



TRANSGENDER LEGAL

DEFENSE PROJECT

Violation of transgender people's rights in Russia

Research results

Violation of transgender people's rights in Russia: research results

Transgender Legal
Defense Project

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This report is based on the results of the 2016 research, closely focused on the situation that transgender people have to face because of the impossibility or difficulty in quickly obtaining legal gender recognition.

Authors: Diana Yashenkova, Kseniya Kirichenko

Proofreading: Valeriy Melnikov

Translation from Russian: Severian Gromadski, Ilya Kane

Translation editing: Jonny Dzhibladze, Kseniya Kirichenko

Design and layout: Karl Martin

Participated in gathering research data: Soldado Kowalisidi, Vincent T., Jonny Dzhibladze, Oksana Berezovskaya, Maria Rymar, activists from Service project for transgender people and their close ones «T9 NSK» and others.

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Introduction

Transgender people are those whose self-perceived gender (gender identity) doesn't agree with the gender they were assigned at birth.

This incongruence may cause a sense of extreme discomfort, called “gender dysphoria”. In order to relieve gender dysphoria and align their body and social status with their gender identity trans people undergo a gender transition. Transition may (but does not necessarily) include medical interventions (such as hormone replacement therapy and surgeries) as well as legal (such as name and gender marker change) and social (change of self-presentation) aspects.

Legal change of name and gender marker (legal gender recognition, hereinafter – LGR) is an essential part of transition for many trans people since it enables them to be socialized in accordance with their gender identity.

At present, trans people in Russia face daily discrimination in case their appearance and ID do not match. Since a swift, transparent and accessible LGR procedure for trans people in Russia does not exist¹, this process may take up to several years. In this period, transgender people have no choice but to use ID that neither matches their appearance nor reflects their gender identity. Currently, in order to obtain LGR a transgender person has to take the following steps²:

1. A psychiatric evaluation followed by a medical commission in order to be diagnosed with “transsexualism”;

1 These three criteria: “quick, transparent and accessible” of the LGR procedure for transgender people were formulated in international human rights documents. See 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, §§ 20 & 21; Resolution 2048 (2015) of the Parliamentary Assembly of the Council of Europe “Discrimination against transgender people in Europe”, §§ 6.2.1 & 6.2.2; Report of the Council of Europe Commissioner for Human Rights “Discrimination on grounds of sexual orientation and gender identity in Europe” (2011), §§ 5.1 & 5.2; CEDAW Concluding Observations, Kyrgyzstan (2015), §§ 33 & 34; CEDAW Concluding Observations, Belgium (2014), §§ 44 & 45.

2 At present, no legislation to define the sequence and order of these steps exists. However, the scheme above outlines the established routine.

2. Obtaining medical certificates which attest their having undergone hormone replacement therapy and/or gender reassignment surgery;
3. Applying to civil registry office department for amending the birth record and receiving a formal refusal of such amendments to be introduced³;
4. Applying to court in order to receive a judgment authorizing the amendments of the birth record;
5. Execution of the judgment by civil registry office and issuing of a new birth certificate;
6. Replacement of other documents such as national and international passports, diplomas, driving license, etc;

Transgender persons often face abuse, workplace difficulties and are denied various services when compelled to show an ID that does not match their appearance and identity.

The aim of this research was to elucidate the scale and details of this problem and to propose recommendations as to its possible solutions. This report is based on the results of the monitoring we have undertaken and is the first complex study of the situation transgender people face in Russia due to the impossibility or extreme difficulty of acquiring ID that matches their gender identity.

3 The Russian Federal Law from November 15, 1997 No. 143-FZ "On acts of civil status" postulates that transgender person's documentation can be changed on providing "a document attesting sex change, issued by a medical organization in compliance with the standard as defined by a federal executive authority responsible for the formulation and execution of state policy and legal regulation in the public health sector" (art. 70). In 1998 the Russian Ministry of Health was charged with the duty to establish a standard for this document. However since this has not been done yet, civil registry offices refuse to introduce changes into the birth register out of court. For instance, the Saint Petersburg Governmental Committee for Civil Registry considers "evaluation of medical documentation to be beyond the scope of jurisdiction of the civil registry office. Therefore the structural departments of the Committee have no competence to independently establish the fact of sex change as well as to evaluate the sufficiency and acceptability of provided documents for the purpose of introducing changes into the civil register". (Letter from the Saint Petersburg Governmental Committee for Civil Registry of March 01, 2015 No. 01-06-10/16-1-1)

Research methodology

The monitoring research was conducted from December 2015 till June 2016 by the Transgender Legal Defense Project. Within the framework of the research we collected cases of violation of transgender people's rights from 2011 till present, focusing our attention mainly on situations of conflict and discrimination caused by the discrepancy between transgender people's appearance and gender identity and their legal ID.

Cases of both overt denial of various services or employment and cases of extreme disrespect caused by unmatching ID and/or the affected person's transgender status have been taken into account.

Throughout the research process, a coordinator and a team of volunteers from several regions of Russia collected data through personal contact with the survivors, subsequently creating a database that became the basis of the present report. In cases when face-to-face communication was impossible for various reasons (such as geographical remoteness), the research participants were interviewed via voice communication through the Internet or via email.

Some of the respondents who were in need of psychological or legal assistance have been given contacts of local LGBT organisations from their regions.

The respondents' gender identity, names and other personal information were recorded in accordance with their wishes and the desired degree of confidentiality. Since certain individuals requested full anonymity, none of their personal data were included in the report. The respondents' age is given as at the time of the events described in each case. Several cases from Saint Petersburg were recorded in collaboration with "Coming Out" LGBT Group⁴. These cases were also included in the report "Coming Out" drew up as a result of their

4 "Coming Out" LGBT Group is a human rights LGBT initiative group based in Saint Petersburg, which has been working since 2008 towards the goal of recognition by the state and society of the human dignity and equal rights of each person regardless of their sexual orientation and gender identity. "Coming Out" provides several programs for the communities: legal and psychological support, monitoring of discrimination, strategic litigation and advocacy, a trans* support program, a club for parents of LGBT persons, a program for queer families, and other services.

discrimination monitoring research during 2015⁵.

Some cases were collected during the monitoring program organized by the Interregional Public Movement “Russian LGBT Network”⁶ as part of the monitoring of human rights violation based on sexual orientation and gender identity (SOGI).

In addition to this, a general statistics of violation of transgender people’s human rights was collected via online questionnaires in trans-related groups in social media and on trans-related Internet forums. The goal was to find out how many transgender people in Russia in average had faced denial of various services as well as how many transgender people have been deliberately choosing to avoid using these services in order to escape situations of conflict and stress.

Besides, several meetings dedicated to discrimination and violations of trans people’s rights were held for transgender people in local LGBT community centers. At these events, we shared information about the ongoing monitoring research and gave recommendations on how to combat discrimination. In this vein, two support group meetings entitled “Resisting discrimination” and “Life before legal gender recognition” were housed by “T*-Action”⁷ and were held in Saint Petersburg. The meetings’ aim was to discuss the concept of discrimination and vent the problems of the transgender people’s human rights violations in an informal atmosphere.

In Omsk, a discussion of society’s negative attitudes towards transgender people, based on real cases of discrimination, took place

5 URL:
<http://comingoutspb.com/publikatsii/prava-cheloveka/doklad-po-itogam-monitoringa-v-2015/>.

6 The “Russian LGBT Network” is an interregional non-governmental human rights advocacy organization with aim to further equality of rights and respect for human dignity regardless of sexual orientation and gender identity through integration and development of local initiatives, advocacy and provision of socio-legal assistance.

7 “T*Action” is a program from Saint Petersburg, carried out by trans-people for trans-people since 2014. Within the scope of the program are: empowerment and development of the transgender community, struggle against transphobia, furthering of transgender awareness, transgender sensitivity advocacy and various aspects of transgender health, such as: providing access to medical help for transgender people and HIV prevention.

within the framework of the “LAVERNA” transgender project⁸.

“Avers”⁹, an organization based in Samara, organized a “Know Your Rights” training for LGBT people in its community center. In the course of the training, the participants discussed the importance of monitoring of discrimination based on sexual orientation and gender identity, and existing monitoring projects. Information about the monitoring in progress was also available during a local meeting for transgender people.

⁸ The trans-feminist project for transgender and genderqueer people “LAVERNA” has existed since September 2015, is located in Omsk and dedicated to empowerment and development of the Siberian transgender and genderqueer community.

⁹ The Samara Public LGBT Movement “AVERS” is a nonprofit regional public movement providing socio-legal assistance and programs focused on human rights and freedoms advocacy, the development of civil institutes, overcoming discrimination, defamation and civil rights violation on the basis on sexual orientation, gender identity and other grounds, as well as furthering gender equality and prevention of socially dangerous diseases.

