



UN Committee Against Torture: 64th Session

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RESUME:

- Recommendations on LGBTI issues for **Russia**:
 - Ensure the charging, investigation, persecution and punishment of hate-motivated crimes against LGBTI people;
 - Repeal the "anti-propaganda" law;
 - Provide training to public officials to identify hate-motivated crimes; and
 - No stand-alone references to LB/TI women, trans or intersex persons.

- Next Session: 12 November to 7 December 2018
 - Countries (main review): Canada, Guatemala, Maldives, Netherlands, Peru & Viet Nam
 - NGO report deadline: 15 October 2018 (to cat@ohchr.org)
 - Countries (LOI): Benin & South Africa
 - Countries (LOIPR): France, Israel, Philippines & Turkey

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1.SUMMARY

The UN Committee Against Torture published its Lists of Issues and Concluding Observations as a result of the [64th Session](#) (23 July to 10 August 2018).

No countries were reviewed for either LOI or LOIPR during this session. SOGIESC **recommendations** were made for only 1 out of 4 countries reviewed (Russia).

Reference was made to SOGIESC discrimination in Russia's Concluding Observations. Specifically, the Committee noted that complaints about violence, including physical attacks and ill-treatment, are consistent.

CAT also observed that complaints have rose after the federal law prohibiting "propaganda of non-traditional sexual relations". This is in line with the understanding of the Inter-American Commission on Human Rights in its report "Violence Against LGBTI Persons"¹ that discriminatory legislation can be linked to an increase in violent behavior of the population.

Particular concern was highlighted in relation to the raids promoted by the Russian Government in Chechnya against gay men. The police, military officials and others arbitrarily detained, tortured and encouraged families to kill gay men. It was reported that the Chechen police itself participated in the pre-investigation and that no facts were established about these episodes, leading to no opening of criminal proceedings.

Three recommendations were made to Russia: **a)** ensuring that the responsible for violent attacks and hate crimes on SOGI basis are charged, investigated, prosecuted and punished – specially in respect to the "anti-gay purge" in Chechnya in March 2017; **b)** repealing the anti-propaganda law on "non-traditional sexual relations"; and **c)** providing training to public officials to identify hate-motivated crimes

The recommendation on violent attacks and hate crimes had a stand-alone recommended action for gay men due to the Chechnya events. Neither the situation of LBI women nor specific challenges faced by them have been addressed by the Committee. Also, there were no stand-alone references to either intersex or trans populations.

Concluding Observations

During its 64th Session, the Committee reviewed periodic reports of Chile, Mauritania, Russia, and Seychelles.

SOGIESC recommendations were made for one country only (Russia).

Nonetheless, three of the four countries received Civil Society Submissions (CSS) that addressed some aspect of LGBTI rights. Seychelles did not receive any CSS, and did not have a LOI designated to it according to the [Committee records](#).

The [constructive dialogues on Russia](#) addressed the violent cases against LGBTI persons, including the raids against gay men in Chechnya in March 2017. In the [constructive dialogues on Chile](#), questions were asked about violence against LGBTI activists, imprisoned LGBTI persons, and the autonomy of intersex persons. No mention to LGBTI rights was made in the [constructive dialogues on Seychelles](#), and in the [constructive dialogues on Mauritania](#).

¹ IACmHR. [Violence Against LGBTI Persons](#), 2015. pp. 49 to 70.

Country	SOGIESC in previous CO*	SOGIESC in LOI**	SOGIESC in the constructive dialogues***	SOGIESC in CSS****	SOGIESC in current CO*
Chile	-	Yes	Yes	Yes	-
Mauritania	-	-	-	Yes	-
Russia	Yes	Yes	Yes	Yes	Yes
Seychelles	-	-	-	-	-

*Concluding Observations

**List of Issues

***According to the press releases

****Civil Society Submissions

Russia:

SOGIESC issues were addressed by four CSS, one of which is fully dedicated to the implementation of the standards of torture and ill-treatment in respect to the LGBT community. The LOI mentions SOGI matters, asking for general information on LGBT rights, and specific comments on an individual case.

