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**TEXTS ADOPTED**

*Provisional edition*

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**P8\_TA-PROV(2017)0231**

**Implementation of the Council's LGBTI Guidelines, particularly in relation to the persecution of (perceived) homosexual men in Chechnya, Russia**

**European Parliament resolution of 18 May 2017 on the implementation of the Council's LGBTI Guidelines, particularly in relation to the persecution of (perceived) homosexual men in Chechnya, Russia (2017/2688(RSP))**

*The European Parliament,*

- having regard to its previous resolutions on Russia,
- having regard to the Convention for the Protection of Human Rights and Fundamental Freedoms,
- having regard to the International Covenant on Civil and Political Rights,
- having regard to the European Convention on Human Rights and the Protocols thereto,
- having regard to the Constitution of the Russian Federation, in particular Chapter 2 on the Rights and Freedoms of Man and Citizen,
- having regard to the EU Council guidelines of 24 June 2013 to promote and protect the enjoyment of all human rights by lesbian, gay, bisexual, transgender and intersex (LGBTI) persons,
- having regard to the EU Council's conclusions on LGBTI equality of 16 June 2016,
- having regard to the European Union Guidelines on Human Rights Defenders, on Torture and Ill-Treatment, and on Human Rights Defenders,
- having regard to its resolution of 4 February 2014 on the EU Roadmap against homophobia and discrimination on grounds of sexual orientation and gender identity<sup>1</sup>,
- having regard to the statement of 13 April 2017 issued by UN human rights experts on the abuse and detention of gay men in Chechnya,
- having regard to the EU Action Plan on Human Rights and Democracy 2015-2019,

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<sup>1</sup> OJ C 93, 24.3.2017, p. 21.

- having regard to its resolution of 14 December 2016 on the Annual Report on human rights and democracy in the world and the European Union’s policy on the matter 2015<sup>1</sup>,
  - having regard to the statement of 6 April 2017 issued by the Spokesperson for the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, Federica Mogherini, on the human rights abuses of gay men in Chechnya,
  - having regard to the EU local statement on the human rights abuses of gay men in Chechnya of 19 April 2017,
  - having regard to the EU statement on the continued reports of arrests and murders of gay men by the Chechen Government at the OSCE Permanent Council of 27 April 2017,
  - having regard to the statement issued by the Spokesperson of the US Department of State on 7 April 2017,
  - having regard to the statement issued by the OSCE Office for Democratic Institutions and Human Rights (ODIHR) Director on 13 April 2017,
  - having regard to the joint press conference between Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy Federica Mogherini and Russian Foreign Minister Sergey Lavrov in Moscow on 24 April 2017,
  - having regard to Rules 128(5) and 123(4) of its Rules of Procedure,
- A. whereas on 1 April 2017 an article was published in the Russian independent newspaper *Novaya Gazeta* reporting that over one hundred men, gay or believed and perceived to be gay, had been abducted and detained in the autonomous republic of Chechnya in the Russian Federation, as part of a coordinated campaign allegedly organised by the republic’s authorities and security forces on the direct orders of the President of Chechnya, Ramzan Kadyrov;
  - B. whereas *Novaya Gazeta* reported that the abducted victims had been mistreated, tortured and forced to disclose the identity of other LGBTI individuals; whereas it was also reported that at least three men had been killed, two as the result of treatment in custody and one by his family in a so-called ‘honour killing’;
  - C. whereas the initial reports have been separately confirmed by Human Rights Watch and the International Crisis Group, both of which cite on-the-ground sources that confirm that men perceived as gay have been targeted for detention by the police and security forces;
  - D. whereas the authorities in Chechnya reportedly dismissed these allegations and demonstrated an unwillingness to investigate and prosecute them;
  - E. whereas victims largely refrain from seeking justice, as they fear retaliation by local

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<sup>1</sup> Texts adopted, P8\_TA(2016)0502.

authorities; whereas gay and lesbian people and those perceived to be gay or lesbian are particularly vulnerable owing to strong societal homophobia and risk falling victim to honour killings by their relatives;

- F. whereas after years of threats and repression and a dramatic deterioration in the human rights situation in the North Caucasus, almost no independent journalists or human rights activists are able to work in the region; whereas journalists working for the *Novaya Gazeta* newspaper, which exposed the crackdown, have reportedly received death threats over their work; whereas the Chechen authorities have denied all the allegations and demanded that journalists name the interviewed victims;
- G. whereas police in St Petersburg and Moscow detained LGBTI activists attempting to raise awareness of, and demanding an investigation into, the persecution of gay men in Chechnya;
- H. whereas the Russian Federation is a signatory to several international human rights treaties and, as a member of the Council of Europe, to the European Convention on Human Rights, and thus has the duty to ensure the safety of all people who may be at risk, including on account of their sexual orientation; whereas Russia has the obligation and means to investigate the crimes carried out by the Chechen authorities; whereas homosexuality was decriminalised in the Russian Federation in 1993;
- I. whereas President Putin has tasked the Russian Human Rights Ombudsperson, Tatyana Moskalkova, with forming a working group to investigate the allegations;
- J. whereas LGBTI individuals are protected under existing international human rights law and under Russian domestic legislation; whereas, however, specific action is often required to ensure the full enjoyment of human rights by LGBTI people, as sexual orientation and gender identity can bring additional risks of discrimination, bullying and prosecution, in schools, workplaces and the wider society, but also within families; whereas it is the task and responsibility of the police, judiciary and authorities to combat these forms of discrimination and counter negative social attitudes;
- K. whereas the EU Council's LGBTI Guidelines prescribe a proactive attitude on the part of EU delegations and Member State embassies regarding the promotion of LGBTI rights; whereas these Guidelines stipulate that combating LGBTI-phobic violence and supporting LGBTI human rights defenders are priority areas;
- L. whereas on 7 March 2017 Russia adopted legislation decriminalising domestic violence, reducing 'battery within the family' from a criminal to an administrative offence, with weaker sanctions for offenders; whereas the European Parliament debated this issue in its Strasbourg part-session of 13-16 March 2017;
- 1. Expresses its deep concern at the reports of arbitrary detention and torture of men perceived to be gay in the Republic of Chechnya in the Russian Federation; calls on the authorities to end this campaign of persecution, to immediately release those who are still illegally detained, to ensure legal and physical protection for victims and the human rights defenders and journalists who have worked on this case, and to allow international human rights organisations to conduct a credible investigation into the alleged crimes;

