry of Education responded:

In accordance with Article 5 of the Federal Law of December 29, 2012 № 273 “On Education in the Russian Federation” every person is guaranteed the right to receive an education, regardless of gender, race, nationality, language, origin, property, social and official positions, place of residence, attitude to religion, beliefs, membership of public associations, as well as any other circumstances.<sup>125</sup>

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<sup>121</sup> Human Rights Watch interview with Valentina D., February 12, 2017.

<sup>122</sup> Human Rights Watch interview with Alexander N., June 7, 2018.

<sup>123</sup> Human Rights Watch interview with Aleksey M., June 14, 2018.

<sup>124</sup> Letter from Human Rights Watch to Olga Vasilyeva, Minister of Education, October 12, 2018 (Appendix 1); Letter from Human Rights Watch to Veronica Skvortsova, Minister of Health, October 12, 2018 (Appendix 2).

<sup>125</sup> Letter from Ministry of Education, Russian Federation, to Human Rights Watch, November 9, 2018 (Appendix 3).

The ministry added that it was responsible for ensuring that education was “based on the spiritual and moral values of the people of the Russian Federation, and historic and national-culture traditions” which included “awareness and acceptance of their traditional family values and awareness of the responsibility towards the family, society, state and humanity.”<sup>126</sup>

Such language of “traditional values” has historically been used by the Russian government to curtail human rights—both domestically and in international fora, such as the UN Human Rights Council.<sup>127</sup> For example, a 2012 Human Rights Council resolution that was spearheaded by Russia declared that “all cultures and civilizations in their traditions, customs, religions and beliefs share a common set of values.”<sup>128</sup> The resolution invokes a single, supposedly agreed-upon value system thereby neglecting considerations of diversity, ignoring the dynamic nature of traditional practice and customary laws, and undermines the basic rights of LGBT people.

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<sup>126</sup> Ibid.

<sup>127</sup> Graeme Reid, “The Trouble with Tradition,” in *Human Rights Watch World Report 2013* (New York: Human Rights Watch, 2013).

<sup>128</sup> United Nations Human Rights Council, “Promoting Human Rights and Fundamental Freedoms Through a Better Understanding of Traditional Values of Humankind: Best Practices,” U.N. Doc. A/HRC/21/L.2 (September 21, 2012).

### III. Limited Access to Information

LGBT youth need information that their sexual orientation and gender identity is natural, and LGBT people are not a mistake.

—Natalya P., 16, December 2016

I was helped by being aware that I am not alone. That other LGBT people are not “gay Europeans in feathers” but ordinary boys and girls similar to me.

—David O., an 18-year-old gay man in Moscow, June 2018

In order to understand their own sexuality and to make responsible choices students need access to information about sexuality that is science-based, non-judgmental, and takes into account the whole range of human intimacy. When guidance at home or in school is limited, LGBT students turn to sources of uncertain quality for information about sexuality. When the state does not support schools and parents to provide necessary information and guidance to children and instead acts to restrict health-related education and information, including on sexual and reproductive health, it violates children’s rights to information, education, and health.

Students told Human Rights Watch that they sought information about LGBT identities, relationships, and sexual health from friends, the internet, and experience. Online sources of information are particularly important because of strong social taboos against open discussion of sexual orientation and gender identity, students told us.

But the availability and quality of online resources has been affected by the “gay propaganda” law. And as discussed in this report and in Human Rights Watch’s 2017 report *Online and On All Fronts: Russia’s Assault on Freedom of Expression*,<sup>129</sup> online information sources are often heavily monitored, censored, and biased—factors LGBT youth in Russia recounted in interviews.

LGBT youth and adults in Russia—as with nearly everywhere in the world—often meet peers online, where they feel safe exchanging information and expressing their identities

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<sup>129</sup> Human Rights Watch, *Online and on All Fronts: Russia’s Assault on Freedom of Expression* (New York: Human Rights Watch, 2017).

and feelings. Since enactment of the “gay propaganda” law, however, authorities have cracked down on online meeting spaces as well as websites that contain information on sexual orientation or gender identity or sexual health.

Despite the new restrictions, however, the internet remains a critical resource for LGBT youth.

“The main source of information for me is the internet,” 17-year-old Veronika A. told us,<sup>130</sup> a comment we heard frequently. Taras P., a 15-year-old in the 9<sup>th</sup> grade, said she gets most of her information on LGBT issues from Wikipedia.<sup>131</sup> Similarly, Nora T., a 17-year-old college student, told us that at age 14, when she began to question her sexual orientation, she scoured the internet for articles by psychologists.<sup>132</sup> Kirill G., a 16-year-old boy who had dropped out of school due to the hostile anti-LGBT environment, explained: “I find peace of mind only in the virtual world, or when talking with [my] boyfriend.”<sup>133</sup>

For some, the most important information they find online is that which affirms the most basic truth of their identities—that they are perfectly normal the way they are. “The most useful thing I found online [was] that being LGBT [is] absolutely normal. Apparently, I was lucky, because now I often come across negative information, negative statements about LGBT,” said Irina R., 15.<sup>134</sup> “I can only find the information I need on the internet. I can’t contact psychologists for help,” said Georgy L., a 14-year-old transgender boy in the 8<sup>th</sup> grade.<sup>135</sup>

Others explained how the internet offered them privacy and the freedom to explore the questions they had without risking an abusive encounter with an adult or peer. “I’ve been looking for information on the internet. Gender identity and sexual orientation are not topics about which you can ask teachers or read any books in the school library. People often (almost always) look at me with incomprehension, discussing me. Teachers just

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<sup>130</sup> Human Rights Watch interview with Veronika A., December 11, 2016.

<sup>131</sup> Human Rights Watch interview with Taras P., February 6, 2017. Taras identifies as bigender, uses a boy’s name, and prefers female pronouns.

<sup>132</sup> Human Rights Watch interview with Nora T., February 2, 2017.

<sup>133</sup> Human Rights Watch interview with Kirill G., February 17, 2017.

<sup>134</sup> Human Rights Watch interview with Irina R., December 17, 2016.

<sup>135</sup> Human Rights Watch interview with Georgy L., February 12, 2017.

ignore me,” Vasily A., a 15-year-old transgender boy, told us.<sup>136</sup> Arseny D., a 15-year-old transgender boy in the 9<sup>th</sup> grade, had a similar account. “I learned about [the concept of being transgender] when I was 11. I became a teenager and started to experience gender dysphoria. I didn’t have anyone to ask, so I found all the information on the internet.”<sup>137</sup>

And for others, thanks to online counseling services such as Deti-404, the internet became a place of life-saving refuge.

## Deti-404

When I found Deti-404, I was 13 years old. I was suddenly no longer lost. I finally had a resource that told me who I was. I didn’t need the internet to understand bisexuality, but I needed it for gender identity—that didn’t make sense to me until I had some information. It was a relief to know there were other people like me in the world.

—Nikita R., 18-year-old bisexual transgender man, August 2017

Deti-404 is an online group that offers psychological support, advice, and a safe community for LGBT children, including those who experience violence and aggression because of their real or perceived sexual orientation or gender identity. The group was founded in response to the “gay propaganda” law and has become one of the law’s primary victims.

Youth access Deti-404’s resources through a Vkontakte group, where they can chat with each other or ask to chat with a psychologist. The site retains a network of between 30 and 40 volunteer psychologists who are available to support youth via chat or audio messaging such as Skype, or can refer them to local mental health services where available.

“Deti” means “children” in Russian. The “404” in the group’s title is a reference to the standard internet “error 404” message indicating that a webpage cannot be found. In combination, “Deti-404” can be read as a reference to the children erased by law and

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<sup>136</sup> Human Rights Watch interview with Vasily A., December 23, 2016.

<sup>137</sup> Human Rights Watch interview with Arseny D., December 7, 2016.



official policies. The group was created on VKontakte in April 2013 by Elena Klimova, an LGBT activist from Nizhny Tagil, in the Sverdlovsk region. The Deti-404 group had nearly 97,000 members in mid-November 2018.<sup>138</sup>

Even as Deti-404's name is commentary on censorship and official denial, the group itself ironically has become one of the main targets of that censorship.

In August 2015, a court in Barnaul, Siberia, found that information shared among group members violated the law protecting “the informational security of children,” and banned the group. VKontakte subsequently removed access to the group's page.<sup>139</sup> In September 2015, Deti-404 started a new VKontakte group under the same name, but yet another court ruling ordered the new group taken down as well. In April 2016, Deti-404 started yet a third group on VKontakte. At this writing, that online group was operational.<sup>140</sup> However, Deti-404's website—[www.deti404.com](http://www.deti404.com)—has been blocked since October 2016 following a court decision.<sup>141</sup> Each time the government has attempted to censor Deti-404, the group's administrators have creatively moved it to a different space on the internet.

For some children, engagement with Deti-404 has facilitated self-acceptance. “I accepted myself with the help of Deti-404. And I realized that I am not a ‘mistake,’” said Daniil K., a 13-year-old gay boy in the 8<sup>th</sup> grade.<sup>142</sup> For others, it has been a place where they could learn survival strategies to keep themselves safe amid hostile environments at home and at school. For example, 14-year-old Mikhail S. said:

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<sup>138</sup> “Deti-404, LGBT Teenagers” [Дети-404. ЛГБТ-подростки], [https://vk.com/deti404\\_c](https://vk.com/deti404_c) (accessed November 11, 2018). The slogan “Dumbledore's Army is always on duty” [отряд Дамблдора всегда в строю] appears beneath the group's name, in reference to the Harry Potter books' gay headmaster and the rebel student group that rallied to his support. See J.K. Rowling, *Harry Potter and the Order of the Phoenix* (London: Bloomsbury, 2003), pp. 332, 347-48. Although Dumbledore is not explicitly described as gay in the Harry Potter books themselves, author J.K. Rowling has said the character is gay. Hannah Siegel, “Rowling Lets Dumbledore Out of the Closet,” ABC News, October 20, 2007, <https://abcnews.go.com/Entertainment/story?id=3755544&page=1> (accessed November 10, 2018).

<sup>139</sup> Elena Klimova's Facebook page entry is available at <https://www.facebook.com/klimovalitred?fref=nf&pnref=story> (accessed April 30, 2018).

<sup>140</sup> Deti-404's VKontakte group is available at “Deti-404: LGBT Teenagers” [Дети-404. ЛГБТ-подростки], <https://vk.com/deti404> (accessed November 11, 2018), and “Deti-404, LGBT Teenagers” [Дети-404. ЛГБТ-подростки], [https://vk.com/deti404\\_c](https://vk.com/deti404_c) (accessed November 11, 2018).

<sup>141</sup> The ruling, by a district court in Barnaul, was issued April 13, 2016. “Court in Barnaul Rules to Block Website of ‘Deti 404’ [Суд в Барнауле заблокировал сайт проекта “Дети 404],” Radio Free Europe Russia Service, April 13, 2016, <http://www.svoboda.org/a/27672970.html> (accessed April 24, 2018).

<sup>142</sup> Human Rights Watch interview with Daniil K., January 5, 2017.

I learned about how parents react when they find out about the sexual orientation of their children. I realized that I need to be cautious and I don't have to humiliate myself because of this. I realized I am not the only one. There are lot of us and everyone has his or her own story.<sup>143</sup>

Other LGBT youth told Human Rights Watch they found the network to be a life-saving resource and felt afraid that the government might eliminate it.

“I was wondering what it is and why they want to close it, and that's how I found it,” she said.<sup>144</sup> “Because of this law [the “gay propaganda” law] the group Deti-404 was being shut down at a time when it was the only support I could get,” 15-year-old Taras P. said.<sup>145</sup> Irina L., age 14, told us, “It will increase the number of suicides among LGBT teens, as they will not be able to ask for help.”<sup>146</sup> Daniil K., the 13-year-old, said that he relied on Deti-404 when he first realised he was gay. If the information he found on their website were not available, “it would be a serious problem, because Deti-404 provides great support for LGBT teenagers,” he said.<sup>147</sup>

Russian officials have denied that LGBT youth in Russia face discrimination—in some cases, by denying that youth can experience “non-traditional” sexual orientation or gender identity at all. For example, in April 2016, the children's rights ombudsperson of St. Petersburg, Svetlana Agapitova, said at a meeting with legislators:

[T]here is no discrimination against LGBT teenagers in our country and there is no problem of gender identity for boys and girls. What is more, there was no sexual orientation in children. Thus, due to specific Russian mentality, sexual orientation turns on after 18, and until 18, they are just kids.<sup>148</sup>

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<sup>143</sup> Human Rights Watch interview with Mikhail S., December 17, 2016.

<sup>144</sup> Human Rights Watch interview with Raisa N., December 8, 2016

<sup>145</sup> Human Rights Watch interview with Taras P., February 6, 2017.

<sup>146</sup> Human Rights Watch interview with Irina L., January 30, 2017.