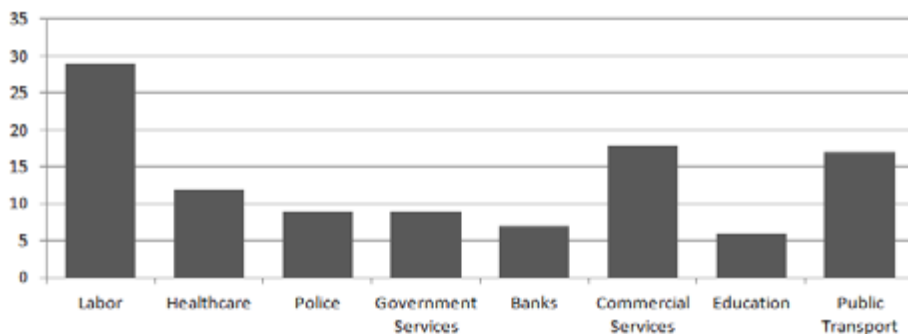
Monitoring results summary

The monitoring database contains 120 cases of of transgender people's rights abuses.

Among these:

- 29 cases related to workplaces (including 15 cases of employment denial);
- 12 cases related to access to public health services;
- 9 cases related to interactions with law-enforcement authorities;
- 9 cases related to government and public services;
- 7 cases related to bank services;
- 18 cases related to discrimination in the provision of goods/services;
- 6 cases related to discrimination in the educational sector (universities, in-service education, as well as graduate and postgraduate studies);
- 17 cases related to violation of rights while using means of public transportation.

Recorded cases of discrimination



The majority of cases were recorded in the following regions:

Saint Petersburg – 32 cases;

Moscow – 21 cases;

Samara and Samara region – 9 cases;

Novosibirsk – 14 cases;
Yekaterinburg – 7 cases.

This regional layout does not signify that transgender people's rights are more frequently violated in the abovementioned regions, but rather reflects the presence of the monitoring team members in the regions in question.

In the majority of cases (65%) the interviewed individuals had been undergoing hormone replacement therapy¹⁰ for some time. Since hormone therapy is capable of producing considerable changes in a person's appearance, in these cases it is safe to conclude that discrimination was a consequence of the respondents' transgender status, even in the absence of other indications (such as verbal insults).

In 20% of the cases the respondents had undergone surgery.

In 15% of the cases no medical interventions or examinations related to gender transition had been done.

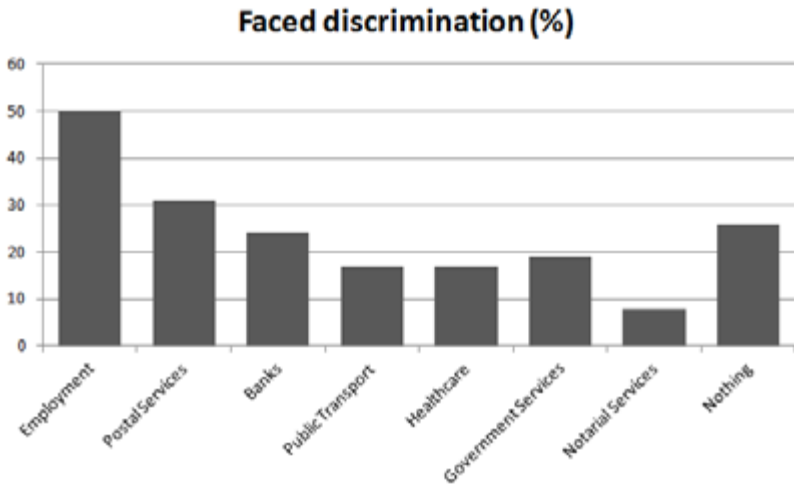
The majority of respondents reported stress every time they had to show their ID.

242 people have participated in the anonymous online survey for trans people. It is important to note that this sample is necessarily limited to individuals with an Internet access. The survey results show that transgender people meet with following problems:

- 50%- employment denials;
- 31%- denials of postal services;
- 24% - denials of bank services;
- 17%- denials of transportation services;
- 17%- denials of medical services;
- 19%- denials of government and public services;
- 8%- denials of notarial services.

10 hereinafter also referred to as HRT.

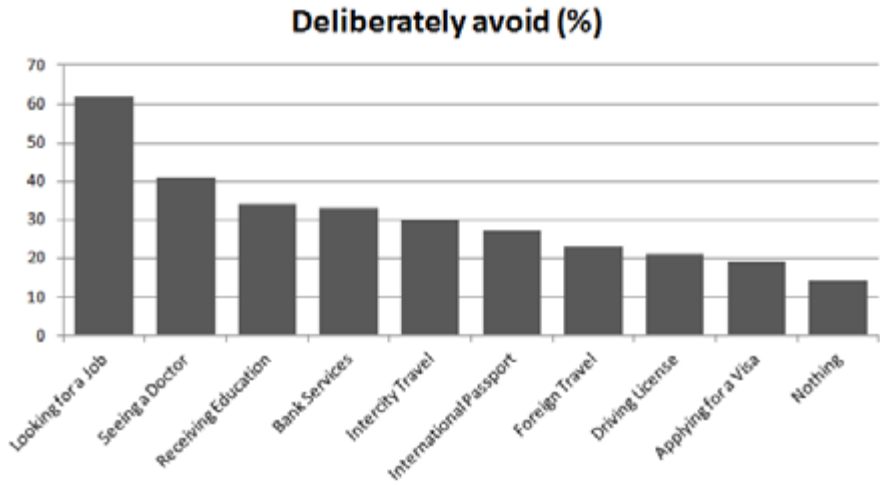
Only 26% of the respondents denied having come across any of the abovementioned problems. When assessing this, it must be considered that some transgender persons' appearance is relatively androgynous while some others may be perceived as persons of their assigned gender. In other words, it may be speculated that the absence of discrimination in these cases was due to potential violators failing to identify transgender people as such.



The results of the online survey also indicate that the majority of transgender respondents deliberately avoid taking advantage of various social benefits:

- 62% choose not to change jobs or not to apply for an attractive job vacancy;
- 41% avoid seeing a doctor and using public health services;
- 34% choose not to go into university/school;
- 33% do not use bank services;
- 30% avoid intercity traveling;
- 27% choose not to get an international passport;
- 23% avoid foreign traveling;
- 21% choose not to get a driving license;
- 19% avoid applying for a visa.

Only 14% of the respondents denied having deliberately avoided any of the above.



Workplace discrimination of transgender people in Russia

Workplace discrimination is one of the major problems transgender people encounter before obtaining LGR. Compelled to unemployment and lacking a stable source of income, transgender people suffer from stress, depression and a severely decreased quality of life, while many among them also face extra expenses such as hormone therapy, medical tests, examinations and/or surgeries. In addition to this, in the absence of employment opportunities, many transgender people are forced to work unofficially, illegally and even to commit transgressions as a way of providing for themselves.

We have recorded 29 cases of workplace violation of transgender people's rights, including 15 cases of employment denial, 5 cases of dismissal and 9 cases of workplace harassment (intimidation and bullying). Several respondents whose experience of being denied employment stretches over a long time were unable to recall the names of all the companies they had applied to, therefore we have considered the entire history of each of those persons' search for employment as a single case.

Yuna, a transgender woman, 23 y.o., undergoing HRT

Yuna has a history of trying to find a job in Volgograd and Saint Petersburg for two years. During this time, according to her, her job applications were rejected approximately a hundred times by various companies. Yuna was not able to recall the names of all these companies due to their considerable number. Yuna has applied for various posts including those not needing any specific qualification such as call-centre employee, courier, handing out flyers, etc. The potential employers' most frequent response after an interview was a promise to call her, which none eventually did. In a number of cases (including in a call-centre in Saint Petersburg) Yuna was openly told that her male ID was the problem and was invited to come back after having it changed. Besides, certain

potential employers were overly aggressive, claiming that “they did not need the likes of her”.

Quoting the Yuna: “People are more or less ready to take me on if I agree to look more or less like my ID picture. But I just cannot imagine how that could be possible, with my breasts, my long red hair, my face which is obviously different now, and not even clothes and a ponytail will make me look the way they would like to see me, with my current ID, not to mention that I just cannot stand this sort of half-life anymore”.

When Yuna went to an employment bureau in Saint Petersburg, she was denied registration. There is every reason to assume that the denial was motivated by the discrepancy between the woman’s appearance and her ID. Failure to find employment is causing Yuna a constant stress and has led to a depression. She sought psychological help while residing in Volgograd but had to stop seeing the therapist because of mutual antipathy.

According to Yuna, she is “basically penniless, has no stable income and several times had to debase herself by selling her body just so as to be able to continue HRT without starving to death”.

Danian, Orenburg, a transgender man, 24 y.o., undergoing HRT, has undergone surgery

Danian was denied employment by several companies in Orenburg. When interviewed for a post of sawyer and soft furniture assembler, he was denied the job because “this is a man’s job and your ID says you’re a girl”. His application for a job of cook in a sushi restaurant was rejected with the motivation that the employer might have problems in case of inspection because it would be difficult to explain why an obviously male-looking employee had a female ID. Danian was also denied jobs in a number of other companies: a cafe, a bar and two sushi delivery services. At yet another interview he was told that he would be addressed by his passport name until he had it legally changed. Danian chose not to take this job.

Quoting Danian: “I got no job now, and no cash. I hate this country and these laws that work against us. I’m really stressed and don’t feel like looking for a new job while I have this ID. I’m sick and tired of having to prove to everyone that this ID really is mine”.