2. Condemns all statements by the Chechen authorities that condone and incite violence against LGBTI people, including the statement by the Chechen Government spokesperson denying the existence of homosexuals in Chechnya and discrediting the report as ‘lies and absolute disinformation’; deplores the unwillingness of local authorities to investigate and prosecute the serious violations directed specifically at individuals based on their sexual orientation, and reminds the authorities that the rights to freedom of assembly, association and expression are universal rights and apply to all; calls for the immediate release of those who are still illegally detained; urges the Russian authorities to provide legal and physical protection for the victims, as well as for the human rights defenders and journalists who have worked on this case;
3. Notes that President Putin has instructed the Russian Ministry of the Interior and the Federal Prosecutor to investigate the events in Chechnya, and calls on the Commission, the Member States and the Council of Europe to offer material and advisory support to the Russian authorities in this investigation;
4. Calls on the Chechen authorities and those of the Russian Federation to abide by domestic legislation and international commitments, to uphold the rule of law and universal human rights standards and to promote equality and non-discrimination, including for LGBTI people, supported by measures such as awareness-raising campaigns to promote a culture of tolerance, respect and inclusion based on equality and non-discrimination; calls for immediate protection measures to be taken for vulnerable individuals who could become victims, and for the full rehabilitation of all victims of torture;
5. Deplores the region’s widespread human rights violations and climate of impunity which enables these acts to take place, and calls for the development of legal and other measures to prevent such violence and monitor and effectively prosecute the perpetrators in cooperation with civil society; underlines that Russia and its government carry the ultimate responsibility for investigating these acts, bringing perpetrators to justice and protecting all Russian citizens from unlawful abuse;
6. Calls, as a matter of urgency, for immediate, independent, objective and thorough investigations into the acts of imprisonment, torture and murder, in order to bring their intellectual and material authors to justice and to put an end to impunity; welcomes, in this regard, the setting-up of a working group under the lead of the Russian Human Rights Ombudsperson, who is investigating the issue; calls on the Russian authorities to instruct the Prosecutor General’s office to provide genuine anonymity and other protections for victims and witnesses of the Chechen anti-gay purge and their families so that they may participate in the investigation; calls on the EU delegation and the Member States’ embassies and consulates in Russia to actively monitor the investigation, and to further step up efforts to engage with victims, LGBTI people, journalists and human rights defenders currently in danger;
7. Calls on the Commission to engage with international human rights organisations and Russian civil society, to assist those who have fled Chechnya and to bring this campaign of abuse into the open; furthermore, calls on the Member States to facilitate asylum request procedures for such victims, journalists and human rights defenders in accordance with European and national law;
8. Welcomes and acknowledges the efforts made by many heads of EU delegations and

their staff and Member States' ambassadors and their staff to support LGBTI human rights defenders and advocate non-discrimination and equal rights; invites heads of EU delegations and other European External Action Service (EEAS) staff to consult with Parliament and the relevant MEPs whenever they have queries or want to provide Parliament with information, including during the annual Ambassadors' Conference in September; underlines the importance of knowledge and implementation of the LGBTI Guidelines on the part of EU delegations and Member States' representations; calls, in this connection, on the EEAS and the Commission to push for a more strategic and systematic implementation of the Guidelines, including through awareness raising and training of EU staff in third countries, in order to effectively raise the issue of LGBTI rights in political and human rights dialogues with third countries and in multilateral fora, and to support efforts by civil society;

9. Firmly underlines the importance of a continuous assessment of the implementation of the Guidelines by using clear benchmarks; urges the Commission to conduct and publish a thorough evaluation of the implementation of the Guidelines by EU delegations and Member States' diplomatic representations in all third countries with a view to detecting possible differences and gaps in implementation and remedying them;
10. Deeply regrets that the Russian Federation voted against the June 2016 resolution in the UN Human Rights Council on protection against violence and discrimination based on sexual orientation and gender identity;
11. Reminds the Russian and Chechen authorities that regional, cultural and religious value systems should not be used as an excuse to condone or engage in the discrimination, violence, torture, and/or detention of individuals or groups, including on the grounds of sexuality or gender identity;
12. Notes with concern, and as a step backwards, Russia's adoption of new legislation on domestic violence, including that against children; underlines that legislation which tolerates violence within the family risks severe consequences both for the victims and for society as a whole; calls on the Commission and the EEAS to continue to promote the eradication of all forms of gender-based violence, including domestic violence, to protect those who are vulnerable, and to support the victims, both inside and outside Europe;
13. Instructs its President to forward this resolution to the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, the Council and Commission, the Secretary-General of the Council of Europe, the UN High Commissioner for Human Rights, the Government and Parliament of the Russian Federation, and the Chechen authorities.