<sup>147</sup> Human Rights Watch interview with Daniil K., January 5, 2017.

<sup>148</sup> Galina Artemenko, “Sexual Orientation in Russia After 18 Years” [Сексуальная ориентация по-русски после 18 лет], *MR7*, April 6, 2016, <https://mr7.ru/articles/129692/> (accessed November 10, 2018).

Agapitova told legislators her office defended the rights of all children but had never received any complaints from LGBT youth about allegations of rights violations against them.<sup>149</sup>

In response to this statement, the Deti-404 founder and administrator, Lena Klimova, wrote to Agapitova outlining the issues Deti-404 volunteers had documented among their youth members over the years. Klimova closed her appeal to the ombudsperson's office by saying:

I hope after that you will stop saying that LGBT teens are not discriminated against in Russia as they are, and that sexual orientation turns on after 18 as this is not true. I hope that you will stop ignoring existence of LGBT teenagers and that of their problems, especially in public. You are the Ombudswoman for Children. You said that you stand up for all children. Please keep in mind these children too.<sup>150</sup>

In reply to Klimova's letter, Agapitova clarified that that her remark that children had no sexual orientation was not her private opinion, but rather her description of the official position of Russian authorities, Klimova told Human Rights Watch. "Svetlana Agapitova reassured me that children and teenagers dealing with any problems, including those of sexual and gender identity, could seek her help," said Klimova. She also told Human Rights Watch that Agapitova, in a private conversation, reassured her that all teenagers who address the ombudsperson's office would be would receive help and all allegations of abuses would be investigated without bias.<sup>151</sup>

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<sup>149</sup> Ibid.

<sup>150</sup> Letter from Elena Klimova to Svetlana Agapitova, Children's Ombudsperson of St. Petersburg, April 19, 2016 (on file with Human Rights Watch)

<sup>151</sup> Email from Elena Klimova to Human Rights Watch, November 29, 2018.

## IV. Mental Health Consequences

While Russian government officials and parliament members claim that the goal of the “gay propaganda” law is to protect children from potentially harmful subject matter, the law directly harms children by denying them access to essential information and fostering stigma against LGBT children and their families.

In June 2017, the European Court of Human Rights ruled that the law violated the rights to freedom of expression and freedom from discrimination guaranteed in the European Convention on Human Rights.<sup>152</sup> During the court’s proceedings, Dr. Ilan Meyer, an internationally renowned scholar in social psychology specializing in minority populations, submitted testimony disputing claims that the law has legitimate aims and can accomplish those aims.

Dr. Meyer wrote that “the propaganda law does not advance any legitimate goal in protecting the health of youth because there is no supportable connection between the means (suppressing homosexual propaganda) and the alleged goals (protecting the health of youth).” He continued: “Should Russia aim to improve the health and well-being of its citizens and address the public health areas noted in the Foundation’s brief, interventions that are the exact opposite of what the propaganda law dictates would be required.” He added: “Furthermore, laws such as Russia’s propaganda law can have serious negative impact on the health and well-being of homosexual youth and adults in that the law increases and enshrines stigma and prejudice, leading to discrimination and violence, and, thus, increasing risk for mental distress and suicide ideation.”<sup>153</sup>

Mental health professionals told Human Rights Watch that the number of LGBT youth seeking mental health support has increased since 2013. A social worker observed that

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<sup>152</sup> See *Bayev v. Russia*, App. No. 67667/09 (Eur. Ct. H.R. June 20, 2017), <http://hudoc.echr.coe.int/eng?i=001-174422> (accessed April 30, 2018).

<sup>153</sup> Declaration of Ilan H. Meyer, Ph.D. in the Cases of *Bayev v. Russia* (No. 67667/09), *Kiselev v. Russia* (No. 44092/12), and *Alekseyev v. Russia* (No. 56717/12), May 2014, <https://williamsinstitute.law.ucla.edu/research/international/meyer-declaration-bayev-v-russia-may-2014/> (accessed April 30, 2018).

after the law was enacted, “Our work grew. . . . I see a connection between the growth in our activity [the inscreasing demand for counselling] and the law.”<sup>154</sup>

“There is more fear and anxiety among LGBT community and kids,” one psychologist said. She noted that the increase in media coverage of the law was, for many, an introduction to issues of sexual orientation and gender identity, but in terms that were overwhelmingly pejorative. She said, “On the one hand, people have started to talk about it. On the other, they talk on this issue solely in a negative context. . . . The whole situation is polarizing, not in a healthy way.”<sup>155</sup>

Research in other countries has found that lack of support contributes to negative mental health outcomes; in one study, lesbian, gay and bisexual students in environments with fewer supports like gay/straight alliances, inclusive anti-bullying policies and inclusive non-discrimination policies were 20 percent more likely to attempt suicide than those in more supportive environments.<sup>156</sup> Studies have suggested that “[a] higher risk for suicide ideation and attempts among LGB groups seems to start at least as early as high school.”<sup>157</sup> For LGBT youth, isolation and exclusion can be as detrimental as bullying and can aggregate over time to create an unmistakably hostile environment. In recent years, psychologists have drawn attention to these types of incidents—or “microaggressions”—and the way they collectively function to adversely affect development and health.<sup>158</sup>

## The Consequences of Sustained Hostility

When students experience stigmatization, hostility, and rejection over years of schooling, the cumulative effect can be devastating and long-lasting. Psychological research has suggested that “circumstances in the environment, especially related to stigma and

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<sup>154</sup> Human Rights Watch interview with Marina R., psychologist, March 28, 2018.

<sup>155</sup> Human Rights Watch interview with Antonina P., psychologist, November 16, 2017.

<sup>156</sup> Mark L. Hatzenbuehler, “The Social Environment and Suicide Attempts in Lesbian, Gay, and Bisexual Youth,” *Pediatrics*, vol. 127 (2011), pp. 896-903.

<sup>157</sup> Ilan H. Meyer, “Prejudice, Social Stress, and Mental Health in Lesbian, Gay, and Bisexual Populations: Conceptual Issues and Research Evidence,” *Psychological Bulletin*, vol. 129 (2003), pp. 674-97.

<sup>158</sup> See Kevin L. Nadal, *That’s So Gay! Microaggressions and the Lesbian, Gay, Bisexual, and Transgender Community* (Washington, D.C.: American Psychological Association, 2013).

prejudice, may bring about stressors that LGBT people experience their entire lives.”<sup>159</sup> The cases documented in this report portend a protracted crisis for LGBT people in Russia, as the trauma inflicted on them during childhood may adversely affect them for the rest of their lives.

“No one wants to get beaten on the street, but that’s the fear LGBT people in Russia live with now,” Nikita R., an 18-year-old transgender man, told Human Rights Watch. “We know that most people believe the mass media, and the stories there teach them that we are horrible creatures, so we are in danger all the time.”<sup>160</sup>

Some students said their mental health suffered significantly during their struggles to come to terms with their sexual orientation or gender identity. Maya N., a 17-year-old, told Human Rights Watch that she attempted suicide in late 2016, a few months before we spoke.<sup>161</sup> Taras P., a 15-year-old bigender student, told Human Rights Watch he had attempted suicide twice.<sup>162</sup> Kirill G., a 16-year-old gay boy, tried to kill himself once; he said that although he no longer had thoughts of killing himself, he still suffered from depression. “I do not see any future for myself,” he said.<sup>163</sup>

Fourteen-year-old Mikhail S. described her struggle to come to terms with same-sex attraction, overcoming fear instilled by the anti-LGBT atmosphere in Russia: “I had depression, panic, because that was the first time when I realized that I fell in love with a girl.”<sup>164</sup> Larisa V., a 14-year-old pansexual girl, told Human Rights Watch that she spent two months in a clinic for mental health issues she linked in retrospect to her sexual orientation; in addition, she cut herself for a time after inadvertently coming out to her parents.<sup>165</sup> Lev M., an 18-year-old transgender man, said: “At some point, I lost interest in

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<sup>159</sup> Ilan H. Meyer, “Resilience in the Study of Minority Stress and Health of Sexual and Gender Minorities,” *Psychology of Sexual Orientation and Gender Diversity*, vol. 2 (2015), p. 209.

<sup>160</sup> Human Rights Watch interview with Nikita R., August 17, 2017.

<sup>161</sup> Human Rights Watch interview with Maya N., December 18, 2016.

<sup>162</sup> Human Rights Watch interview with Taras P., February 6, 2017.

<sup>163</sup> Human Rights Watch interview with Kirill G., February 17, 2017.

<sup>164</sup> Human Rights Watch interview with Mikhail S., December 17, 2016.

<sup>165</sup> Human Rights Watch interview with Larisa V., February 8, 2017.

life, so my existence, which I can't even call a life, does not have any sense.”<sup>166</sup> Other students also described inflicting harm on themselves.<sup>167</sup>

Similarly, psychologists described cases in which LGBT youth attempted or considered suicide, cut themselves, or behaved aggressively toward others because of anxieties about their sexual orientation or gender identity.<sup>168</sup> Students also recounted cases of classmates or other acquaintances who attempted suicide or engaged in other acts of self-harm after they were outed.<sup>169</sup>

In some cases, students said that abuse at school contributed to their struggles with mental well-being. Arseny D., a 15-year-old transgender boy, said that after daily verbal harassment at school, “I had nervous breakdowns because of it, a couple of times teachers released me from classes.” He was hospitalized because of the nervous breakdowns, he told us. “I started having constant headaches and my blood pressure jumped. The doctors in the hospital said it was due to constant emotional exhaustion, I was tossed from one extreme to another.”<sup>170</sup>

Some students said the hostile school environment made them feel as if they were under siege and put them on the defensive. Sixteen-year-old Kristina Z., a bisexual girl, said that her behavior changed after her teachers and classmates started to mock her because of her sexual orientation:

At school, because of my quick temper, I put up a fight for the slightest hint about my orientation. When I walked down the hallway, first-graders screamed after me that I was a lesbian. I began to rebel. Smoked straight out of the classroom window, said rude things to teachers. I was getting worse and worse. I had never been like this before. The last straw was when I had a fight with a classmate. The police were called; I was put on the

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<sup>166</sup> Human Rights Watch interview with Lev M., December 10, 2016.

<sup>167</sup> Human Rights Watch interview with Georgy L., February 12, 2017.

<sup>168</sup> For example, Human Rights Watch interview with Anna N., psychologist, October 12, 2016.; Human Rights Watch interview with Antonina P., psychologist, November 16, 2017.

<sup>169</sup> For example, Human Rights Watch interview with David O., June 7, 2018.

<sup>170</sup> Human Rights Watch interview with Arseny D., December 7, 2016.

police account [a special police registry for “deviant minors”] for six months. Now I am under observation, like in custody.<sup>171</sup>

## The Importance of Mental Health Professionals

LGBT youth and the psychologists who work with them told Human Rights Watch the counseling relationship is very valuable. For example, one psychologist explained that mental health professionals who work with LGBT youth are an important source of support—and sometimes the only source of affirmative or sensitive care the children encounter, even after they have experienced harassment, threats, or violence. She described one example:

Two weeks ago, two 17-year-old girls were walking and hugging near the city center here. Police stopped them and threatened them, asked them for documents, threatened to tell their parents and schools about their affection. They took down their addresses and other details and now the girls are afraid—what comes next? Will they show up at their homes? One already has a really tense relationship with her parents and she’s worried about the police making it worse.<sup>172</sup>

This psychologist noted that even in clinical settings, LGBT youth are terrified that their sexual orientation will be exposed, resulting in ill-treatment. She said: “Girls were extremely afraid when they came to me. One of them was even afraid to wait outside my door while I was with another client because she didn’t want to be identified as my client [because this psychologist is known for meeting with LGBT patients]—so I had to search the hallways for her.”<sup>173</sup>

This psychologist, who has more than a decade of professional experience, explained that, “In cases of family violence, when police find out that boys have been beaten by their parents for being gay—the police see that as a valid reason for beating him and don’t take the case seriously.” She outlined two cases, one in which a boy was raped by a stranger,

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<sup>171</sup> Human Rights Watch interview with Kristina Z., January 31, 2017.

<sup>172</sup> Human Rights Watch interview with Anna N., psychologist, October 12, 2016.