E., a transgender woman from Novosibirsk, undergoing HRT

After applying for a job in a debt collection agency in April 2016, E. faced both rejection and disrespectful attitudes. “The company’s prestige” was stated as a reason for rejection, and the woman was told that they “had no job for those like her”.

E. confessed that the denial as well as the tone of the interview were quite stressful.

O., a transgender woman, 41 y.o., undergoing HRT, has undergone surgery

O. made several applications for jobs in her field (IT technician) in companies specializing in website creation and promotion, but faced a rejection every single time. O. cannot recall the exact names and number of the companies but says they were more than seven. During every interview she was about to be given the job (“you may start tomorrow”), but as soon as she displayed her male ID, she was instantly rejected with comments in the vein of “Change your ID and come back”, “We’ll get back to you”.

After four months of seeking employment she was qualified for, O. finally found a job as a figurehead (registering bogus companies in your name). This ended in conflicts and fines by tax authorities. O. notes that employment troubles have made her depressed.

Vladislav, an intersex person identifying as male, from Novosibirsk, 20 y.o., undergoing HRT

In February 2016, having applied for a job in a furniture company, Vladislav faced rejection and insults. After showing his (female) ID, Vladislav was denied the job and told to “go to America” because they “didn’t need perverts on the staff”.

Diana, a transgender woman from Saint Petersburg, 26 y.o., undergoing HRT

(case recorded in collaboration with “Coming Out” LGBT Group)

When applying for a job, Diana habitually presented herself with

her female name, showing her ID and disclosing her transgender status during the interview. The company “Yarkiy Fotomarket” refused to employ her, openly stating the mismatch between her ID and appearance as the reason. After a prolonged interview the employer confessed that but for the fear of possible complications during inspections and cash collection on the part of the management, the job would be hers, and advised her to come back after changing her ID. The company “Sakura” was initially willing to give her the job, informed her of the time and place of probation, gave her job instructions and assured her that her unmatching ID was not a problem. Three hours later, however, she received a phone call from the employer, informing her that a mistake seemed to have occurred and the job was not actually vacant. Diana believes it was a pretext for refusing to give her the job. The job vacancy did not disappear from the job hunting website and was even being renewed afterwards.

After a job interview for the “Bukvoed” company, Diana was told that they would call her, but no call ever came. During the interview for the company “Moslgra” she heard that her ID would not be a problem, but later the employer informed her by a phone call that “unfortunately she wasn’t suitable for this job”, without further explanations.

Quoting Diana: “Every time on my way to another job interview I was terribly stressed. All those refusals and weird looks were eating my confidence away. There was a few times I even ran away in panic when I saw folk lined up for the interview ahead of me, just for fear that the interviewer would call out my passport name in front of all these people”.

*Irina, a transgender woman from Saint Petersburg, undergoing HRT
(case contributed by “Coming Out” LGBT Group)*

Irina revealed her transgender status during an interview in an IT company. After some time the company informed her by phone that although she was perfectly qualified, they could not give her the job because of her ID.

*Natalia, a transgender woman from Saint Petersburg,
30 y.o., undergoing HRT
(case recorded in collaboration with “Coming Out” LGBT Group)*

Natalia faced about ten denials of employment and described some of them in detail.

During an interview for the company “Lush”, on realizing that Natalia was a transgender woman, the employer rejected her with the comment that they “would go to jail if they gave her a job with this ID”.

During an interview for a job of call-center operator at “Rostelecom” Natalia mentioned the problem with her ID and said that she was currently seeing a doctor and named the date of the oncoming medical board supposing to confirm her diagnosis and allow her to change her ID. She was denied employment. According to Natalia, she was requested to come back after obtaining the medical board’s certificate, but it really meant after she had obtained new documentation. She never applied to this company again. During an interview for the Interyerny Theater she was told that her experience qualified her for the job while her ID didnot matter, but later she was rejected without any specific reasons being given. After fulfilling the application for a job in the store chain “Pyaterochka” she heard that she was suitable for the job. However, on finding out her transgender status, several staff managers were called in to discuss “which store to put her in so as folks would be more tolerant and wouldn’t kill her”. After this conference Natalia was denied the job without any explanation.

When interviewed for a job in the store “Floral Fantasy” (“Tsvetochnaya Fantasia”) Natalia burst into tears after showing her ID. The director said “all right, we’ll give you a chance”. Nevertheless, after her first probation day she was rejected without any reasons given. Natalia also went to an interview in the cafe-bar “Firebird” (“Zhar-Ptitsa”) which had been recommended to her by a transgender man she knew. The owner of the establishment invited Natalia to an interview for the job of a waitress. During the interview, she found fault with Natalia’s appearance, noting that “their staff must look perfectly ordinary”. She also observed that in case of inspection she might have trouble. Natalia’s inquiry as to whether employing a trans person constituted a criminal offense did not receive an intelligible response. Natalia did not get the job

she had applied for but was offered a job as a dishwasher, which she refused. Finally, the café's owner suggested that Natalia try her luck in gay clubs or "transvestite shows", which Natalia found insulting.

Natalia confesses suffering from stress, depression, she has had a nervous breakdown and faced serious financial problems after spending all her spare money. She has also sought psychological help in "Coming Out" LGBT Group.

Valeriy, a trans man from Novosibirsk, 19 y.o., undergoing HRT

Valeriy has been denied employment twice. He was denied a job in a hotel since his appearance didn't match his ID. The other denial came from the company "BFK" in summer 2015. He mentioned his gender identity in the job application and was invited for the interview, but did not get the job. Valeriy believes the only reason to invite him for the interview was to "have fun looking at a freak, like in a zoo".

Valery confesses he was stressed by this and had to survive on chance income for a long time while being in financial straits.

Konstantin, a transgender man from Anapa, 38 y.o.

When he found a suitable job vacancy, Konstantin tried to explain his situation during the interview and requested to be addressed in the masculine. The employer bluntly denied his request, declaring that "you must look like normal people" and that such requests were out of the question. Besides, in case of employment Konstantin was ordered to look in accordance with his ID and bear a badge with a female name. For this reason Konstantin chose not to take this job.

According to Konstantin: "This search for a job is taking a while. I'm working unofficially now because of this bad ID. No fixed legal job is sure a drawback".

*A., a transgender woman from Perm
(case contributed by the monitoring program
of the Russian LGBT Network)*

In December 2014, A. sought employment in the chain store “Fix Price”. The company was ready to give her the job, invited her for probation and requested her ID in order to fill in the paperwork. When the store manager saw that A.’s ID was male, she started yelling insults regarding A.’ gender identity and behaviour, which was extremely humiliating for A. Following this, the manager said A. was not suitable for the job. On October 16, 2015, A. came for an interview to another store of the “Fix Price” chain. The manager recognized A. and said that she could not have the job for the same reason.

*Dmitry, a transgender man from Yekaterinburg, 25 y.o.,
undergoing HRT*

After a phone conversation, Dmitry came for an interview and training in the company “Redmond”. After a short interview, he was sent to a training during which he was treated neutrally. However, Dmitry mentions having heard whispers behind his back. Then he was told that the merchandiser would contact him via email, which never happened.

Dmitry also went to an interview for the company “Furniture Galore” (“Mnogo Mebeli”). During the phone conversation he had mentioned not looking like his ID picture but heard that “It didn’t matter if he liked it this way, let him come, the manager would talk to him”. The atmosphere during the interview was tense, the manager was trying to avoid eye contact with Dmitry. Dmitry was told the company would call him, but they never did. He has been trying to find employment for a long time and is struggling financially.

Some transgender people who haven’t yet had their gender legally recognized choose to hide their transgender status, present themselves with their passport name and try to look like their ID picture even though this may be uncomfortable and even painful since it is apt to trigger gender dysphoria. However, we have recorded

several instances of employment denial even in these cases.

Anton, a transgender man, undergoing HRT

Anton has female ID and attempts to look accordingly when applying for a job, sometimes he uses makeup and gives the employer his passport name. In February 2016, a potential employer called to invite him to an interview, but on hearing Anton's voice inquired rudely "Why's it you sound like a dude?" and went on asking questions about Anton's sexual orientation and gender identity in the same rude manner. During the conversation, Anton explained that he had female ID and tried to make his voice softer. The employer said that he could not give Anton the job because of safety concerns: many of the shopping center's staff were from the south republics (the original expression was very rude). As a result, Anton was not invited to the interview and got hung up on without explanation.

Anton has been looking for a job for nearly six months (since September 2015) and has by now been denied jobs in various companies about forty times. According to Anton, as a rule, employers refuse him without giving any reasons, or promise to call him but never do so. Most often it happens during interviews after the employer sees Anton's ID.

Anastasia, a transgender woman from Moscow region, 31 y.o., undergoing HRT, has undergone surgery

Anastasia spent three months looking for a job, and everywhere she faced rejections without explanation. She observes that this had never happened before she started HRT. She described one case of employment denial in detail. Before the interview, she had written a CV with a male name with which she also presented herself. Towards the end of the interview, the manager inquired why her nails were so long. The next day she received a phone call and an invitation to start work if she agrees to cut her nails short. Anastasia agreed to do so. On the third day of work, she had to fill in a questionnaire for the company's security service. At the end of that day the staff manager informed Anastasia that she

was not suitable for the job (the day before she had been asked to consider some working questions, so according to Anastasia, this must have been an “abrupt decision”). Since she had not been employed officially yet, she received no payment for the three days of work.

