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HUMAN
RIGHTS
WATCH

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Appendix 1: Letter to Ministry of Education

October 12, 2018

HRW.org

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.”¹

¹ 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 27th 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,

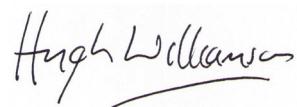
founder of the group Deti-404 and the administrator of the group's online activities, for violating the law. Deti-404 is a website that connects tens of thousands of LGBT youth to each other and to mental health support services that are crucial for their health and in some cases their survival. Roskomnadzor 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 27th:

- 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

October 12, 2018

HRW.org

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.”²

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

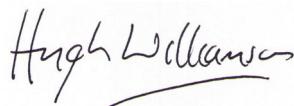
We are also aware of multiple incidents in which the law has been used to punish free expression of sexual orientation and gender identity and curtail support initiatives for LGBT children. For example the prosecutions and conviction twice in 2015 of Elena Klimova, founder of the group Deti-404 and the 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".

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We kindly request your response to the following queries by October 27th:

- 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