<sup>173</sup> Ibid.



and another in which a boy was forced to perform oral sex on his male peers. In both cases, police failed to investigate, the psychologist said, and the cases only came to her attention later when the survivors were referred for mental health treatment following suicide attempts.<sup>174</sup>

Other psychologists reflected on the lack of support for LGBT youth. “Usually they tell me they don’t have any adult that can support them,” a psychologist in Perm said. “This is why Deti-404 is so important—it helps children find at least one adult who can accept and support them. It’s really important that Deti-404 volunteers are adults, so we can break down stereotypes among the kids that we’re trying to help.” Some children, she explained, are looking for answers to very basic questions. Others are seeking survival strategies. “They usually have some questions like ‘I like another girl in my class . . . am I a lesbian? Can you give me a diagnosis?’” she said. “They come to me with stereotypes, not necessarily about sexual orientation and gender identity concepts itself, but myths about how their parents and society are allowed to treat them because of their identity.” She said children often inquire about what their parents can and cannot do to them. “They ask me things like: can my parents send me to a psychiatric institution? Do I have to allow them to do that? So, when they’re 15 or younger, I have to tell them that their parents can legally send them to a hospital without their consent,” she said.<sup>175</sup>

Many certified mental health professionals share societal prejudices, fear, and ignorance on issues of sexual orientation and gender identity. One psychologist said that during annual mandatory continuing education sessions, “When I talk about the work on such topics as sexual orientation and gender identity, [others in the session] sometimes tend to say things that do not make any sense. For example, they believe the myth that if a girl is a lesbian, it is likely that her father raped her.” This psychologist worried: “I can’t tell what their clients experience, but taking into account what they say during those trainings and how fiercely they stand for what they say, I suppose they might use the same rhetoric with their clients.”<sup>176</sup>

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<sup>174</sup> Ibid.

<sup>175</sup> Ibid. All children under 16 in Russia can be hospitalized by their parents without children’s consent, sexual orientation notwithstanding.

<sup>176</sup> Human Rights Watch interview with Darya R., psychologist, December 8, 2017.

A psychologist in Moscow told Human Rights Watch that her LGBT clients often reported that they struggled to find mental health care because therapists they visited attributed whatever symptoms they showed to their sexual orientation or gender identity—and focused almost exclusively on measures to change their sexuality. She recounted a case in which a client came to her for grief counseling:

[This client had] come to terms with her sexual orientation and her parents had long accepted it, but she was dealing with the death of her lover . . . . And for her, grief counseling was essential. And I was the fourth psychologist that she came to, because everyone else was trying to work on her orientation instead of the issue that she came with. Unfortunately, this is a persistent problem and it often becomes an obstacle for reaching out to specialists . . . that a specialist psychologist will see the problem not in the issue which the child or adult comes in with, but in the person’s orientation, and will instead try to cure them of this “disease.”<sup>477</sup>

## Chilling Effect on Mental Health Providers

We cannot publicly and openly talk about the fact that we work with LGBT teenagers . . . . But in actual communication with teenagers nothing changed. The only thing is that we understand that there may be provocations. So, in any case, if a teenager reaches out we try to somehow find out . . . whether this is a genuine query or whether it is an attempt to sabotage. And usually it is a genuine query, of course, but there were some cases of very odd queries where we understood that the person on the other line was not who he said he was.

—A social worker in Moscow, March 2018

Many of the psychologists interviewed by Human Rights Watch said that the “gay propaganda” law had a chilling effect on their ability to counsel clients grappling with questions of sexual orientation or gender identity. As one psychologist told Human Rights

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<sup>477</sup> Human Rights Watch interview with Lyuba M., psychologist, March 30, 2018.

Watch, “In general, the law just makes psychologists afraid to work with LGBT adults and youth. That is the biggest impact of the law.”<sup>178</sup>

A social worker suggested that the law “is an effective means of intimidation.” She explained that “it really affected specialists, and many of them are now scared to work with this topic [of LGBT issues] . . . are scared to bring it up in schools and to talk about it.”<sup>179</sup>

Another psychologist said that working with LGBT youth puts professionals in a potentially precarious position. He explained, “The work with teenagers is ‘half-legal’ in this country. One can probably work anonymously online, for free. If you work professionally, it is important to include parents in the process.” He added, “If you work only with a teenager, you risk a lot.”<sup>180</sup>

For example, one psychologist recounted an instance in 2014 in which she was working at an LGBT community center when police came in undercover to see if the mental health staff were meeting with children. “They told us they were tipped off by an anonymous complaint on livejournal [a social media website],” she said. In order to protect herself against fines and interference by the authorities, the psychologist now issues a disclaimer about her work:

I tell all child clients of mine about the propaganda law and that I cannot distribute such propaganda. I also tell parents of children this. It’s a disclaimer: if you hear something that you think is ‘gay propaganda,’ please tell me and I can clarify. I don’t want them to go to the police. I cover the LGBT books on my shelf in my office during consultations with kids, so I can’t be accused of spreading propaganda.<sup>181</sup>

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<sup>178</sup> Human Rights Watch interview with Anna N., psychologist, October 12, 2016.

<sup>179</sup> Human Rights Watch interview with Yulia Malygina, social pedagogue (social worker) and head of Resource LGBTKIA Moscow, Moscow, March 28, 2018.

<sup>180</sup> Human Rights Watch interview with Anton O., psychologist, November 2, 2017.

<sup>181</sup> Human Rights Watch interview with Anna N., psychologist, October 12, 2016.

Other providers told Human Rights Watch that they were anxious about working with younger clients because of a pattern of attempts to ensnare mental health providers for violating the “gay propaganda” law. A psychologist who works with Deti-404 explained: “If I work with someone on Vkontakte [online]—for example, when people write me from fake accounts or by email—I check if it is a set-up or not. I’ve had those situations.”<sup>182</sup> She said: “Certainly, I censor what I write to people. There were some provocations carried out by adults.” This psychologist explained how she instructed newcomer volunteers at Deti-404 to be careful:

When we talk about LGBT topics, I instruct them what they can do and what they can’t, what rights they have under Russian law . . . . I have to mitigate anxiety among psychologists. This is something that appeared after the law was adopted. This kind of instructions I have developed from the years of experience working with [lawyers].<sup>183</sup>

Another psychologist described how even in situations where it is clinically relevant to discuss a child client’s sexual orientation, he feels constrained by the law:

Adoption of the law has made my work more difficult. Teenagers often wait for me to ask a direct and precise question about his or her sexual orientation or gender identity, but the law prevents me from doing that. First, I have to wait until the issue is raised by the adolescents themselves. Even when I have a suspicion about what is going on, I cannot ask questions about of sexual orientation and gender identity as it might put me in trouble.<sup>184</sup>

Another psychologist who works on an LGBT mental health phone hotline said the “gay propaganda” law forced him to talk with clients “rather abstractly.” She told Human Rights Watch, “When I pick up a hot line call, right away, I explain that there is this law and that I have to continue the discussion using a certain vocabulary. I explain that if something is

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<sup>182</sup> Human Rights Watch interview with Antonina P., psychologist, November 16, 2017.

<sup>183</sup> Ibid.

<sup>184</sup> Human Rights Watch interview with Natalya A., psychologist, February 1, 2018.

not clear, I can elaborate on that, but still, using a certain vocabulary because it might put me in danger.”<sup>185</sup>

Another psychologist said: “When I worked at a public organization, I had to rephrase the sentences. I did my best to avoid using certain types of information [including information relating to sexual orientation and gender identity] when I had to fill out medical cards and other documents.” She explained that she did this “because the prosecutor’s office could come with an audit.”<sup>186</sup>

Others described the impact of the law as systematically eroding confidence between LGBT youth and mental health providers. A psychologist who has worked with Deti-404 and local LGBT groups for more than five years explained: “The whole situation is just worsening. As of today, teachers and teachers-psychologists are not allowed to speak positively [on LGBT topics]. They can’t just say to a kid, ‘Hey, everything is normal with you.’ Kids I work with do not even think to visit a school psychologist. Only if they feel they can talk to that psychologist about anything, and that’s an exception.”<sup>187</sup>

A social worker who coordinates referrals to psychologists and runs a support group for LGBT youth said: “In general, even in Moscow, the teenagers do not risk raising this subject [of homosexuality] with specialists—and I think they are right to behave that way.” She said the “gay propaganda” law had impacted how specialist psychologists viewed their work. “The specialists are mainly scared by this law. They are scared to work, although this law doesn’t directly threaten them and they . . . well, it isn’t applicable to psychological practice, but specialists don’t realize this and many of them are scared.”<sup>188</sup>

A minority of psychologists Human Rights Watch interviewed explained that they do not let such concerns affect their work. For example, a psychologist in Vladivostok said:

I don’t see a point in using different wording, because if we interpret the law as it is . . . if I say that what is happening with [a client] is normal, then this will not be “propaganda.” This would be an acceptance of a child. . . .

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<sup>185</sup> Human Rights Watch interview with Darya R., psychologist, December 8, 2017.

<sup>186</sup> Human Rights Watch interview with Antonina P., psychologist, November 16, 2017.

<sup>187</sup> Ibid.

<sup>188</sup> Human Rights Watch interview with Marina R., psychologist, March 28, 2018.

Primarily for me it is the ethics of a psychologist, which I follow. That's it. That's why there is absolutely no point in changing a wording. I obviously check the age and try to, if it is possible, to ask that the kids bring permission [slips] from their parents. This, of course, will not protect, but just in case, it says something like "the mother does not oppose that the child attends," for example, "a support group."<sup>189</sup>

## Barriers to Accessing Support Groups and LGBT Organizations

The rationale driving the "gay propaganda" law—the protection of children from information about LGBT lives—has resulted in LGBT organizations imposing strict age limits in order to protect themselves from prosecution. A social worker who runs a hotline and several support groups said, "According to the law, we have to put the '18+' age marker everywhere."<sup>190</sup> As a result, young people's ability to access services, community support, and information is curtailed, exacerbating the isolation many of them already feel.

Even before the introduction of the law, resources for LGBT youth were limited because many LGBT community centers only served adults. A psychologist described what these age restrictions mean for youth, citing the example of a 15-year-old girl who contacted her:

She called because she was afraid of coming out to her family and friends, who she knew would react negatively. She was struggling to accept the fact that she is lesbian and as a result, she developed self-hatred. We had meetings about once every two weeks for three months. We are looking for support networks beyond internet-based ones for this girl, because for her coming out to parents and friends does not seem to be an option. She wants to meet peers, but the local LGBT community center only takes in those who are 18 years or older, so her options are very limited. I think . . . generally . . . there is a lot of useful information online, but in this girl's case it's not sufficient.<sup>191</sup>

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<sup>189</sup> Human Rights Watch interview with Timur L., psychologist, April 20, 2018.

<sup>190</sup> Human Rights Watch interview with Marina R., psychologist, March 28, 2018.

<sup>191</sup> Human Rights Watch interview with Natalya A., psychologist, February 1, 2018.

LGBT youth confirmed to Human Rights Watch that they had experienced rejection from some support groups on the basis of their age. For example, Dmitry L., a 19-year-old gay college student, explained:

The “gay propaganda” law is very disturbing. When the law passed, I was 14 and this momentum kind of pushed me to learn more about LGBT [issues] . . . It’s very difficult for me to compare how it was before the adoption of the law. But, for example, when I was 16 I was in need of urgent psychological assistance, every large organization refused to work with me, except Deti-404 . . . I know that many of adult activists worry about it and still try to include teenagers in their work one way or another, but it is a very big responsibility.<sup>192</sup>

## Discriminatory Attitudes Among Mental Health Professionals

Some LGBT youth told us they have experienced ignorance, prejudice, and stereotypes even when interacting with mental health providers. Arseny D., a 15-year-old transgender boy in the 9<sup>th</sup> grade, told us, “Our society doesn’t even understand gay people, and they treat trans people like schizophrenics. I asked psychologists about trans issues and gender, and no one gave me any answer . . . It sounds funny, but I was the one who explained to them what the word ‘transgender’ means. They didn’t know about the issue and couldn’t help me.”<sup>193</sup>

A psychologist who has worked with LGBT clients for more than five years said that she has simultaneously worked on raising awareness among and educating other mental health professionals about issues of sexual orientation and gender identity. “Unfortunately, the state of things is terrifying. When I have a chance to participate in a round table with the [regional] ombudsman, the chief physician of the regional psychiatric hospital was also there, and when we discussed transgender issues, they make the conversation about Conchita Wurst,” she said, referring to the artist who won the Eurovision Song Contest in 2014. “They say that [what she is doing] is unacceptable. And I realize that if those bright minds spew this nonsense, then lower-level people must be even worse than that. No one

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<sup>192</sup> Human Rights Watch interview with Dmitry L., May 30, 2018.

<sup>193</sup> Human Rights Watch interview with Arseny D., December 7, 2016.

knows what they actually say when they work with their clients,” the psychologist said. She also recounted the case of a sexologist in the city where she lives who tells LGBT clients to “move to Europe” and that their “children should be exiled to Siberia.”<sup>194</sup>

Other psychologists who work regularly with LGBT youth clarified that most of their colleagues are not hostile to LGBT people but are unfamiliar with LGBT issues. “[M]ost programs of psychological education don’t have room for contemporary gender studies, nor for sexology or topics concerning sexuality at all,” one said.<sup>195</sup>

The law has reinforced preexisting negative stereotypes, including within the mental health profession, psychologists told us. Training resources published in Russian are often limited and stigmatizing, another psychologist said, adding, “The Russian psychological school is still far behind . . . years behind the western one.”<sup>196</sup> Another psychologist, who works with LGBT youth clients independently and at a school in Moscow, recounted how she had been in meetings with fellow mental health professionals who had derided a transgender child’s desire to transition and express his gender identity:

In the conversation about the transgender people, it went like this: “No, well, what the fuck? Did he lose his mind? He wants to fuck girls, okay so he can fuck them. But she was Olya, so it should stay Olya. Why is she screwing with our brains? Why Vasya, now?” And this is an environment where teenagers go, all the variety of teenagers . . . .<sup>197</sup>

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<sup>194</sup> Human Rights Watch interview with Antonina P., psychologist, November 16, 2017.