Quoting Anastasia, “After all this, I gave up trying to find a decent job and started working as a loader in a supermarket”.

Valery, a transgender man from Saint Petersburg, has undergone surgery

Valery applied for a job with his old (female) ID. During the interview, he did not reveal his gender identity and used his passport name, even though, according to Valery, it caused him great stress. In order to better resemble his passport photo Valery was wearing unisex clothes (besides, at that time he had not yet started HRT). After a short interview, Valery was told that he was definitely not suitable for this job because the company had a very strict dress code, requiring women to wear only skirts to work. However, in the middle of the interview the female staff department chief manager had walked into the room, dressed in a pantsuit. Valery believes it to have been an off-the-top-of-the-head excuse.

During an interview in another company Valery was asked to fill in a questionnaire while three female employees were reading his CV together and photocopying his passport, “whispering with each other and making stupid giggles all the time”, according to the respondent. Valery was denied the job without any real interview or any questions, for the sole ostensible reason that he had had experience working with 1C (the most popular business software suite in Russia) version 8.3 instead of 8.2, used by the company he was applying to. Valery considers this another obvious excuse since the differences between the two software versions are negligible.

Apart from difficulties in finding employment, transgender people often have a hard time keeping the job they already have. We have recorded several cases of transgender people meeting with workplace harassment (bullying) on the part of co-workers as well as

the management; they either were forced to leave or were dismissed by the employer.

*Natalia, a transgender woman from Saint Petersburg, 31 y.o., undergoing HRT
(case recorded in collaboration with “Coming Out” LGBT Group)*

Natalia had been working for the company “TsvetOptTorg” (a flower retail chain) since February 2015, where she had started working as a man.

Natalia became the target of verbal abuse from her co-workers and the management and on one occasion was physically assaulted by the store manager. After Natalia came out as transgender before her colleagues, the management made up reasons for forcing her to quit but the director of another store of the chain came to her defence and gave her a job. However, incidents of verbal abuse continue at her new workplace.

O., a trans woman

O. has been working in a clothes store for about six months. According to her, her colleagues have a tradition of trying on clothes from every new collection and demonstrating them to each other. When O. tried on a women’s blouse, a male co-worker drew aside the fitting room curtain and made several aggressive comments. The store staff gathered together and engaged in a rude and insulting discussion of O.’s appearance. After this, they brought some men’s clothes and demanded that O. put them on, insisting that O. wear only men’s clothes.

O.’s appearance often becomes the topic of her co-workers’ aggressive discussion, she is being constantly accused of violating the dress-code. It often happens that O.’s colleagues loudly address her by her passport name in front of the clients just to ridicule her. O. tells of continual stress because of the situation and has been considering changing jobs.

Vasily, a trans-man from Novosibirsk, undergoing HRT

Vasily has been successfully employed, but during a master-class his female manager made insulting comments about his appearance and gender identity in his face, calling him “it” when talking to other colleagues.

E., a transgender woman from Novosibirsk, undergoing HR

E. works for the company MTS (one of the three chief cell phone operators in Russia), her job offers a choice of workplace, with the working conditions and wages varying depending on the outlet. E.’s request for transfer to a more conveniently situated outlet with better remuneration faced a straightforward refusal. The refusal was ostensibly motivated by the fact that since employees must use their ID when punching in and out, and since she does not look like her ID picture, “they simply won’t let her in”.

*S., a trans woman from Tumen
(case contributed by the monitoring program
of the Russian LGBT Network)*

S. is a trans woman and an activist. Her colleagues learned about her transgender status from her profile in a social network. At first they began cold-shouldering her, then turned to jokes, gossip and verbal abuse. Currently S. is well-nigh ostracized by her co-workers, they never invite her to informal corporate meetings and won’t sit down next to her to lunch. This has been causing S. distress and even fear.

T., a transgender woman

T. was dismissed from her job in a cell phone repairing shop owned by a small firm. This job was not official and her colleagues knew her by her male name. When wages for the entire staff were delayed T. refused to resume working until the arrears had been paid up. In an email exchange with a female manager following

this episode T. accidentally revealed her gender identity. The manager passed on this information to the upper management, as a result of which T. was dismissed with insulting comments. The arrears in wages were however fully paid.

Anastasia, a transgender woman from Moscow region, 31 y.o., undergoing HRT, has undergone surgery

Anastasia had been working for a construction company for about eighteen months. She was officially employed as a man, and had never revealed her transgender status to her colleagues or the management. Her old co-workers failed to notice changes in her appearance due to HRT, but the new staff did occasionally make comments about both her appearance and her sexual orientation. One of the female co-workers was also friends with Anastasia. In summer 2015, this colleague told Anastasia of a corporate meeting where she had been present and heard the company's CEO mention "certain people thinking about sex-change here", which he "by no means was going to tolerate". In spite of the staff's unanimous support for Anastasia, she was practically forced to quit. In June 2015, she was demanded to resign with "department optimization" as the official reason.

Quoting Anastasia: "In the end the higher-ups never bothered to tell me anything. But for that friend of mine I would have never even known what it was all about".

According to Anastasia, she has been greatly depressed by these events and has been increasingly disgusted by her own transgender status ever since as a result.

***D., a trans woman from Moscow
(case contributed by the monitoring program
of the Russian LGBT Network)***

The management forced D. to volutarily terminate the contract, entitling her to employment by companies, contacting her recruitment agency. In addition to this, she was denied access to the job vacancy database for the purpose of finding employment. By request from her employer (one of the stores of the hypermarket

chain Auchan) she was declared unfit for her post (salesperson, later baker's assistant) despite fulfilling the production norms and observing the company's internal labor order. The management motivated its decision to dismiss her by "the staff's dislike of the exceedingly feminine appearance, voice and behaviour of this employee" (she was only known by her male passport name). During the whole length of her employment D. was repeatedly insulted and treated disrespectfully by both co-workers and customers.

*S. a transgender woman from Irkutsk
(case contributed by the monitoring program
of the Russian LGBT Network)*

S. is working in one of the institutes of the Siberian branch of the Russian Science Academy (a state institution). As soon as she began openly expressing her gender identity at work (wearing women's clothes, presenting as a woman in speech and writing) she began to suffer from discrimination (she lost certain benefits, was not allowed to speak at conferences, etc). At last, she received an ultimatum: she must either stop expressing her gender identity or leave. In order to provide formal grounds for her dismissal, an attempt was made to introduce a new internal labor order rule, forbidding "men" (as defined by ID) to wear women's clothes.

*V., a trans woman from Samara
(case contributed by the monitoring program
of the Russian LGBT Network)*

At a therapy session, V.'s therapist recommended that she try socializing as a woman in order to find out whether it was the right thing for her, before undergoing surgery and changing her legal name and gender.

After V. began expressing her gender identity at work, the management promised to fire her as soon as they had an occasion. Two months later, V. was informed of her oncoming dismissal due to staff reduction.

V. quit work on April 30, 2015, even before the two month waiting period since this warning had expired, the due indemnity was paid out in full.

V. relates that her financial situation was aggravated as a result of her dismissal. She sought legal and psychological help in the Samara Public LGBT Movement "Avers". She received legal help in the form of legal support during the dismissal procedure, with all due paperwork relative to early employment termination being completed, all the rights of the employee observed and maximum indemnity allowed by labor law paid.

In certain cases transgender people face problems even after obtaining LGR, usually when colleagues or the management learn about the employee's transgender status.

A., a transgender woman from Samara, has female ID (case contributed by the monitoring program of the Russian LGBT Network)

A. has been working as a 5 grade grinder in LLC "Ankor" since November 12, 2012. After her full legal name and gender change from male to female, the plant management in the person of her immediate supervisor has repeatedly expressed their disapproval, encouraging transphobic attitude among A.'s co-workers.

The management has also repeatedly attempted to prevent A. from entering the women's bathroom on the facility and has been making transphobic comments in her presence and absence. During all this time there was no criticism regarding the quality of A.'s work.

On April 28, 2015 the plant management issued a directive, based on a memorandum written by the tool department office senior manager, requiring A.'s bonus payment for April to be cut down by 50%. According to the memorandum, the A. was guilty of breach of labor discipline which she hadn't actually committed. In violation of due procedure as defined by labor law, A. lost a substantial share of her wages, punished for a mistake in the technological process planning committed by other people. The law states however that the employer's failure to provide adequate working

conditions eliminates the employee's liability for breakage (Labor Code of the Russian Federation, art. 239)

The management's transphobic attitude has led to an unlawful deprivation of the employee of her right to decent remuneration for her labor.