In the [constructive dialogues on Russia](#), Mr. Heller Rouassant noted the reluctance of the Russian government in prosecuting discrimination and violence cases against minority populations, including LGBTI persons. The Co-Rapporteur also noted that the situation of LGBTI persons in the Northern Caucasus (and in Chechnya specially) worsened since 2014. It was also pointed out that the region has experienced serious human rights violations, including enforced disappearances, arbitrary detention and extrajudicial killings. The Government alleged that the attacks against LGBTI persons in Chechnya were fully investigated and that the Ombudsperson's Office did not find evidence to confirm the attacks.

In the Concluding Observations, the Committee highlighted that the State party should ensure that those who were responsible for the attacks and hate crimes against individuals due to their SOGI characteristics be charged, investigated, prosecuted and punished. This necessity was reinforced in the case of Chechnya due to the context of violence in March 2017.

Chile:

Although no LGBTI recommendation was made to Chile, in the [constructive dialogues](#) Ms. Racu addressed questions on the relevant statistics of violent incidents against LGBTI activists, imprisoned LGBTI individuals and their current situation, and a stand-alone question on the physical integrity and autonomy of intersex persons. Still according to the constructive dialogues, authorities had taken into account the situation of LGBTI persons and other minorities in prison.

Additionally, four CSS addressed LGBTI related topics, including one report fully dedicated to intersex genital mutilation in Chile.

2. COMPILATION OF CONCLUDING OBSERVATIONS

Russia – Concluding Observations – 64th Session, 8 August 2018, 6th review

Attacks against lesbian, gay, bisexual, transgender and intersex (LGBTI) persons

32. The Committee is concerned at consistent reports that lesbian, gay, bisexual, transgender and intersex people are subjected to violence on the basis of their sexual orientation or gender identity, such as physical attacks and other ill-treatment. The Committee is also concerned by reports that the hate crimes against LGBTI persons significantly increased since the introduction of the federal law prohibiting “propaganda of non-traditional sexual relations.” The Committee expresses its particular concern at reports that during the “anti-gay purge” in March 2017, the Chechen police and military officials and others arbitrarily detained, tortured with electric devices presumed gay men, and encouraged their families to make them victims of “honour killings.” The Committee is concerned at reports that the Chechen law enforcement themselves participated in the pre-investigation into these allegations, and that as stated by the delegation during the dialogue, no facts were established, and thus no criminal proceeding was opened (arts. 12, 13, 14 and 16).

33. The State party should:

- (a) Ensure that those responsible for violent attacks and hate crimes against persons on the basis of their sexual orientation or gender identity, in particular with respect to the violent incident in Chechnya, in March 2017, are charged, investigated, prosecuted and, if found responsible, punished;**
- (b) Repeal the law prohibiting “propaganda of non-traditional sexual relations” which promotes the stigma and prejudice against lesbian, gay, bisexual, transgender and intersex people;**
- (c) Provide training to law enforcement officials and the judiciary on detecting and combating hate-motivated crimes, including those motivated by sexual orientation or gender identity.**

3. CIVIL SOCIETY SUBMISSIONS

Chile

- Submission by [Centro Regional de Derechos Humanos y Justicia de Género](#) for the 64th Session (Briefly mentions the inclusion of sexual orientation and gender identity in the definition of torture)
- Submission by [Fundación 1367](#) for the 64th Session (Briefly mentions police violence against the transgender and transvestite populations)
- Submission by [OVIC & Fundación 1367](#) for the 64th Session (Briefly mentions police violence against the transgender and transvestite populations)
- Submission by [StopIGM.org / Zwischengeschlecht.org](#) for the 64th Session (report fully dedicated to intersex genital mutilation in Chile)

Mauritania

- Submission by [Alkarama](#) for the 64th Session (Briefly mentions the existence of death penalty by stoning and whipping for those who engage in same-sex relations)

Russia

- Submission by [Joint submission by Silver Rose Movement and Eastern European and Central Asian Sex Workers' Alliance](#) for the 64th Session (mentions UNTB's Annual Report 2016)
- Submission by [Joint submission by Stimul, Coming Out and Transgender Legal Defense Project](#) for the 64th Session (report fully dedicated to the implementation of the standards of torture and ill-treatment in respect to the LGBT community)
- Submission by [Joint submission by the coalition of Russian NGOs](#) for the 64th Session (mentions a request for information by the Committee on a journalist that wrote about LGBT teenagers and LGBT leaders)
- Submission by [Journalists of Russia](#) for the 64th Session (mentions the killing of homosexuals in Chechnya, and the illegal investigation of a journalist believed to have a connection with the LGBT community)