<sup>195</sup> Human Rights Watch interview with Oksana M., psychologist, April 6, 2018.

<sup>196</sup> Human Rights Watch interview with Anton O., psychologist, November 2, 2017.

<sup>197</sup> Human Rights Watch interview with Alyona G., psychologist, March 28, 2018.



## V. Russia’s Legal Obligations

Russia’s “gay propaganda” laws “reinforce stigma and prejudice and encourage homophobia, which is incompatible with the notions of equality, pluralism and tolerance inherent in a democratic society,”<sup>198</sup> as the European Court of Human Rights concluded in a 2017 case. These laws violate the right to freedom from discrimination and impermissibly infringe on the rights of children and adults to freedom of expression and association.

In addition, as demonstrated in this report and elsewhere, the “gay propaganda” laws contribute to violence and other forms of harassment against LGBT youth, in violation of the rights to security of person and freedom from violence, the right to health, and the right to education.

Russia also has an obligation to assist parents to fulfil their responsibilities to care for their children in a way that respects children’s emerging autonomy and their rights to an identity, freedom of expression, and freedom from discrimination, among other rights.

### Freedom of Expression

Everyone has the right to freedom of expression, children as well as adults,<sup>199</sup> and states are under an obligation to ensure this right and other human rights.<sup>200</sup> The UN Human Rights Committee, the authority charged with interpreting the International Covenant on Civil and Political Rights, has observed that freedom of expression is “indispensable . . . for the full development of the person” and is “essential for any society.”<sup>201</sup> Expression of

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<sup>198</sup> *Bayev v. Russia*, App. No. 67667/09 (Eur. Ct. H.R. June 20, 2017), para. 83.

<sup>199</sup> International Covenant on Civil and Political Rights (ICCPR), art. 19(2), December 19, 1966, 999 U.N.T.S. 171 (entered into force March 23, 1976, and ratified by the USSR October 16, 1973); Convention on the Rights of the Child, art. 13(1); Convention for the Protection of Human Rights and Fundamental Freedoms [European Convention on Human Rights], art. 10, November 4, 1950, 213 U.N.T.S. 221 (entered into force September 3, 1953, and ratified by the Russian Federation March 5, 1998). See also Committee on the Rights of the Child, General Comment No. 20, paras. 34, 42.

<sup>200</sup> See Human Rights Committee, General Comment No. 34: Freedoms of Opinion and Expression, U.N. Doc. CCPR/C/GC/34 (September 12, 2011), para. 11.

<sup>201</sup> *Ibid.*, para. 2.

identity and association with peers are particularly important for adolescents as they develop a sense of self and begin their transition to adulthood.<sup>202</sup>

The right to freedom of expression extends to “all forms of expression and the means of their dissemination.”<sup>203</sup> The form of expression can be non-verbal—not only images and art, but also dress, hairstyle, and other aspects of one’s own appearance and personal style.<sup>204</sup> The means of expression include postings on websites and social media.<sup>205</sup> Expression can be about anything—political views, religious beliefs or other moral convictions, ordinary communication in the course of daily life—and may even be deeply offensive.<sup>206</sup> As the Council of Europe’s Steering Committee for Human Rights has observed, “authorities have a positive obligation to take effective measures to protect and ensure the respect of lesbian, gay, bisexual and transgender persons who wish to . . . express themselves, even if their views are unpopular or not shared by the majority of the population.”<sup>207</sup>

The right to freedom of expression includes the right to seek and receive information and ideas of all kinds.<sup>208</sup> The Committee of Ministers of the Council of Europe has noted the right to seek and receive information includes “information on subjects dealing with sexual orientation and gender identity.”<sup>209</sup> In recognition of the children’s particular need for information, the Convention on the Rights of the Child requires states to ensure

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<sup>202</sup> Committee on the Rights of the Child, General Comment No. 2 on the Implementation of the Rights of the Child During Adolescence, U.N. Doc. CRC/C/GC/20 (December 6, 2016), para. 10.

<sup>203</sup> Human Rights Committee, General Comment No. 34, para. 12.

<sup>204</sup> Committee on the Rights of the Child, General Comment No. 20, para. 42; Human Rights Committee, General Comment No. 34, para. 12.

<sup>205</sup> Human Rights Committee, General Comment No. 34, para. 12.

<sup>206</sup> *Ibid.*, para. 11; *Handyside v. United Kingdom*, App. No. 5493/72 (Eur. Ct. H.R. December 7, 1976) Advocacy of national, racial, or religious hatred that constitutes incitement to discrimination, hostility, or violence is not protected under the right to freedom of expression. See ICCPR, art. 20(2).

<sup>207</sup> Steering Committee for Human Rights (CDDH), Explanatory Memorandum, Recommendation CM/Rec(2010)5 of the Committee of Ministers to Member States on Measures to Combat Discrimination on Grounds of Sexual Orientation or Gender Identity, March 31, 2010, para. 15.

<sup>208</sup> ICCPR, art. 19(2); Convention on the Rights of the Child, art. 13(1); Committee on the Rights of the Child, General Comment No. 20, para. 47. Accord European Convention on Human Rights, art. 10(1); *Leander v. Sweden*, App. No. 9248/81 (Eur. Ct. H.R. March 26, 1987), para. 74 (“the right to freedom to receive information basically prohibits a Government from restricting a person from receiving information that others wish or may be willing to impart to him”).

<sup>209</sup> Committee of Ministers, Recommendation CM/Rec(2010)5, March 31, 2010, para. 13.

children’s “access to information and materials from a diversity of national and international sources.”<sup>210</sup> Children also have an explicit right to health information.<sup>211</sup>

Noting that “social and digital media [have] become the primary means through which [adolescents] communicate and receive, create and disseminate information,” the Committee on the Rights of the Child observes:

Adolescents use the online environment, inter alia, to explore their identity, learn, participate, express opinions, play, socialize, engage politically and discover employment opportunities. In addition, the Internet provides opportunities for gaining access to online health information, protective support and sources of advice and counselling and can be utilized by States as a means of communicating and engaging with adolescents. The ability to access relevant information can have a significant positive impact on equality.<sup>212</sup>

States can place restrictions on expression only in specific circumstances—to respect the rights or reputation of others or for the protection of national security, public order, public health, or morals.<sup>213</sup> Restrictions on expression for other reasons are not permissible under international law, and restrictions for permitted purposes must be “provided by law,” necessary to achieve the permitted purpose, and proportionate to that objective.<sup>214</sup>

Russia has attempted to justify the “gay propaganda” laws by stating that they avert harm to “the rights and legal interest of others, primarily minors,”<sup>215</sup> and protect the health and morals of children.<sup>216</sup>

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<sup>210</sup> Convention on the Rights of the Child, art. 17.

<sup>211</sup> *Ibid.*, art. 24(2)(e).

<sup>212</sup> Committee on the Rights of the Child, General Comment No. 20, para. 47.

<sup>213</sup> ICCPR, art. 19; Convention on the Rights of the Child, art. 13(2); European Convention on Human Rights, art. 10(2).

<sup>214</sup> Human Rights Committee, General Comment No. 34, para. 22; *Velichkin v. Belarus*, Communication No. 1022/2001, U.N. Doc. CCPR/C/85/D/1022/2001 (Hum. Rts. Comm. May 9, 2001), para. 7.3.

<sup>215</sup> *Bayev v. Russia*, paras. 25, 45. See also *Fedotova v. Russian Federation*, Communication No. 1932/2010, U.N. Doc. CCPR/C/106/D/1932/2010 (Hum. Rts. Comm. November 30, 2012), para. 5.6 (summarizing the view of the Russian Constitutional Court that “the traditional understandings of family, motherhood and childhood are values that require special protection from the State”).

<sup>216</sup> See *Bayev v. Russia*, para. 45; *Fedotova v. Russian Federation*, paras. 8.1-8.4, 8.6-8.7.

The “gay propaganda” laws fail to meet each of the conditions for restricting the right to freedom of expression. As the European Commission for Democracy through Law (known as the Venice Commission), the Council of Europe’s advisory body on constitutional matters, concluded after analyzing “gay propaganda” laws enacted or proposed in Russia and other Council of Europe member states:

On the whole, it seems that the aim of these measures is not so much to advance and promote traditional values and attitudes towards family and sexuality but rather to curtail non-traditional ones by punishing their expression and promotion.<sup>217</sup>

Similarly, the Parliamentary Assembly of the Council of Europe observed in 2013 that “gay propaganda” laws “are at variance with freedom of expression and the prohibition of discrimination on account of sexual orientation and gender identity [and] risk legitimising the prejudice and hostility which is present in society and fuelling a climate of hatred against LGBT people.”<sup>218</sup>

### *The Requirement of Legality*

A restriction on expression is not adequately “provided by law” if it is vague: as the Human Rights Committee has observed, the restriction “must be formulated with sufficient precision to enable an individual to regulate his or her conduct accordingly . . . . Laws must provide sufficient guidance to those charged with their execution to enable them to ascertain what sorts of expression are properly restricted and what sorts are not.”<sup>219</sup> Analysing the analogous requirement in the European Convention on Human Rights, the

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<sup>217</sup> European Commission for Democracy through Law, Opinion 707/2012 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 [Venice Commission, Opinion 707/2012], Doc. CDL-AD(2013)022 (June 18, 2013), para. 82.

<sup>218</sup> Council of Europe, Parliamentary Assembly, Resolution 1948 (2013): Tackling Discrimination on the Grounds of Sexual Orientation and Gender Identity, para. 5. The resolution went on to state: “The Assembly particularly deplores the unanimous approval by the Russian Duma of the bill on so-called propaganda for non-traditional sexual relationships among minors which, if approved also by the Council of the Federation, would be the first piece of legislation on the prohibition of homosexual propaganda to be introduced at national level in Europe.” *Ibid.*, para. 7.

<sup>219</sup> Human Rights Committee, General Comment No. 34, para. 25. See also Siracusa Principles on the Limitation and Derogation Provisions in the International Covenant on Civil and Political Rights, princ. 17 (“Legal rules limiting the exercise of human rights shall be clear and accessible to everyone.”), in UN Commission on Human Rights, U.N. Doc. E/CN.4/1985/4, annex (September 28, 1984).

European Court of Human Rights has stated, “a norm cannot be regarded as a ‘law’ unless it is formulated with sufficient precision to enable the citizen to regulate his conduct: he must be able—if need be with appropriate advice—to foresee, to a degree that is reasonable in the circumstances, the consequences which a given action may entail.”<sup>220</sup>

In addition, any restrictions on expression “must also themselves be compatible with the provisions, aims and objectives” of the human rights treaties.<sup>221</sup> In particular, discriminatory restrictions on expression are not permissible,<sup>222</sup> including discrimination on the basis of sexual orientation or gender identity.<sup>223</sup> Restrictions that are applied in an arbitrary manner are also impermissible.<sup>224</sup>

The “gay propaganda” laws are vaguely written and inconsistently applied, despite efforts by the Russian courts to narrow their scope.<sup>225</sup> In an indication of the laws’ lack of clarity, some activists have received convictions for messages with similar or identical content to those in cases that resulted in acquittals. As the Venice Commission concluded:

It is thus not clear from the case law applying these provisions, whether the terms “prohibition of homosexual propaganda” have to be interpreted restrictively, or whether they cover any information or opinion in favour of homosexuality, any attempt to change the homophobic attitude on the part of the population towards gays and lesbians, any attempt to counterbalance the sometimes deeply rooted prejudices, by disseminating unbiased and factual information on sexual orientation.<sup>226</sup>

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<sup>220</sup> *Sunday Times v. United Kingdom*, App. No. 6538/74 (Eur. Ct. H.R. April 29, 1979), para. 49.

<sup>221</sup> Human Rights Committee, General Comment No. 34, para. 26. See also Siracusa Principles, princ. 13.

<sup>222</sup> Human Rights Committee, General Comment No. 34, para. 26; Siracusa Principles, princ. 9.

<sup>223</sup> See *X v Colombia*, Communication No. 1361/2005, U.N. Doc. CCPR/C/89/D/1361/2005, annex (Hum. Rts. Comm. May 14, 2007), para. 7.2 (noting that “the prohibition against discrimination under article 26 comprises also discrimination based on sexual orientation”).