Alexandra, a trans-woman from Saint Petersburg, 29 y.o., has female ID

Alexandra is working for the JSK "Navigator Tools" ("Shturmanskie Pribory"). In February 2016, during a routine medical examination of the staff by visiting specialists, Alexandra was forced to undress and thereby reveal her transgender status, which she demanded be kept secret. Following this, another specialist (a psychiatrist) offered to examine Alexandra, which she refused, having no idea why the offer was made at all. The following day Alexandra's immediate supervisor summoned her to his office and inquired why she had never told she was transgender before. As Alexandra speculates, the medical specialists that had conducted the examination must have revealed her transgender status to the management in breach of medical secrecy. After this the supervisor insulted Alexandra and threatened to get her dismissed. At present, the pressure from the management continues.

According to Alexandra: *"On April 26, 2016, at 10 o'clock in the morning the foreman told me I was summoned by the management. The management in the person of the technical director let me know I had to hand in my notice, or else I was "in for real trouble". This promise was accompanied by homophobic and transphobic slurs. As I understand, the information about my transgender status was the only reason for wanting me to leave. Since then I've faced open transphobia and homophobia, it had an impact on my wages (I was deprived of bonus payments without any reason) and the attitude of senior managers and foremen towards me."*

Alexandra has been seeing a psychologist and visiting a support group for transgender people. Besides, she also asked her colleagues for help and support and the latter have tried to intercede with the management on her behalf. In addition to that, an inspection of the facility was carried out following a complaint made by Alexandra, as a result of which the plant management

was fined for dereliction of obligations, likewise technological and accounting violations. Alexandra didn't give any other details regarding the inspection.

On July 12, 2016, Alexandra and one of her colleagues were detained by the police. The detention took place following a statement from another staff member, in which he claimed having been threatened with physical violence by Alexandra and her colleague (see Alexandra's case in chapter "Violation of transgender people's rights by law enforcement authorities).

Alexandra believes this incident to be part of the management's intimidation campaign against her.

The day following her police detention Alexandra gave in her notice. According to her, the colleague that had been detained with her did the same. Their wages were paid in full.

All the staff members who had taken Alexandra's side were also forced to resign.

Alexandra confesses having experienced severe stress, emotional upheaval and financial difficulties because of the unjustified loss of bonus payments and later her job.

Igor, a transgender man from Moscow, 45 y.o., has male ID.

After being transferred to a new workplace, he was confronted by the management's negative attitude which led to his eventual resignation. Igor chose not to reveal any details.

A., a transgender man from a city in Central Russia, has male ID.

After legally changing his gender, A. became the victim of harassment (bullying) by the management. The personnel department employees revealed information about A.'s transition to third parties. His old name was simply streaked out and overwritten on his file and the information regarding his transgender status was available to anyone interested. The cover of his file was only replaced after a complaint from him.

According to A.: "Memoranda were written claiming I had been absent from my workplace for two minutes. My supervisor forced me to move heavy objects though he knew pretty well I had

health issues. He claimed I had been AWOL from my workplace even though he knew I had permission to go and see a doctor. They would call me by my old name on purpose, claiming it was “hard to change a habit”.

After a complaint to the senior management, some of the conflicts with the personnel department and the supervisor were resolved. However, during a personnel certification the supervisor mentioned breach of labor discipline in his report about A. Later the senior manager told A. directly to start looking for a new post and promised to assist him in the transfer, in other words, A. was practically forced to resign. A. successfully sought legal advice in the “Transgender Legal Defence Project” regarding a change of work record card and duty pass.

The Project’s lawyers also assisted A. in drawing up an explanatory memorandum regarding the supervisor’s certification report. As a result of this, A. was still eventually dismissed, but with positive characteristics.

A. tells of stress and depression in connection with repeated workplace conflicts and loss of the source of income.

Discrimination of transgender people in the public health sector

When transgender people seek medical help, they often face verbal abuse, disrespect and even overt denial of assistance.

17% of the respondents of the online survey claim having come across practical denial of help on the grounds of their appearance and identity not conforming to their assigned gender.

41% of the respondents mentioned having deliberately avoided seeking medical help and seeing a doctor.

Denial or delay of medical assistance and thereby encouraged self-medication may have a negative impact or be a serious health hazard.

A considerable number of transgender people are in need of regular medical assistance; medical certificates are also required in order to be eligible for legal change of name and gender and prescriptions for HRT.

Irina, a transgender woman, Saint Petersburg, undergoing HRT (case recorded in collaboration with “Coming Out” LGBT Group)

In 2015 Irina was denied medical help covered by her voluntary health insurance program with the pretext of the ID she had presented not belonging to her.

When Irina revealed her transgender status, she faced a negative reaction and was insulted. As a result, she received no medical help.

N., a transgender man from a Siberian city, undergoing HRT

In December 2015 N. had high fever and called an ambulance. The paramedic took his temperature, gave him an injection and recommended hospitalization. On seeing the name and gender on N.'s obligatory health insurance policy the paramedic insulted N. by calling him “a pervert”. Then the paramedic collected his equipment and left, refusing to drive N. to the hospital with the comment “if he needs it so badly he can get there on his own”.

N. confesses stress and anxiety following this incident. In addition to this, an aggravation in his condition forced him to resort to commercial medicine. At present N. prefers relying on self-medication, turning to public health services only in case of extreme need.

U., a transgender woman, undergoing HRT

In December 2015 U. was hospitalized to the ENT department as a paying patient for elective septoplasty. After a medical examination and a concilium, she was denied the surgery because of “high risk of intraoperative hemorrhage and the patient’s psychoemotional instability”. It is noteworthy that neither a psychologist nor a psychiatrist had examined her or taken part in the concilium. Besides, she was pressured into having her genitals examined by a urologist.

During U.’s stay in the hospital she had been repeatedly encouraged to “get a short haircut and stop behaving so strange” by the staff. U. lost time, faced additional expense for repeated preparation for surgery and experienced stress.

Andrey, a trans man from Samara region, 20 y.o., undergoing HRT

In January 2016 Andrey came to see his residential polyclinic endocrinologist for a prescription for HRT and a certificate of his having undergone hormonal sex reassignment. The doctor refused to write out both the prescription and the certificate and referred him to another clinic. Andrey describes her attitude as “cold and disgusted”.

Alexander, a transgender man from Moscow, 20 y.o.

Alexander applied to the fracture clinic because of a broken leg. He was denied medical help since he was not carrying any ID and the staff refused to believe that the insurance policy belonged to him. He was compelled to return home for his ID. He did receive help after showing his passport and student ID card.

*Kira, a trans woman from Saint Petersburg, 22 y.o.,
undergoing HRT
(case recorded in collaboration with “Coming Out” LGBT Group)*

On December 29, 2015 Kira took a sedative following a quarrel, which made her sick. When the ambulance came, on seeing the medicine bottle the paramedics ruled Kira’s case as a suicide attempt by default, without listening to any explanations.

Kira was hospitalized to the toxicology department of I.I. Dzhanelidze Emergency Research Institute and given a stomach pump regardless of her protests. She was addressed strictly in the masculine and by her passport name, rude comments were made about her transgender status (although the hospital agreed to do her a favor by placing her into a women’s ward).

The hospital staff refused to let her have the HRT medication and the anti-depressants her friends had brought her (failure to take anti-depressants caused Kira to develop an abstinence syndrome thereby endangering her health). After repeated complaints, she was given an antipsychotic injection, which further aggravated her condition.

In addition to this, Kira’s cell phone was taken away and the lawyer from the local LGBT organisation was not allowed to see her. Neither was she given any information about the ongoing treatment and the time of prospective release.

Following this, during a medical concilium Kira was repeatedly asked whether she was taking illegal drugs, and subjected to moral pressure.

*Alexander, a transgender man from Samara region, 29 y.o.,
undergoing HRT, has undergone surgery*

In 2015, Alexander requested a certificate required by the recruitment office for the issue of a military ticket. The endocrinologist at the district polyclinic insisted that a copy of his sex reassignment certificate be included into his medical file without any good reason. Alexander sought legal advice on the matter and was informed that the inclusion of a paper certifying his transgender status in a public file was against the law. Alexander reports stress and anxiety regarding his privacy.

Alexandra, a trans woman from Saint Petersburg, 25 y.o., undergoing HRT

In 2011 Alexandra was physically assaulted by homophobic and transphobic individuals, which led to a permanent impairment of vision and disability. As a result of the assault she also needs prosthodontic treatment.

After the assault Alexandra was taken to a hospital where she was repeatedly verbally abused by the staff. She was also placed into a men's ward in spite of her repeated protests.

In winter 2012, Alexandra was taken to Mechnikoff Hospital after another assault (she had a broken nose and arm). Alexandra demanded to be filed under a female name but the staff rudely refused to do so. They also refused to place her into a women's ward in a similarly rude manner and in spite of her repeated requests. Fearing for her own safety, Alexandra refused to stay in a men's ward and spent three hours in the waiting room. During all this time the hospital staff were abusing and ridiculing her, claiming that they "only treated people, not pervs". The security guard attempted to make Alexandra leave the building (it was the middle of the night and -17C outside), saying that "if you won't go to the men's ward, go home then", likewise verbally abused her several times. Alexandra had to spend the night in the waiting room and go home by public transportation in the morning.

Quoting Alexandra: *"The life transgender people have to lead before they've changed ID is living hell in all possible senses. If you need medical help, they'll turn you away and abuse is all you'll ever get, your life will be at risk not only because of your health issues but also because medical people will treat you like scum"*.

Vladislav, an intersex person identifying as male, Novosibirsk, 18 y.o., undergoing HRT

In summer 2013, Vladislav was refused help covered by obligatory medical insurance in a fracture clinic. The staff accused him of using his sister's insurance policy because his appearance did not match his female ID. Vladislav says failure to receive timely medical assistance resulted in health issues.

Yuna, a transgender woman

In 2011, Yuna consulted the region's head psychiatrist in her home city for a psychiatric evaluation with a view to be diagnosed with "transsexualism", as a necessary step for legal gender recognition. The specialist referred her for evaluation and treatment of depression to the inpatient department of the regional psychoneurological clinic where Yuna spent nearly six months. At the time of her initial visit to the psychiatrist likewise for the entire duration of her hospitalization Yuna repeatedly mentioned gender dysphoria as her chief complaint and her desire to undergo gender reassignment and change her legal name and gender. Nevertheless, in spite of these repeated statements on the part of Yuna, her doctor in charge avoided this topic for four months, unambiguously refusing to connect Yuna's hospitalization with gender dysphoria.

Yuna didn't undergo any specific psychological tests apart from the standard tests (MMPI) and was given medication daily. Her medication scheme was revised several times and during her entire hospital stay, which Yuna did not have the option to interrupt, she was given no less than twelve different kinds of pills.

According to Yuna, this medication was completely useless since neither she nor her doctors observed any effect. After four months the department superintendent became Yuna's doctor in charge, however this brought no alteration in her treatment for another two months.

Yuna recalls: *"During our rare interviews he (the superintendent) made no difference between transvestism and transsexuality, likewise was confused about many other important terms which reveals a lot about his level of competence. He also refused to have any sort of sensible conversation with me, plainly stating that it wasn't his job to explain things to me more than once, and that he didn't have a care if I got it or not"*.

At the end of six months, Yuna was offered a choice: she must either admit an improvement in her condition and being no longer depressed, in which case she would be released, otherwise she would be transferred from the primary psychotic department "further down the line, to where the violent ones were kept". Yuna took the former option, and was released without being diagnosed. Later she went to consult a psychiatrist again and was

referred to the same clinic, but to a different doctor.

After a very short interview the doctor failed to find any signs of transsexuality in Yuna. Yuna confesses becoming disappointed in the doctors from her home region at this point, and in December 2013 she began HRT on her own. Unable to receive the necessary diagnosis in her home city, Yuna was compelled to travel to Saint Petersburg for the purpose of undergoing a medical evaluation and a commission since summer 2014, but failed to receive the certificate with the diagnosis due to the commission being dismissed.

Ekaterina, a transgender woman from Saint Petersburg, 33 y.o., undergoing HRT

Ekaterina had earlier replaced her ID picture in order to prevent public identity confusion.

In summer 2016 Ekaterina addressed herself to the blood transfusion department of the First I.P. Pavlov Saint Petersburg State Medical University clinic to become a blood donor.

When the clinic staff saw her passport and the marriage stamp inside it, they refused to let Ekaterina be a donor, however stating that she would have this possibility once she had legally changed her name. When Ekaterina pointed out the lack of logic in this, the physician motivated her refusal by the fact that Ekaterina as a trans woman married to another woman was in a same-sex marriage and therefore at a high risk for HIV.

Ekaterina confesses being shocked by the blatant unprofessionality of these arguments offered by the department physician, and found speculations about her private life to be inappropriate.

Soon after the conversation with the physician the department specialists claimed having found Kell antigens in Ekaterina's blood after running an express test, which made her ineligible for blood donorship.

Ekaterina got her blood repeatedly tested for Kell antigens by an independent lab and the test result came negative.

There is reason to assume that the transfusion department staff falsified the original test result in order to provide formal grounds for Ekaterina's ineligibility.

After the incident became publically known, news agents

“Fontanka.ru” and “Doctor Piter” collected anonymous comments from Saint Petersburg transfusion specialists. Below is an excerpt from the article:

“Taking hormones alone constitutes a contraindication to blood donorship. But even if such a person wasn’t taking hormones, I would find a pretext for rejecting them. Because any person suspected of sexual deviation belongs to the high hemotransmissible (passed on through blood) infection risk group”,- says a member of one of the city blood transfusion station’s staff.

Besides, doctors refer to the presence of a disease named “Ego-dystonic sexual orientation” in the Chapter V (Mental and behavioral disorders) of the International Statistical Classification of Diseases and Related Health Problems (ICD-10), which replaced “homosexuality”. Therefore, in their opinion, transgender people can be considered to have a mental disorder.

When asked: “What prevents a person with a mental disorder from being a donor?” doctors have an answer ready: “Who knows how they will behave at the sight of a needle and blood?” Another interviewee confessed that even if blood of a rare type was necessary in order to save a patient’s life, and if the only donor available was transgender, such a person would be barred from donorship.

These anonymous comments offer a clear insight into the attitude among at least a fraction of medical specialists towards transgender people: the latter are suspected of mental instability and of carrying STI, and are generally viewed as deviant individuals.

Violation of transgender people's rights by law enforcement authorities

Transgender people often face problems when requested ID by law enforcement officers. This includes one's vehicle being stopped by the traffic police, detention, applying to a police station for reporting a transgression and routine identity checks (as during autumn and spring military draft periods).

Similarly to other situations, transgender people may even face discrimination after changing their name and gender in case their transgender status becomes known (in this case, to the law enforcement officers).

Moreover, we are familiar with at least one case when perpetrators of physical violence against transgender people received an unwarrantedly mild sentence (in the opinion of the victims and their lawyers).

*D., a transgender man from Saint Petersburg, undergoing HRT, has undergone surgery
(case contributed by "Coming Out" LGBT Group)*

In 2015 D.'s car was flagged down by the road police. On seeing his driving license, the police officers refused to believe it belonged to him. D. was made to wait inside the police car for over an hour without any explanations. They also made repeated checks as to whether his car was stolen without any valid grounds. D. was compelled to reveal his transgender status to the police officers in order to clarify the situation. D. confesses having experienced considerable stress.

Alexandra, a trans woman from Saint Petersburg, 25 y.o., undergoing HRT

Before legally changing her name and gender, Alexandra had been repeatedly assaulted by homophobic and transphobic individuals

since 2011. She reported about ten of these incidents to the law enforcement authorities. Despite having been assured by the police officers that action would be taken against the perpetrators, no practical results were ever forthcoming. According to Alexandra, the period of limitation for these crimes has by now expired. Besides, Alexandra reports being abused and threatened by the police officers several times when her transgender status became known, because “she was asking too much”.

Alexandra confesses that the memory of these incidents causes her great distress. Quoting her: *“It’s extremely problematic, if at all possible, to get any documental proof from them, because sometimes they won’t even talk to you as soon as they see your passport”*.

***Kira, a trans woman from Saint Petersburg,
(case recorded in collaboration with “Coming Out” LGBT Group)***

In October 2015, Kira was stopped by the police at the subway station “Moskovskaya” for an ID check without an apparent reason. When the police officers saw her ID, they began laughing, then grabbed her arm and tried to lead her away by force in an unknown direction without giving any explanations. This continued for about ten minutes. After Kira burst out in tears, repeatedly begging them to let her go, they gave her back her ID and released her with words of abuse.

***P., a trans woman from Moscow, undergoing HRT
(case recorded by Kseniya Kirichenko as part of the legal assistance program of “Coming Out” LGBT Group)***

On November 24, 2012, “Coming Out” held a movie screening with a following discussion dedicated to the life and struggles of transgender people. P. had come to Saint Petersburg from Moscow by a special invitation to take part in the discussion. At the time of the incident P. had been diagnosed with “Transsexualism” and was undergoing HRT. She was carrying all the pertaining medical documents. As a result of the hormone therapy P.’s appearance and voice had been considerably altered, she was wearing

women's clothing, makeup and had long hair. She was generally known as P., but at the time of the incident her legal name and gender were still male.

After the screening, on Sunday, November 25, 2012, about 1 pm P. and her female friend O. were exiting the subway next to Moskovsky Railway Station. The girls were approached by two male police officers who requested to see P.'s ID. When asked on what grounds the request was made, the police officer replied: "Just a routine check". He then speculated that P. might be carrying illegal drugs. Hoping to avoid further complications P. took out her international passport and handed it to the police officers. On seeing her passport name, one of the officers exclaimed loudly enough for the passers-by to hear: "How come you, {passport name} walk about looking like this? You must surely understand that since you look so unusual, you shouldn't be surprised at being suspected of unlawful activity".

P. displayed her medical certificates, stating that she had been diagnosed with "Transsexualism", was in the middle of the sex reassignment process and undergoing hormone therapy. The police officers continued addressing her by her passport name and requested that both girls proceed into the inspection room. Two other police officers, a man and a woman, were present in the room. The shift supervisor took P.'s passport for verification in the database, while the other officer told her to proceed for inspection. P. thought he was speaking about a body search and demanded to be searched by a female officer. One of the officers replied that he saw no reason "why you, {male passport name}, should be searched by a woman". P. said she saw no reason why she should be searched at all, especially without a search order, but under the pressure from the officers, she finally submitted. The police officer opened her bag, took out all its contents, browsed through them and gave everything back to P. P. collected her personal items, her passport, said "Good bye", and left together with her friend. The police officer who had carried out the inspection and repeatedly addressed her by her passport name offered no excuse.