<sup>224</sup> Siracusa Principles, princs. 7, 16. See also Human Rights Committee, General Comment No. 34, para. 25 (“A law may not confer unfettered discretion for the restriction of freedom of expression on those charged with its execution.”); Human Rights Committee, General Comment No. 27: Freedom of Movement, U.N. Doc. CCPR/C/21/Rev.1/Add.9 (November 1, 1999), para. 13 (the requirement that restrictions on liberty of movement be “provided by law” means that “laws authorizing the application of restrictions should use precise criteria and may not confer unfettered discretion on those charged with their execution”).

<sup>225</sup> See Decision of the Constitutional Court of the Russian Federation No. 151-O-O of January 19, 2010.

<sup>226</sup> Venice Commission, Opinion 707/2012, para. 34. See also *ibid.*, paras. 35, 37.

Adopting the conclusions of the Venice Commission, the European Court of Human Rights observed in *Bayev v. Russian Federation* that Russia’s “gay propaganda” laws are “expressed in terms not susceptible to foreseeable application.”<sup>227</sup>

What is clear, however, is that the laws are discriminatory, both intentionally and in effect. In the Venice Commission’s analysis:

[T]he prohibition of “propaganda of homosexuality” is obviously linked to the question of *sexual orientation*. First, the prohibition in question restricts speech propagating or promoting homosexual/lesbian sexual orientation. Secondly, it seems that the prohibition would more often, although not necessarily, affect persons of homosexual/lesbian sexual orientation, who have a personal interest in arguing for toleration of homosexual/lesbian sexual orientation and its acceptance by the majority.<sup>228</sup>

The Human Rights Committee concluded in a 2012 decision that the “gay propaganda” law enacted by Russia’s Ryazan region was discriminatory.<sup>229</sup> Similarly, the European Court of Human Rights has found, most recently in its 2017 judgment, that Russia’s “gay propaganda” laws embody “predisposed bias, unambiguously highlighted by [their] domestic interpretation and enforcement.”<sup>230</sup>

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<sup>227</sup> *Bayev v. Russia*, para. 76. Similarly, the Committee on the Rights of the Child has expressed concerns at “the vague definitions of propaganda” used in the laws. Committee on the Rights of the Child, Concluding Observations: Russian Federation, U.N. Doc. CRC/C/RUS/CO/4-5 (February 25, 2014), para. 24.

<sup>228</sup> Venice Commission, Opinion 707/2012, para. 41.

<sup>229</sup> *Fedotova v. Russian Federation*, para. 10.6. Accord Venice Commission, Opinion 707/2012, para. 77 (“the prohibition of ‘propaganda of homosexuality’—as opposed to ‘propaganda of heterosexuality’ or sexuality generally—among minors, amounts to a discrimination, since the difference in treatment is based on the content of speech about sexual orientation and the authors of the provisions have not put forward any reasonable and objective criteria to justify the prohibition of ‘homosexual propaganda’ as opposed to ‘heterosexual propaganda.’”). See also Human Rights Committee, Concluding Observations: Russian Federation, U.N. Doc. CCPR/C/RUS/CO/7 (April 28, 2015), para. 10 (concluding that the federal and regional “gay propaganda” laws “represent a disproportionate restriction” of rights under the ICCPR, and calling for repeal of the laws).

<sup>230</sup> *Bayev v. Russia*, para. 69. See also *ibid.*, para. 92 (finding that the “gay propaganda” laws violate the right to freedom from discrimination).

### *The Requirements of Necessity and Proportionality*

It is not sufficient to point only to a legitimate basis for limiting freedom of expression; a state that seeks to impose restrictions on this right “must demonstrate in specific and individualized fashion the precise nature of the threat” and “establish[] a direct and immediate connection between the expression and the threat.”<sup>231</sup> The connection should be established “based on reasonable and objective criteria.”<sup>232</sup>

The test of necessity is not met if a legitimate aim can be achieved in a way that does not restrict freedom of expression,<sup>233</sup> or if less restrictive means are available to achieve the legitimate aim.<sup>234</sup>

Overly broad restrictions do not meet the requirement of proportionality. Describing this requirement, the Human Rights Committee has stated that restrictions “must be appropriate to achieve their protective function; they must be the least intrusive instrument amongst those which might achieve their protective function; they must be proportionate to the interest to be protected.”<sup>235</sup>

The “gay propaganda” laws do not meet the requirements of necessity and proportionality. The explanatory memoranda accompanying the federal “gay propaganda” law “do not provide any evidence of harm that may result for minors,” the Venice Commission observed.<sup>236</sup>

### *The Need for a Legitimate Ground for Restriction*

The right to freedom of expression may only be restricted for one of the reasons specified in the human rights treaties. Defending the propaganda laws in cases before the Human Rights Committee and the European Court of Human Rights, Russia suggested that its restrictions on the right to freedom of expression were justified for the protection of public

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<sup>231</sup> Human Rights Committee, General Comment No. 34, para. 35.

<sup>232</sup> *Fedotova v. Russian Federation*, para. 10.6. See also Venice Commission, Opinion 707/2012, para. 77.

<sup>233</sup> Human Rights Committee, General Comment No. 34, para. 33.

<sup>234</sup> Siracusa Principles, princ. 11.

<sup>235</sup> Human Rights Committee, General Comment No. 34, para. 34.

<sup>236</sup> Venice Commission, Opinion 707/2012, para. 63.

health, morals, and the rights of children and the family.<sup>237</sup> Each of these purported justifications fails the strict tests under international law.

### Public Health

Restrictions on expression which are based on public health grounds “must be specifically aimed at preventing disease or injury or providing care for the sick or injured.”<sup>238</sup> They should be evidence-based, and hypothetical general benefits should be outweighed by the concrete rights of individuals who are adversely affected by the restrictions.<sup>239</sup>

The European Court of Human Rights has dismissed Russia’s claim that its “gay propaganda” laws were justified on the grounds of protection of health:

As regards the alleged health risks, the Government have not demonstrated that applicants’ messages advocated reckless behaviour or any other unhealthy personal choices. In any event, the Court considers it improbable that a restriction on potential freedom of expression concerning LGBT issues would be conducive to a reduction of health risks.

The Court emphasized:

Quite the contrary, disseminating knowledge on sex and gender identity issues and raising awareness of any associated risks and of methods of protecting oneself against those risks, presented objectively and scientifically, would be an indispensable part of a disease-prevention campaign and of a general public-health policy.<sup>240</sup>

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<sup>237</sup> See *Fedotova v. Russian Federation*, paras. 8.1-8.7; *Bayev v. Russia*, paras. 45-48.

<sup>238</sup> Siracusa Principles, princ. 25.

<sup>239</sup> See *Bayev v. Russia*, para. 73.

<sup>240</sup> *Ibid.*, para. 72. The court also rejected another proffered public health basis for the laws, the claim that it was necessary to address “the demographic situation,” observing, “Suppression of information about same-sex relationships is not a method by which a negative demographic trend may be reversed.” *Ibid.*, para. 73.



## Morals

As the Human Rights Committee has stated, “limitations . . . for the purpose of protecting morals must be based on principles not deriving exclusively from a single tradition.”<sup>241</sup> The European Court of Human Rights has accepted that public morals can justify some restrictions on freedom of expression in relation to the depiction of explicit sexual images,<sup>242</sup> but not in cases that involve expression on LGBT issues generally.<sup>243</sup> Evaluating the “gay propaganda” laws in 2017, the European Court of Human Rights “reject[ed] the Government’s claim that regulating public debate on LGBT issues may be justified on the grounds of protection of morals.”<sup>244</sup>

## Protection of Children and the Family

Protection of the rights of others is a permissible ground for limiting the right to freedom of expression,<sup>245</sup> and the Convention on the Rights of the Child specifically obligates states to ensure children “such care and protection as is necessary for [their] well-being”<sup>246</sup> and to “respect the responsibilities, rights, and duties of parents.”<sup>247</sup>

In this regard, the Committee on the Rights of the Child has called on states to “protect children from harmful information, especially pornographic materials and materials that portray or reinforce violence, discrimination and sexualized images of children,” taking care to emphasize that states should take these measures “while recognizing children’s right to information and freedom of expression.”<sup>248</sup> As discussed more fully in the section

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<sup>241</sup> Human Rights Committee, General Comment No. 34, para. 32 (quoting Human Rights Committee, General Comment No. 22: Article 18, U.N. Doc. CCPR/C/Rev.1/Add.4 (September 27, 1993), para. 8).

<sup>242</sup> See *Müller v. Switzerland*, App. No. 10737/84 (Eur. Ct. H.R. May 24, 1988).

<sup>243</sup> See, for example, *Alekseyev v. Russia*, App. No. 4916/07 (Eur. Ct. H.R. October 21, 2010), para. 82.

<sup>244</sup> *Bayev v. Russia*, para. 71.

<sup>245</sup> ICCPR art. 19(3)(a); Convention on the Rights of the Child, art. 13(2)(a); European Convention on Human Rights, art. 10(2).

<sup>246</sup> Convention on the Rights of the Child, art. 3(2).

<sup>247</sup> Convention on the Rights of the Child, art. 5.

<sup>248</sup> Committee on the Rights of the Child, General Comment No. 16 on State Obligations Regarding the Impact of the Business Sector on Children’s Rights, U.N. Doc. CRC/C/GC/16 (April 17, 2013), para. 58. As Ryan Thoreson has observed, “The Committee’s emphasis on discrimination, pornography, and violence reflects the concerns of Article 17(e)’s drafters, who sought to shield children from the promulgation of ‘apartheid, racist theories and ideologies and the like,’ and not to suppress age-appropriate information about sex education, discussions of pregnancy and HIV/AIDS, and LGBT advocacy.” Ryan Thoreson, “From Child Protection to Children’s Rights: Rethinking Homosexual Propaganda Bans in Human Rights Law,” *Yale Law Journal*, vol. 124 (2015), p. 1339.

on the right to health, below, the committee has regularly affirmed children’s right to receive and share information on sexual orientation and gender identity.<sup>249</sup>

The Venice Commission’s analysis of “gay propaganda” laws concluded that they cannot not be justified as necessary for the protection of children. The commission stated that “it cannot be deemed to be in the interest of minors that they be shielded from relevant and appropriate information on sexuality, including homosexuality.”<sup>250</sup> To the contrary, “international human rights practice supports the right to receive age appropriate information on sexuality, including homosexuality.”<sup>251</sup>

In a 2010 case, *Alekseyev v. Russia*, the European Court on Human Rights assessed whether a ban on pride marches and other public demonstrations by LGBT activists was justifiable on the basis that it protected children from harm, concluding, “There is no scientific evidence or sociological data at the Court’s disposal suggesting that the mere mention of homosexuality, or open public debate about sexual minorities’ social status, would adversely affect children . . . .”<sup>252</sup> Taking up this claimed basis again in its 2017 judgment on Russia’s “gay propaganda” laws, the court stated, “The position of the Government has not evolved since *Alekseyev*, and it remains unsubstantiated.”<sup>253</sup>

Addressing Russia’s contention that its “gay propaganda” laws are justifiable as a means of protecting the family, the European Court of Human Rights has observed:

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<sup>249</sup> See, for example, Committee on the Rights of the Child, General Comment No. 20, paras. 33, 59, 60; Committee on the Rights of the Child, General Comment No. 4: Adolescent Health and Development, U.N. Doc. CRC/GC/2003/4 (July 1, 2003), para. 26; Committee on the Rights of the Child, General Comment No. 3: HIV/AIDS and the Rights of the Child, U.N. Doc. CRC/GC/2003/3 (March 17, 2003), para. 16.

<sup>250</sup> Venice Commission, Opinion 707/2012, para. 65.

<sup>251</sup> *Ibid.*, para. 66.

<sup>252</sup> *Alekseyev v. Russia*, para. 86. The Committee of Ministers of the Council of Europe, which supervises implementation of the European Court of Human Rights’ judgments, has repeatedly expressed concern at Russia’s noncompliance with the judgment in this case. See, for example, Committee of Ministers, *Alekseyev v. Russian Federation*, Item H46-23, December 6-8, 2016, para. 4 (“the situation does not attest to any improvement”); Committee of Ministers, *Alekseyev v. Russian Federation*, Item H46-19, March 8-10, 2016, para. 1 (expressing “serious concern” at continued noncompliance with the European court’s judgment).

<sup>253</sup> *Bayev v. Russia*, para. 78. Accord *Alekseyev and Others v. Russia*, App. No. 14988/09 (Eur. Ct. H.R. November 27, 2018), paras. 17-18, 21.