According to P., the interaction with the police officers in the searching room was quite distressing and intimidating, she had feared that the officers might request a full body search and had already mentally prepared herself for it. The entire proceedings

caused her extreme discomfort. On leaving the searching room, her friend O. became hysterical. O. also related that since she was carrying a large bag she ought to have been under greater suspicion if the police had been actually expecting to find any drugs, but they were not interested in her whatsoever.

Vladislav, an intersex person identifying as male, Novosibirsk, 18 y.o., undergoing HRT

Vladislav was stopped by the police for an ID check in the Novosibirsk subway in summer 2013 without apparent reason and detained as a “suspect individual”.

The police officers threatened Vladislav, quoting the Criminal Code article related to document forgery.

Diana, an intersex person identifying as female, Tomsk (case contributed by the monitoring program of the Russian LGBT Network)

In June 2015 Diana was in a cafe in Tomsk together with her friends. She left the company for awhile. When she came back, she learned that her friend had been detained and taken to the police post for drinking low-alcoholic beverages in a public place. Diana addressed herself to the police officers in order to find out the reason for her friend’s detention. She was bodily prevented from entering the police post, after which she was verbally abused and threatened. Eventually Diana’s friend was released and she herself was admitted into the police post, but no explanations for her friend’s detention were given.

The police officers continued abusing Diana and then attempted forcing her to fellate them. She tried to protect herself but the police officers considered the woman’s behavior to be licentious and after drawing up a protocol conducted her to the police station.

When identifying Diana the police officers learned from the passport office database that she was an intersex woman, following which she became the target of transphobic jokes, hate speech, bullying and humiliation.

Igor, a transgender man from Moscow, has male ID

In October 2014 Igor was robbed by two women, one of whom he knew personally. The perpetrators broke into his apartment, physically assaulted him, took his personal belongings, then forced him to undress and photographed him for the purpose of blackmail, claiming that "if he went to the police, they would show pictures of him to everyone". They also made all Igor's personal information public via the Internet. Igor reported the robbery and assault to the police and eventually to the public prosecutor. However he reports no adequate action being taken against the assaulters by the law enforcement authorities.

There are grounds to assume that this inaction was caused by the Igor's transgender status. Igor also sought psychological help in connection with this incident and recommended that the lawyers working for LGBT organisations pay special attention to cases of this kind.

Alexandra, a trans woman from Saint Petersburg, 30 y.o., undergoing HRT, has undergone surgery, has female ID

In summer 2016 Alexandra and her male colleague were detained by the police officers. It was done following a statement from another co-worker in which he alleged that Alexandra and her previously mentioned colleague had threatened him with physical violence. Alexandra believes this incident to be a part of the intimidation campaign against her, organised by the management of the plant where she was working at the time, following a medical inspection during which her transgender status had been revealed (see Alexandra's case in chapter "Workplace discrimination of transgender people in Russia").

After her detention Alexandra spent approximately 9 hours at the police station. The police officers offered no explanations for detaining her.

Alexandra was carrying no other ID than a photocopy of her passport. When the police identified her through the database, they also learned about her transgender status. Following this, the majority of the police officers present at the station began asking Alexandra improper questions about her private life, loudly

discussing her appearance and at least one officer explicitly stated his dislike of her.

Quoting Alexandra: *“For the entire length of these 9 hours I was trying to get their attention and to make them explain to me why they had detained me, but it was all in vain. I thought I would lose my mind, I had so much trouble to deal with as it was, and now they had detained me for no reason whatsoever. All my questions, requests and complaints were completely ignored for 9 hours, they didn’t even care that I had to go to the bathroom, and they wouldn’t let me make a phone call either”.*

Two transgender women from Samara (case contributed by the monitoring program of the Russian LGBT Network)

In autumn 2015, five armed men broke into the summerhouse belonging to two trans women, physically assaulted and verbally abused the latter.

As a result of the assault, one of the survivors was hospitalized, the other one had her nose broken. The perpetrators also robbed the house and set it on fire.

Since the survivors could not recall all the physical features of the men who had assaulted them, only two of the five perpetrators were eventually taken to court as defendants. The other three acted as witnesses.

Both during the investigation and in court the perpetrators and their lawyers denied hate as the motive of crime and held to the version that the assault had taken place because the victims “had stolen their gas stove and gas tank, and they {the perpetrators} had only come to take back what was theirs to begin with”. However the survivors filed old photographs, clearly showing the gas stove and tank to have been in the house for a much longer time, as evidence for the case. During the penultimate court session the prosecutor pleaded for a 7 year term to be served in a maximum security penal colony for the defendants, as well as 50 000 roubles to be paid in compensation for moral damage to the victims (Criminal Code of the Russian Federation, art. 162 pt. 3- “Robbery”).

However, the verdict was reached in accordance with art.

115 ("Intentional infliction of minor injury to health") and art. 158 ("Theft") of the Criminal Code, implying a much milder punishment. As a result, each of the defendants was sentenced to pay 20 000 rubles in damages to each of the plaintiffs and to six months of corrective labor. The plaintiffs intend to appeal against the sentence because they find it unwarrantedly mild.

Discrimination when using government and public services

During the research, we have recorded several cases of violation of transgender people's rights while using government and public services. In addition to the cases of discrimination below, according to the statistics we have collected via the online survey, 31% of the respondents were denied postal services and 19% were denied other services because of the discrepancy between their ID and their appearance/identity.

Veronica, a transgender woman, 21 y.o., undergoing HRT

Veronica was refused to be served at a Multipurpose Center of Government Service where she had addressed herself in order to receive a new passport as Russian citizens are required to do on reaching 20 y.o.

On receiving her application the service center staff appeared puzzled but accepted the application. Thirty minutes later Veronica received a phone call, informing her that the center could not accept her application since "there was a lady on the new picture" while the name and gender were male. Veronica was referred to the passport office where no problems of this kind arose.

Dmitry, a transgender man from Yekaterinburg, 25 y.o., undergoing HRT

On showing his ID in order to pay his utility bill Dmitry faced a surprised reaction and was compelled to reveal his transgender status in order to be able to pay the bills.

At a notary's office that Dmitry had addressed himself to in order to complete a POA, he was also compelled to reveal his transgender status since the notary had claimed his ID was fake.

R., a transgender man from Omsk, 20 y.o.

In February 2016 R. came to the post office to collect a parcel. The post office clerks refused to deliver the parcel to him in a rude manner: “Who do you take us for, young man? Let the passport owner come in person. Why do you look like that?”

R. inquired whether it was possible to use his international passport for the purpose of identification. He had to make a trip home to fetch it.

On his return the post office staff took a long time examining and comparing his passports, still refusing to deliver the parcel. After a complaint on R.’s part, the manager joined in the scene and finally allowed the parcel to be delivered. According to R., the entire transaction took no less than two hours.

M., a transgender woman

M. filed an application for a legal change of name, surname and patronymic (without change of gender marker) to the civil registry office. She came for an interview with the civil registry office manager and received a verbal refusal from him. In the same day M. also received a written refusal of her application on the grounds that “the applicant’s actual request is a gender change which cannot be done by sole application”.

Irina, a transgender woman from Saint Petersburg, undergoing HRT

In March 2015, the civil registry office refused to register her divorce on the grounds that the passport she had presented did not belong to her.

Irina was compelled to address herself to another civil registry office where no one knew her, wearing men’s clothes and using a man’s name. Besides, in November 2015 the civil registry office refused to let her have a wedding ceremony, however she was allowed to have her marriage registered. When she demanded a written refusal of her request for a wedding ceremony, she received a rude verbal reply.

S., a transgender man from Samara region, undergoing HRT, has undergone surgery

S addressed himself to the Multipurpose Center of Government Services for a change of passport on reaching 20. The center employee appeared surprised on seeing his passport; S. was compelled to reveal his transgender status and explain that he had no other certificate of birth at the moment.

In spite of this explanation he was referred to another window where the clerk demanded his military ticket and later repeatedly expressed her bewilderment on seeing his documents and requested that “the owner of the passport come in person”. S. was compelled to reveal his transgender status once more but still faced refusal which was motivated by the fact that “the photo he had provided was unsuitable”.

S. addressed himself to the same center the following day because it was the working shift of a personal acquaintance of his, and this time with her assistance there was neither surprise nor refusal.

Danian, a transgender man from Orenburg, 24 y.o., undergoing HRT, has undergone surgery

In June 2015 Danian came to the post office to collect a parcel. The post office clerks refused to deliver the parcel on the grounds that Danian’s appearance did not match the ID picture.

E., a transgender woman from Novosibirsk, undergoing HRT

E. was treated disrespectfully by the passport office clerks in April 2016. The passport office clerk insisted on addressing E. in the masculine and repeatedly pointed out that E.’s identity did not match her documents.