It is incumbent on the State, in its choice of means designed to protect the family, to take into account developments in society and changes in the perception of social, civil-status and relational issues, including the fact that there is not just one way or one choice when it comes to leading one's family or private life. . . . It may be added that—far from being opposed to family values—many persons belonging to sexual minorities manifest allegiance to the institutions of marriage, parenthood and adoption, as evidenced by the steady flow of applications to the Court from members of the LGBT community who wish to have access to them.<sup>254</sup>

The court concluded that Russia had “failed to demonstrate how freedom of expression on LGBT issues would devalue or otherwise adversely affect actual and existing ‘traditional families’ or would compromise their future.”<sup>255</sup>

## Freedom of Association

Children as well as adults have the right to freedom of association with others,<sup>256</sup> a right that encompasses “the right to exercise choice in [children’s] friendships, as well as membership of social, cultural, sporting and other forms of organization.”<sup>257</sup>

As the Committee on the Rights of the Child has observed, “Association with peers is a major building block in adolescent development, the value of which should be recognized within the school and learning environment, recreational and cultural activities and opportunities for social, civic, religious and political engagement.”<sup>258</sup>

For LGBT youth in Russia and elsewhere, the opportunity to connect with other LGBT youth, LGBT organizations, and psychologists and other service providers gives them critical

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<sup>254</sup> *Bayev v. Russia*, para. 67.

<sup>255</sup> *Ibid.*

<sup>256</sup> ICCPR, art. 22(1); Convention on the Rights of the Child, art. 15(1); European Convention on Human Rights, art. 11(1).

<sup>257</sup> Committee on the Rights of the Child, General Comment No. 17 on the Right of the Child to Rest, Leisure, Play, Recreational Activities, Cultural Life and the Arts, U.N. Doc. CRC/C/GC/17 (April 17, 2013), para. 21.

<sup>258</sup> Committee on the Rights of the Child, General Comment No. 20, para. 44.

sources of support.<sup>259</sup> Access to the internet and to social media is in many countries, including Russia, an essential means of realizing their right to associate freely with peers.<sup>260</sup>

The right to freedom of association is subject to restriction on the same grounds as with freedom of expression—to respect the rights or reputation of others or for the protection of national security, public order, public health, or morals—and only when provided by law, necessary to achieve the permitted purpose, and proportionate to that objective.

As discussed in this report, the “gay propaganda” laws prevent LGBT organizations, psychologists, teachers, and others from providing children with age-appropriate, factual, and affirming information on LGBT issues. The laws have also disrupted LGBT children’s access to LGBT groups, impairing their ability to connect with other LGBT youth and take part in those organizations. These restrictions on LGBT children’s right to freedom of association cannot be justified as appropriate protections for public health, morals, or the rights of others.<sup>261</sup>

## Protection from Violence

Children have the right to protection from violence and the right to security of person.<sup>262</sup> The right of all children to protection from violence extends to all forms of physical and mental violence, including verbal abuse, harassment, and bullying.<sup>263</sup>

Children who are especially likely to face violence, including bullying, merit specific attention and protection from the state. As the Committee on the Rights of the Child has noted, “[g]roups of children which are likely to be exposed to violence include, but are not

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<sup>259</sup> See, for example, GLSEN, Center for Innovative Public Health Research, and Crimes Against Children Research Center, *Out Online: The Experiences of Lesbian, Gay, Bisexual and Transgender Youth on the Internet* (New York: GLSEN, 2013), pp. 12-15.

<sup>260</sup> See Committee on the Rights of the Child, General Comment No. 17, para. 45.

<sup>261</sup> See *Alekseyev v. Russia* (2010), para. 86. See also *Alekseyev and Others v. Russia* (2018), para. 21.

<sup>262</sup> Convention on the Rights of the Child, art. 19; ICCPR, art. 9(1); European Convention on Human Rights, art. 5(1). See also ICCPR, art. 24(1) (right of children to “such measures of protection as are required by [their] status” as children).

<sup>263</sup> Convention on the Rights of the Child, art. 19(1); Committee on the Rights of the Child, General Comment No. 13: The Right of the Child to Freedom from All Forms of Violence, U.N. Doc. CRC/C/GC/13 (April 18, 2011), paras. 4, 21, 27.

limited to, children . . . who are lesbian, gay, transgender or transsexual.”<sup>264</sup> The committee has repeatedly described bullying, harassment, and violence against LGBT youth as violations of children’s rights and has emphasized that “[a] school which allows bullying or other violent and exclusionary practices to occur is not one which meets the requirements of article 29(1),”<sup>265</sup> the provision of the Convention on the Rights of the Child on the aims of education.

The committee has identified steps that governments should take to protect children from bullying, harassment, and other forms of violence. These include challenging discriminatory attitudes that allow intolerance and violence to flourish, establishing reporting mechanisms, and providing guidance and training for teachers and administrators to know how to respond when they see or hear about incidents of violence.<sup>266</sup> When taking these steps, the committee has stressed that children themselves should be involved “in the development of prevention strategies in general and in school, in particular in the elimination and prevention of bullying, and other forms of violence in school.”<sup>267</sup>

In this regard, a crucial first step is to repeal the “gay propaganda” laws, which encourage and reinforce discriminatory attitudes<sup>268</sup> and “lead to the targeting and ongoing

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<sup>264</sup> Committee on the Rights of the Child, General Comment No. 13, para. 72(g). See also Paulo Sérgio Pinheiro, *World Report on Violence Against Children* (Geneva: United Nations Secretary-General’s Study on Violence Against Children, 2006), p. 121 (“Teachers and other children commonly put pressure on children to make them conform to cultural values and social attitudes that define what it means to be ‘masculine’ or ‘feminine.’”); Committee on the Rights of the Child, General Comment No. 20, para. 34 (calling on states to “take effective action to protect all lesbian, gay, bisexual, transgender and intersex adolescents from all forms of violence, discrimination or bullying.”). The Committee on Economic, Social and Cultural Rights has expressly called on Russia to address harassment in schools against LGBT children and the children of LGBT families. Committee on Economic, Social and Cultural Rights, Concluding Observations: Russian Federation, U.N. Doc. E/C.12/RUS/CO/6 (October 16, 2017), paras. 56(c), 57(b).

<sup>265</sup> Committee on the Rights of the Child, General Comment No. 1: The Aims of Education, U.N. Doc. CRC/GC/2001/1 (April 17, 2001), para. 19.

<sup>266</sup> Committee on the Rights of the Child, General Comment No. 13, paras. 47(a)(i), 49, 50-51.

<sup>267</sup> *Ibid.*, para. 63.

<sup>268</sup> See *Bayev v. Russia*, para. 83 (finding that the “gay propaganda” laws “reinforce stigma and prejudice and encourage homophobia”); Human Rights Committee, Concluding Observations: Russian Federation, U.N. Doc. CCPR/C/RUS/CO/7 (April 28, 2015), para. 10(d) (finding that the “gay propaganda” laws “exacerbate the negative stereotypes against LGBT individuals”); Committee on the Elimination of Discrimination against Women, Concluding Observations: Russian Federation, U.N. Doc. CEDAW/C/RUS/CO/8 (November 20, 2015), para. 41 (concluding that the “gay propaganda” laws “may reinforce homophobia”).

persecution of the country's LGBTI community, including through abuse and violence, in particular against underage LGBTI rights activists."<sup>269</sup>

## Education

The right to education is recognized in the International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of the Child, and the European Social Charter, among other human rights treaties to which Russia is a party.<sup>270</sup> The Convention on the Rights of the Child specifies that education should be directed toward, among other objectives, "[t]he development of the child's personality, talents and mental and physical abilities to their fullest potential," as well as "[t]he development of respect for human rights and fundamental freedoms," and "[t]he preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin."<sup>271</sup>

The Committee on the Rights of the Child has stressed that for these aims of education to be realized, authorities should be aware of the school environment overall:

Efforts to promote the enjoyment of other rights must not be undermined, and should be reinforced, by the values imparted in the educational process. This includes not only the content of the curriculum but also the educational processes, the pedagogical methods and the environment within which education takes place.<sup>272</sup>

The Committee of Ministers of the Council of Europe has called on states to provide children with "objective information with respect to sexual orientation and gender identity, for instance in school curricula and educational materials," along with "the necessary

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<sup>269</sup> Committee on the Rights of the Child, Concluding Observations: Russian Federation, para. 24.

<sup>270</sup> International Covenant on Economic, Social and Cultural Rights, art. 13, December 19, 1966, 993 U.N.T.S. 3 (entered into force January 3, 1976, and ratified by the USSR October 16, 1973); Convention on the Rights of the Child, art. 28; European Social Charter (revised), art. 17(2), May 3, 1996, E.T.S. 163 (entered into force July 1, 1999, and ratified by the Russian Federation October 16, 2009).

<sup>271</sup> Convention on the Rights of the Child, art. 29(1).

<sup>272</sup> Committee on the Rights of the Child, General Comment No. 1, para. 8.

information, protection and support to enable them to live in accordance with their sexual orientation and gender identity.”<sup>273</sup>

The right to education includes the right to comprehensive sexual education.<sup>274</sup> As the UN Special Rapporteur on the Right to Education has explained: “The right to education includes the right to sexual education, which is both a human right in itself and an indispensable means of realizing other human rights, such as the right to health, the right to information and sexual and reproductive rights.”<sup>275</sup> A curriculum that ignores the needs of LGBT students “normalizes, stereotypes, and promotes images that are discriminatory because they are based on heteronormativity; by denying the existence of the lesbian, gay, transsexual, transgender and bisexual population, they expose these groups to risky and discriminatory practices.”<sup>276</sup>

LGBT students are denied the right to education when bullying, exclusion, and discriminatory policies prevent them from participating in the classroom or attending school. LGBT students’ right to education is also curtailed when teachers and curricula do not include information that is relevant to their development or are outwardly discriminatory toward LGBT people.

The right to education is a right of progressive realization, meaning that it can be implemented over time,<sup>277</sup> but states have immediate obligations to guarantee freedom from discrimination and to protect students from harassment, bullying, and violence.<sup>278</sup> In addition, as discussed more fully in the next section, access to comprehensive and

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<sup>273</sup> Committee of Ministers, Recommendation CM/Rec(2010)5, para. 32.

<sup>274</sup> Committee on Economic, Social and Cultural Rights, General Comment No. 22 on the Right to Sexual and Reproductive Health, U.N. Doc. E/C.12/GC/22 (May 2, 2016), para. 9; Committee on the Rights of the Child, General Comment No. 15 on the Right of the Child to the Enjoyment of the Highest Attainable Standard of Health, U.N. Doc. CRC/C/GC/15 (April 17, 2013), para. 59; Committee on the Rights of the Child, General Comment No. 20, paras. 59-61; Committee on the Rights of the Child, General Comment No. 4, para. 17.

<sup>275</sup> UN General Assembly, Report of the United Nations Special Rapporteur on the Right to Education, U.N. Doc. A/65/162 (July 23, 2010), para. 19.

<sup>276</sup> *Ibid.*, para. 69.

<sup>277</sup> See Committee on Economic, Social and Cultural Rights, General Comment No. 13: The Right to Education, U.N. Doc. E/C.12/1999/10 (December 8, 1999), para. 43.

<sup>278</sup> See Committee on Economic, Social and Cultural Rights, General Comment No. 20: Non-Discrimination in Economic, Social and Cultural Rights, U.N. Doc. E/C.12/GC/20 (July 2, 2009), para. 7; Committee on Economic, Social and Cultural Rights, General Comment No. 13, paras. 31, 57.

inclusive health education, including on sexual and reproductive health, is an immediate state obligation.

To ensure that all students enjoy the right to an education, school authorities should ensure that schools are safe for all students. In addition, to make the right to education meaningful, schools should ensure that school curricula, interactions with school personnel, and school policies are non-discriminatory and provide information to LGBT youth on the same terms as their non-LGBT peers.<sup>279</sup>

## Health

Children’s right to health<sup>280</sup> includes the right to health information. As the Committee on Economic, Social and Cultural Rights has stated, the right to health extends “not only to timely and appropriate health care but also to the underlying determinants of health,” including “access to health-related education and information, including on sexual and reproductive health.”<sup>281</sup>

Whether in the dissemination of health information, the provision of health care, or other steps taken to ensure the right to health, states should take care to respect the principle of nondiscrimination. The Committee on the Rights of the Child has said that “[i]n order to fully realize the right to health for all children, States parties have an obligation to ensure that children’s health is not undermined as a result of discrimination, which is a significant

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<sup>279</sup> The Committee on the Rights of the Child has stated, “The effective promotion of article 29 (1) requires the fundamental reworking of curricula to include the various aims of education and the systematic revision of textbooks and other teaching materials and technologies, as well as school policies.” Committee on the Rights of the Child, General Comment No. 1, para. 18.

<sup>280</sup> International Covenant on Economic, Social and Cultural Rights, art. 12; Convention on the Rights of the Child, art. 24; European Social Charter (revised), art. 11.

<sup>281</sup> Committee on Economic, Social and Cultural Rights, General Comment No. 14: The Right to the Highest Attainable Standard of Health, U.N. Doc. E/C.12/2000/4 (August 11, 2000), para. 11. See also Committee on Economic, Social and Cultural Rights, General Comment No. 22, para. 7 (right to sexual and reproductive health includes access to health-related education and information); Committee on the Rights of the Child, General Comment No. 15, para. 58 (state obligation to provide “health-related information and support in the use of this information”); Committee on the Rights of the Child, General Comment No. 4, para. 10 (right of adolescents to access appropriate information); Committee on the Rights of the Child, General Comment No. 3, para. 16 (right of children “to access adequate information related to HIV/AIDS prevention and care”). In its most recent review of Russia’s compliance with the Convention on the Rights of the Child, the Committee on the Rights of the Child expressed concern about “the lack of sexual health information for LGBTI children” and called on Russia to “the lack of sexual health information for LGBTI children.” Committee on the Rights of the Child, Concluding Observations: Russian Federation, paras. 55, 56(c).



factor contributing to vulnerability,” including discrimination on the basis of “sexual orientation, gender identity and health status.”<sup>282</sup>

The European Committee of Social Rights, the authority charged with interpreting the European Social Charter, has concluded that states’ positive obligation to realise the right to health “extends to ensuring that educational materials do not reinforce demeaning stereotypes and perpetuate forms of prejudice which contribute to the social exclusion, embedded discrimination and denial of human dignity often experienced by historically marginalised groups such as persons of non-heterosexual orientation.”<sup>283</sup>

The Committee on the Rights of the Child calls on states to “adopt comprehensive gender and sexuality-sensitive sexual and reproductive health policies for adolescents,”<sup>284</sup> taking “particular efforts . . . to overcome barriers of stigma and fear experienced by, for example . . . lesbian, gay, bisexual, transgender and intersex adolescents.”<sup>285</sup> It also recommends that “[a]ge-appropriate, comprehensive and inclusive sexual and reproductive health education, based on scientific evidence and human rights standards and developed with adolescents, should be part of the mandatory school curriculum and reach out-of-school adolescents,” with “attention to . . . sexual diversity,” among other

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<sup>282</sup> Committee on the Rights of the Child, General Comment No. 15, para. 8.

<sup>283</sup> *Interights v. Croatia*, Complaint No. 45/2007 (Eur. Comm. Soc. Rts. March 30, 2009), para. 61.

<sup>284</sup> Committee on the Rights of the Child, General Comment No. 20, para. 59. Similarly, the UN special rapporteur on the right to health has concluded, “All adolescents must be guaranteed access to confidential, adolescent-responsive and non-discriminatory sexual and reproductive health information . . .” UN Human Rights Council, Report of the Special Rapporteur on the Right of Everyone to the Enjoyment of the Highest Attainable Standard of Physical and Mental Health, U.N. Doc. A/HRC/32/32 (April 4, 2016), para. 90.

<sup>285</sup> Committee on the Rights of the Child, General Comment No. 20, para. 60.

considerations.<sup>286</sup> Health information should include adequate information on the prevention of HIV/AIDS and of sexually transmitted infections.<sup>287</sup>

As with the right to education, the right to the highest attainable standard of health is a right of progressive realization, meaning that states may meet their obligation to fulfil the right over time depending on and in accordance with their resources, provided that they take “deliberate, concrete and targeted” steps toward the full realization of the right and “move as expeditiously and effectively as possible” to that end.<sup>288</sup> At the same time, states have a core obligation to ensure, at the very least, minimum essential levels of the right to health, including sexual and reproductive health. This core obligation includes the obligation to repeal laws—such as Russia’s “gay propaganda” laws—that “obstruct or undermine access by individuals or a particular group” to sexual and reproductive health information,<sup>289</sup> and to ensure that everybody has “access to comprehensive education and information on sexual and reproductive health that are non-discriminatory, non-biased, evidence-based, and that take into account the evolving capacities of children and adolescents.”<sup>290</sup>

## Responsibility to Support Parents

Parents and other caregivers have an important role in “providing security, emotional stability, encouragement and protection to children,” including throughout their

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<sup>286</sup> Committee on the Rights of the Child, General Comment No. 20, para. 61. See also Committee on the Rights of the Child, General Comment No. 15, para. 59. The UN special rapporteur on the right to health has made a similar call and noted that sexuality education should give specific attention to “relationships, sexuality, gender equality and identity and sex characteristics, including non-conforming gender identities,” among other topics. Report of the Special Rapporteur on the Right to Health, U.N. Doc. A/HRC/32/32, para. 91. And the Committee on Economic, Social and Cultural Rights has stated that education on sexuality and reproduction should be “comprehensive, non-discriminatory, evidence-based, scientifically accurate and age appropriate,” and has explicitly called on Russia to incorporate into its school curricula sexual and reproductive health information meeting these parameters. Committee on Economic, Social and Cultural Rights, General Comment No. 22, para. 9; Committee on Economic, Social and Cultural Rights, Concluding Observations: Russian Federation, para. 55.

<sup>287</sup> See Committee on the Rights of the Child, General Comment No. 20, paras. 62-63; Committee on the Rights of the Child, General Comment No. 14 on the Right of the Child to Have His or Her Best Interest Taken as a Primary Consideration, U.N. Doc. CRC/C/GC/14 (May 29, 2013), para. 78.

<sup>288</sup> Committee on Economic, Social and Cultural Rights, General Comment No. 14, paras. 30-31.

<sup>289</sup> Committee on Economic, Social and Cultural Rights, General Comment No. 22, para. 49(a).

<sup>290</sup> *Ibid.*, para. 49(f).

adolescence.<sup>291</sup> Parents should fulfil this role by acting in their children’s best interest and respecting children’s evolving capacities.<sup>292</sup>

Russia has “a positive and active obligation to support and assist parents and other caregivers” as they carry out these responsibilities.<sup>293</sup> Among other things, the state should provide adequate information and support to parents to help them create “a relationship of trust and confidence in which issues regarding, for example, sexuality...can be openly discussed” and followed up by parents in ways “that respect the adolescent’s rights.”<sup>294</sup>

The Committee on the Rights of the Child cautions:

States should ensure that they do not, in the name of traditional values, tolerate or condone violence, reinforce unequal power relations within family settings and, therefore, deprive adolescents of the opportunity to exercise their basic rights.<sup>295</sup>

The committee also observes, “The obligation of parents and caregivers to provide appropriate guidance in accordance with the evolving capacities of adolescents should not interfere with adolescents’ right to freedom of expression.”<sup>296</sup>

In addition, as parents fulfil their responsibility to care for their children, they should do so in ways that reflect the right of children to preserve their identity, including characteristics such as their sexual orientation and gender identity.<sup>297</sup> The Committee on the Rights of the

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<sup>291</sup> Committee on the Rights of the Child, General Comment No. 20, para. 50. See also Committee on the Rights of the Child, General Comment No. 14, para 67.

<sup>292</sup> Committee on the Rights of the Child, General Comment No. 15, para. 78.

<sup>293</sup> Committee on the Rights of the Child, General Comment No. 13, para. 5; Committee on the Rights of the Child, General Comment No. 20, para. 50. See also Convention on the Rights of the Child, art. 18(2) (“States Parties shall render appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities . . . .”); Committee on the Rights of the Child, General Comment No. 15, paras. 76, 78.

<sup>294</sup> Committee on the Rights of the Child, General Comment No. 4, para. 16.

<sup>295</sup> Committee on the Rights of the Child, General Comment No. 20, para. 50.

<sup>296</sup> *Ibid.*, para. 42. Similarly, parents should “take into account adolescents’ views, in accordance with their age and maturity . . . .” Committee on the Rights of the Child, General Comment No. 4, para. 7.

<sup>297</sup> See, for example, Committee on the Rights of the Child, General Comment No. 14, para. 55.

Child reminds states that children’s right to preserve their identity<sup>298</sup> includes the right to “respect for their physical and psychological integrity, gender identity and emerging autonomy.”<sup>299</sup>

To support parents, the committee recommends: “States should adopt evidence-based interventions to support good parenting, including parenting skills education, support groups and family counselling, in particular for families experiencing children’s health and other social challenges.”<sup>300</sup>

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<sup>298</sup> Convention on the Rights of the Child, art. 8(1).

<sup>299</sup> Committee on the Rights of the Child, General Comment No. 20, para. 34.

<sup>300</sup> Committee on the Rights of the Child, General Comment No. 15, para. 67.

## Acknowledgments

Michael Garcia Bochenek, senior children’s rights counsel, and Kyle Knight, Lesbian, Gay, Bisexual, and Transgender (LGBT) rights researcher, were the primary researchers and authors of this report. Vladislav Lobanov, research assistant in the Europe and Central Asia division, conducted additional interviews and provided additional desk research. Tanya Cooper, researcher in the Europe and Central Asia division, conducted initial outreach, carried out some interviews, and provided strategic guidance for the research. Daniil Ukhorskiy, intern in the Children’s Rights Division, conducted background research to help frame the report. Yuri Frank worked with the team as a research assistant and interpreter. Zhenya Svetski, a Russian blogger, generously agreed to the use of his image on the cover of this report and on social media.

Tanya Lokshina, Europe and Central Asia associate director; Zama Neff, executive director of the Children’s Rights Division; Graeme Reid, director of the LGBT Rights Program; Aisling Reidy, senior legal advisor; and Joseph Saunders, deputy program director, edited the report. MJ Movahedi, coordinator in the LGBT Program, Fitzroy Hepkins, administrative manager, and José Martínez, senior coordinator, produced the report.

Human Rights Watch is grateful to Deti-404, Resource LGBTIA Moscow, Russia LGBT Network, Human to Human St. Petersburg, Coming Out, and other nongovernmental organizations and individuals who generously assisted us in the course of this research.

Finally, we are particularly grateful to the students who were willing to share their experiences.

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## Appendix 1: Letter to Ministry of Education



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Robert Kissane, *Co-Chair*

October 12, 2018

Olga Vasilyeva  
Minister of Education  
125009, Moscow,  
Bryusov pereulok 21

Sent by email: [REDACTED]

Ref. № 321-42

Dear Olga Vasilyeva:

Please accept our greetings on behalf of Human Rights Watch. We are writing to share findings from our recent research and kindly request information regarding how your office is combatting violence and discrimination against lesbian, gay, bisexual, and transgender (LGBT) youth in Russia.

As you may know, Human Rights Watch is an independent, international human rights organization that advocates respect for human rights in some 90 countries worldwide, including Russia. In 2014, we published a report on the uptick in vigilante violence against LGBT people in the wake of the passage of Federal Law No. 135-FZ “aimed at protecting children from information promoting the denial of traditional family values.”<sup>1</sup>

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<sup>1</sup> Federal Law of June 29, 2013 No. 135-FZ, “On Amendments to Article 5 of the Federal Law ‘On Protecting Children from Information Harmful to their Health and Development’” [Федеральный закон от 29 июня 2013 г. N 135-ФЗ г. Москва “О внесении изменений в статью 5 Федерального закона ‘О защите детей от информации, причиняющей вред их здоровью и развитию’ и отдельные законодательные акты Российской Федерации в целях защиты детей от информации, пропагандирующей отрицание традиционных семейных ценностей”], *Rossiiskaia Gazeta*, July 2, 2013, <http://www.rg.ru/2013/06/30/deti-site-dok.html> (accessed April 30, 2018). In addition to the federal propaganda law, several regions, including Arkhangelsk, Ryazan, and St. Petersburg, have their own propaganda laws. See generally *Expression Abridged: A Legal Analysis of Anti-LGBT Propaganda Laws* (London: Thompson Reuters Foundation and IGLYO, 2018); Paul Johnson, “‘Homosexual Propaganda’ Law in the Russian Federation: Are They in Violation of the European Convention on Human Rights?” *Russian Law Journal*, vol. III (2015), pp. 38-45; Article 19, *Traditional Values? Attempts to Censor Sexuality: Homosexual Propaganda Bans, Freedom of Expression and Equality* (London: Article 19, 2013).

Since October 2016, we have been conducting in-depth research with LGBT youth in Russia, including school children, as well as psychologists who work with them. We found that while the law purports to protect children, it in fact greatly harms them by cutting off valuable sources of information and support from them and curtailing the ability of mental health professionals to effectively provide services to them.

We plan to publish our report later this autumn, and we kindly request your response to the information and queries below by October 27<sup>th</sup> so that we might accurately represent the government's position in our publications.

Our research revealed the following:

- LGBT youth interviewed for this report explained that their primary struggle was not coming to terms with their sexual orientation or gender identity as such, but rather finding accurate information about gender and sexuality in a hostile environment and in the face of a relentless onslaught of stereotypes, misinformation, and noxious anti-LGBT rhetoric.
- LGBT youth interviewed by Human Rights Watch described feelings of intense fear of disclosing their sexual orientation or gender identity in their daily lives, as well as distrust in the individuals and systems that should provide them safety and refuge. This includes at school and in their communities. Some interviewees reported incidents of physical violence that mirror patterns of violence against LGBT people in Russia we and other independent non-governmental organizations have documented in the past.
- Mental health professionals who work with LGBT youth told us that the law has significantly curtailed their ability to communicate openly and honestly with their clients and provide meaningful support and care. Many of them flagged that the law has led them to avoid speaking affirmatively and openly about gender and sexuality issues, hiding LGBT-themed resources, and operating on the suspicion that clients might inform officials that they are running afoul of the law. Some also reported that the law has effectively demonized mental health professionals who work with LGBT youth.

We are also aware of multiple incidents in which the law has been used to punish free expression of sexual orientation and gender identity and curtail support initiatives for LGBT children. For example the prosecutions and conviction twice in 2015 of Elena Klimova,

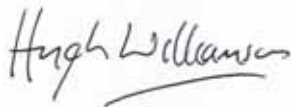
founder of the group Deti-404 and the administrator of the group’s online activities, for violating the law. Deti-404 is a website that connects tens of thousands of LGBT youth to each other and to mental health support services that are crucial for their health and in some cases their survival. Roskomnadzor accused the group of engaging in activities involving “propaganda of nontraditional sexual relationships”.

We share the concerns of other entities, such as the United Nations Committee on the Rights of the Child, that this law is not only discriminatory on its face, but also does the exact opposite of its intent. It does not protect children, but rather harms them. Last year, the European Court on Human Rights found the same in its ruling in the case of *Bayev v. Russian Federation*.

We kindly request your response to the following queries by October 27<sup>th</sup>:

- What steps has your ministry taken to protect the free expression, privacy, and security rights of LGBT youth in schools?
- What reporting mechanisms does your ministry have in place to receive complaints of harassment, bullying, violence, and discrimination in school, and promptly investigate and act appropriately upon receipt of complaints?
- Do school psychologists get any training in working with LGBT children?

Sincerely yours,



Hugh Williamson  
Director, Europe and Central Asia Division  
Human Rights Watch



Michael Garcia Bochenek  
Senior Counsel, Children’s Rights Division  
Human Rights Watch



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## Appendix 2: Letter to Ministry of Health

### Europe and Central Asia Division

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Elida Vikic, *Associate*

October 12, 2018

Veronika Skvortsova  
Minister of Health  
127994, Moscow,  
Rakhmanovskiy pereulok 3

Sent by email: [REDACTED]

Ref. № 321-43

Dear Veronika Skvortsova:

Please accept our greetings on behalf of Human Rights Watch. We are writing to share findings from our recent research and kindly request information regarding how your office is combatting violence and discrimination against lesbian, gay, bisexual, and transgender (LGBT) youth in Russia.

As you may know, Human Rights Watch is an independent, international human rights organization that advocates respect for human rights in some 90 countries worldwide, including Russia. In 2014, we published a report on the uptick in vigilante violence against LGBT people in the wake of the passage of Federal Law No. 135-FZ “aimed at protecting children from information promoting the denial of traditional family values.”<sup>2</sup>

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- LGBT youth interviewed by Human Rights Watch described feelings of intense fear of disclosing their sexual orientation or gender identity in their daily lives, as well as distrust in the individuals and systems that should provide them safety and refuge. This includes at school and in their communities. Some interviewees reported incidents of physical violence that mirror patterns of violence against LGBT people in Russia we and other independent non-governmental organizations have documented in the past.
  
- Mental health professionals who work with LGBT youth told us that the law has significantly curtailed their ability to communicate openly and honestly with their clients and provide meaningful support and care. Many of them flagged that the law has led them to avoid speaking affirmatively and openly about gender and sexuality issues, hiding LGBT-themed resources, and operating on the suspicion that clients might inform officials that they are running afoul of the law. Some also reported that the law has effectively demonized mental health professionals who work with LGBT youth.

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*Values? Attempts to Censor Sexuality: Homosexual Propaganda Bans, Freedom of Expression and Equality* (London: Article 19, 2013).

We are also aware of multiple incidents in which the law has been used to punish free expression of sexual orientation and gender identity and curtail support initiatives for LGBT children. For example the prosecutions and conviction twice in 2015 of Elena Klimova, founder of the group Deti-404 and the administrator of the group's online activities, for violating the law. Deti-404 is a website that connects tens of thousands of LGBT youth to each other and to mental health support services that are crucial for their health and in some cases their survival. Roskomnadzor accused the group of engaging in activities involving "propaganda of nontraditional sexual relationships".

We share the concerns of other entities, such as the United Nations Committee on the Rights of the Child, that this law is not only discriminatory on its face, but also does the exact opposite of its intent. It does not protect children, but rather harms them. Last year, the European Court on Human Rights found the same in its ruling in the case of *Bayev v. Russian Federation*.

We kindly request your response to the following queries by October 27<sup>th</sup>:

- How does your ministry uphold principles of non-discrimination with regard to access to mental health care?
- How does your ministry protect mental health providers who work with marginalized and stigmatized communities, such as LGBT people, including children?

Sincerely yours,



Hugh Williamson  
Director, Europe and Central Asia Division  
Human Rights Watch



Michael Garcia Bochenek  
Senior Counsel, Children's Rights Division  
Human Rights Watch

## **Appendix 3: Response from Ministry of Education**

November 9, 2018

Dear [Human Rights Watch],

The Department for the Protection of Children's Rights (henceforth Department) has considered your appeal as part of its jurisdiction.

In accordance with the Regulation on the Ministry of Education of the Russian Federation, approved by decree of the Government of the Russian Federation July 28, 2018 No. 884, the Ministry is a federal body of the executive branch responsible for developing and implementing public policy and regulations in the field of general education, secondary vocational education, additional education of children and adults, upbringing, custody and guardianship in relation to minor citizens, social support and social protection, as well as provision of government services and management of state property related to general education, secondary vocational education and related supplementary vocational education, vocational training additional education of children and adults and upbringing. In accordance with Article 5 of the Federal Law of December 29, 2012 № 273 "On Education in the Russian Federation" every person is guaranteed the right to receive an education, regardless of gender, race, nationality, language, origin, property, social and official positions, place of residence, attitude to religion, beliefs, membership of public associations, as well as any other circumstances.

The Ministry of Education of Russia is also responsible for the development of efforts to foster well balanced and socially responsible individuals, based on the spiritual and moral values of the people of the Russian Federation, and historic and national-culture traditions.

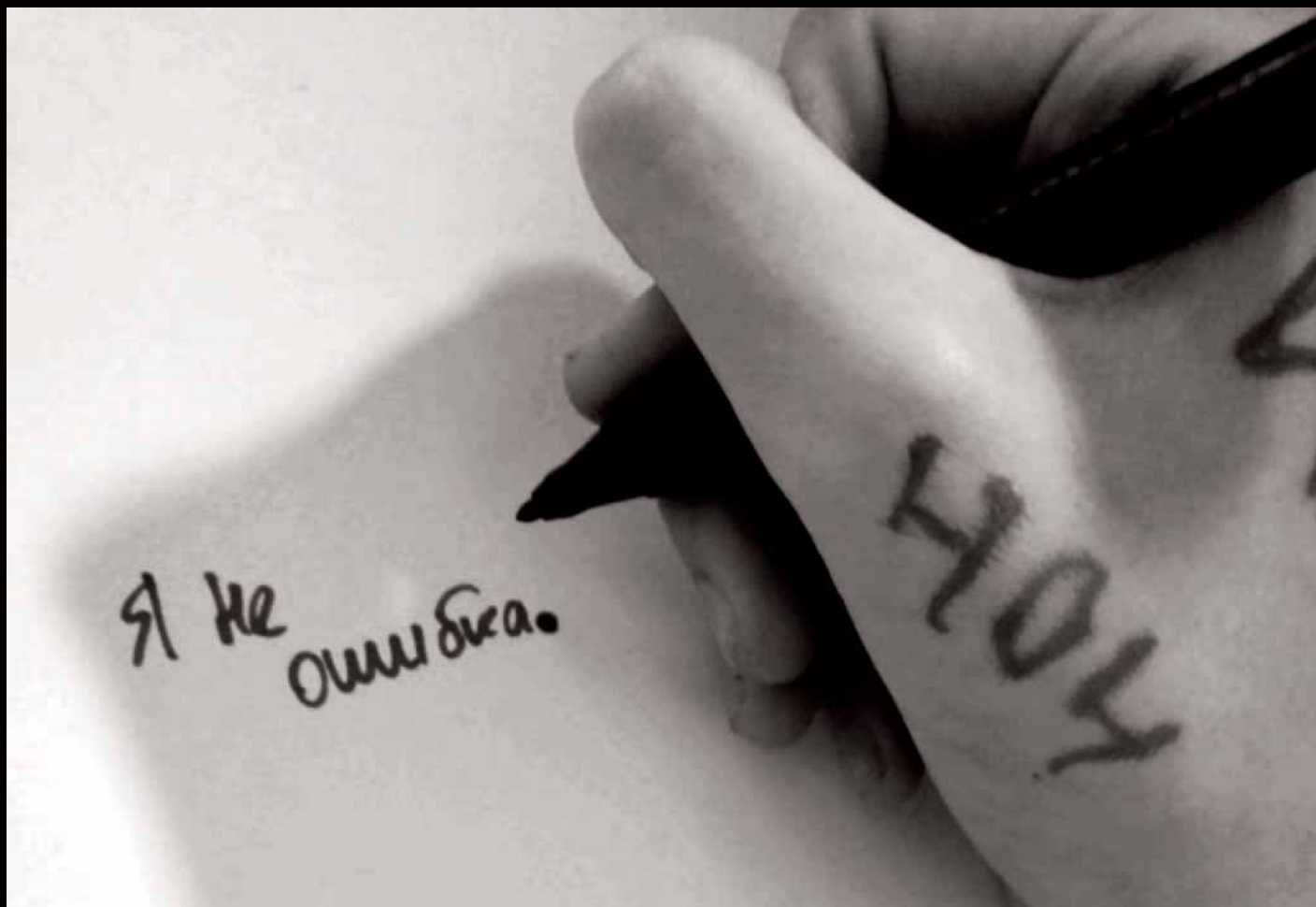
The Ministry of Education of Russia is gradually introducing federal state educational standards (hereinafter - FSES) of primary general, basic general and secondary general education, which are focused on promoting various personal characteristics, including awareness and acceptance of their traditional family values and awareness of the responsibility towards the family, society, state and humanity.

All appeals of citizens, which are proposals, applications or complaints, are considered in accordance with Federal Law of May 2, 2006 No. 59, “On the Procedure for Considering Appeals of Citizens of the Russian Federation”.

According to Part 1 of Article 42 of the Federal Law of December 29, 2012 No. 273 “On education in the Russian Federation”, psychological-pedagogical, medical and social assistance is provided by Russian Federation state authorities in psychological, educational, medical and social assistance centers as well as by psychologists and educational psychological organizations engaged in educational activities. This assistance is provided to children experiencing difficulties in studying the mainstream educational curriculum and development and social adaptation. This includes underage students recognized in cases and procedures set out in criminal procedural law, those who are suspects, accused or defendants in a criminal case and victims or witnesses of a crime.

Additionally, the Department reports that questions regarding training of educational psychologists are the responsibility of the Ministry of Science and Higher Education of the Russian Federation.

Deputy Director,  
L.P. Falkovskaya



## NO SUPPORT

### Russia's "Gay Propaganda" Law Imperils LGBT Youth

Since 2013, Russia's national law prohibiting "gay propaganda" has curtailed free expression and stoked violence against LGBT people. Proponents of the law claimed Russia's government needed to protect youth from information about "nontraditional sexual relations" but the law has ended up harming them, not protecting them.

Based on in-depth interviews with LGBT youth in Russia as well as mental health service providers, *No Support* documents the law's damaging impact on LGBT youth. The law limits sexuality education. It has been used to shut down online information and mental health referrals for children and discourage support groups from working with children. It has exacerbated social hostility toward LGBT people and stifled access to affirming education and support services for LGBT youth. And it has had a chilling effect on mental health professionals who work with LGBT youth, with some psychologists saying it interferes with their ability to offer honest, scientifically accurate, and open counseling services, leading some to self-censor themselves on issues of sexual orientation and gender identity.

Russia's "gay propaganda" law is a classic example of political homophobia. It targets vulnerable sexual and gender minorities for political gain. When Russian president Vladimir Putin signed the federal law in June 2013, he pandered to a homophobic domestic support base. And he has since used it to position Russia internationally as a champion of so-called "traditional values." The "gay propaganda" ban enshrines discrimination in law, violates Russia's international human rights obligations, and should be repealed.

*(above) "I'm not a mistake," written by a bisexual girl. November 18, 2018.*

© 2018 Deti-404

*(front cover) Russian blogger Zhenya Svetski stands with a sign reading "I am not 'gay propaganda'" in Moscow, December 2018.*

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for Human Rights Watch