R., a transgender man

In January 2016, R. came to the post office to collect a parcel, he had brought both his internal and international passports and

his certificate of birth. In spite of all the ID documents R. had provided, the post office clerks claimed that these did not belong to R. and refused to deliver the parcel to him.

R. turned himself to the post office management but without success. The post office staff were making transphobic remarks and other rude comments and refused to provide a written explanation for the denial of postal delivery.

R. confesses that in addition to losing the parcel he also experienced irritation and stress.

Alexandra, a trans woman from Saint Petersburg, undergoing HRT

In 2011-2012 Alexandra was denied postal delivery and disability pension payout approximately eight times. The most frequent motivation for denial was "Your appearance doesn't match your ID, we can't be sure that this is your passport". Alexandra was compelled to repeatedly reveal her transgender status in public (in the presence of a line of clients). When she attempted to explain her situation in writing in order to avoid publicity, the post office clerk still insisted on reading this information aloud. The impossibility to receive letters, parcels and disability pension contributed to Alexandra's financial difficulties.

Alexander, transgender man from Moscow, undergoing HRT, has undergone surgery

Alexander came to the post office to receive a small parcel. The post office staff refused to deliver it because they did not believe that the documents provided by Alexander belonged to him. Alexander returned to the post office after a while, this time wearing a hood and addressed himself to another employee. This time the staff did not recognize him and delivered the parcel.

Kastel, a trans man from Yekaterinburg, 20 y.o.

A friend of Kastel indicated his male name as the parcel receiver

(Kastel had a female passport name at that moment). The post office employees denied his request, despite the fact that other supplied information, such as passport number, were matching. Kastel decided not to re-register the parcel and, as a result, could not get it.

Alexandra, a trans woman from Saint Petersburg, 28 y.o., undergoing HRT, has undergone surgery, has female ID

After changing her legal name and gender marker Alexandra came to the local recruitment office to have her name taken off the military register, as recommended by the police. At the recruitment office Alexandra faced an extremely disrespectful attitude and threats of outing. The officers used masculine pronouns only, ignoring her female passport name, speaking her old name out loud in front of the recruit queue, which caused confusion and a negative reaction. Fearing for her own safety, Alexandra found an employee willing to let her stay in his office where she ended up spending several hours, until the queue dissipated. The officers failed to address the problem in good time due to total lack of understanding the situation. They expressed confusion with the fact that Alexandra had a female passport, while in their documentation she was registered as a male. They also threatened to summon the police and psychoneurologic dispensary officials. The situation was cleared only when a senior officer got involved. She used correct pronouns, crossed Alexandra's personal file out and reprimanded other officers.

Alexandra admits having experienced great psychological stress, which lead to health problems.

Discrimination of transgender people when using commercial services

During the monitoring research we have recorded 26 cases of transgender people being denied commercial services or treated extremely disrespectfully by the service providers. Problems and conflicts in the commercial service sector typically occur when transgender people attempt to use their credit card, purchase goods and services with age restriction, when applying for bank services and in other circumstances when showing ID is necessary. Constant and repeated refusals to provide services to trans people in addition to conflicts in everyday life may cause considerable stress and discomfort, as some of the respondents directly testify.

Anton, a transgender man, undergoing HRT

In October 2015, Anton applied to his bank for replacement of a lost bank card. He filed an application for a new card online, and then went to the nearest bank branch to confirm his application. When a bank employee saw Anton's documents, he expressed confusion and called his co-worker and then a manager. Anton gave them his old passport number (he had changed his passport, so that the new photo would match his new appearance) and showed them messages from the bank on his phone. However, the bank employees were still confused and kept asking him if these were really his documents. After a long conversation the employees believed Anton and rendered him the requested service.

Anton reports feeling uncomfortable during the conversation and apprehensive that the bank staff might call the police.

D., a transgender man undergoing HRT (case recorded in collaboration with "Coming Out" LGBT Group)

In 2015, a cashier of the hypermarket "O'KAY" refused to accept D.s bank card, claiming it didn't belong to him. D. notes that a

similar situation took place no less than three times. Each time he experienced great stress and inconvenience because of the impossibility of making purchases.

Moreover, D. faced a conflict situation in a fitness-center. Despite the fact that the management had been informed of his transgender status and even helped him to maintain a training schedule, they insisted that D. Use the women's locker-room because of his female passport. D. was forced to cancel his membership after one of the clients raised a great scandal about his presence in the women's locker-room.

Vincent, a transgender man from Yekaterinburg, 28 y.o.

In December 2015, Vincent faced refusal to sell him alcohol. When he showed his ID at the cash desk on the cashier's request, the latter doubted that the document belonged to him, believing it was a joke. Vincent notes that he initially considered this situation to be funny. But when the cashier flatly refused to sell him alcohol, thereby holding up the line, people behind Vincent attempted to glance into his passport too, and he was compelled to explain the situation, which made him feel extremely uncomfortable. The cashier told him she was going to call the manager, then a security guard arrived. Luckily, Vincent was accompanied by a friend, and in the end he had to use his friend's passport to make the purchase.

*Irina, a transgender woman, undergoing HRT
(case recorded in collaboration with "Coming Out" LGBT Group)*

In a grocery store in Saint Petersburg, a cashier wouldn't let make Irina a purchase, doubting that her bank card and passport really belonged to her. Besides, the staff of a store in Moscow refused to sell her cigarettes for the same reason.

*Alexander, a transgender man from Moscow, undergoing HRT,
has undergone surgery*

In the beginning of 2016, Alexander applied to a local bank

branch for a bank card reissue. Employees of the bank expressed confusion when he displayed his passport, they spent about an hour authenticating it, involved the security service and attempted to contact Alexander's employer to verify his identity. Alexander was finally able to get his card when he revealed his transgender status and explained that he had not changed his documents yet.

E., a transgender woman from Novosibirsk, undergoing HRT

In September 2015, employees of the mobile operator "Tele 2" refused to sell a SIM-card to E., expressing unwillingness to include her personal data into the database because her appearance did not match the photo. Moreover, the staff and the manager submitted E. to insults and ridicule.

Also, in 2016 due to discrepancy between her appearance and the photo cashiers in the "Bystronom" store repeatedly refused selling cigarettes to her. It lasted until they "got used to her" and, thus, began recognizing her.

In April 2016 in the staff of a "Evroset" outlet did not believe the authenticity of the documents E. had provided when she tried to apply for a credit. They called in the security and threatened her with criminal liability for document forgery.

Natalia, a transgender woman from Saint Petersburg, 30 y.o., undergoing HRT

Natalia has repeatedly been denied payment by bank card for purchases in different stores of the city. She notes that the cases were so many she cannot remember them all.

Kiello, a transgender man from Novosibirsk

In April 2015 in the supermarket "Holiday Classic" the staff refused to sell cigarettes to Kiello after seeing his passport, because his appearance did not match the photo in the document. Besides, the staff behaved tactlessly by discussing his appearance and personality in public.

*Andrey, a transgender man from Samara region,
20 y.o., undergoing HRT, has undergone surgery*

When Andrey applied to his bank to withdraw money from his account, his request was rejected with the motivation that his appearance did not match his ID photo. Andrey was forced to explain the situation in detail for forty minutes in order to get the money.

*L., a transgender woman, 41 y.o., undergoing HRT,
has undergone surgery*

In the beginning of 2016 in “Alfa-Bank” L. was denied opening of a bank account, despite the fact that she had changed the photo in her passport to match her appearance. Moreover, one of the bank employees accused L. of document forgery, claiming that she had simply glued her photo into a male passport.

Konstantin, a transgender man from Krasnodar region, 38 y.o.

Konstantin reports having stopped using his bank card because the name and surname stated on it had been systematically raising cashiers’ concern. Konstantin had been repeatedly help up at the cash-desk while making purchases, likewise confronted with uncomfortable questions, which had been very stressful for him, therefore, nowadays he pays for all his purchases by cash.

*Yuna, a transgender woman from Volgograd,
undergoing HRT*

For two years since 2014 Yuna has faced multiple refusals of payment by credit card in the grocery chain store “Radish”. Sometimes she was not carrying enough cash to pay for the purchase, so she had to leave without buying anything.

Yuna mentions applying for a job in this company and relates that during the probation period cashiers were instructed to identify the customers’ gender by their appearance and to deny service in

cases when the cardholder's name and the customer's appearance did not match.

K., a transgender man, 24 y.o.

In January 2016 "Sberbank" refused to give K. his account statement. The bank employees did not believe that K.'s passport belonged to him.

The situation repeated itself in two other "Sberbank" branches. When K. provided his international passport to verify his identity, the employees claimed that he had stolen those documents and threatened to call the police. K. did not succeed in getting the statement of his account required for a visa application, which prolonged the application process.

*Danian, a transgender man from Orenburg region,
24 y.o., undergoing HRT, has undergone surgery*

In December 2015 Danian came to a "Sberbank" branch to transfer the money to his landlord's account via cash register. Bank employees expressed doubt that the documents Danian had provided were his, which led to a substantial delay of service. Danian was able to access the service only forty minutes later, after the employees had been convinced of his documents' authenticity.

*A., a transgender woman from Moscow
(case contributed by the monitoring program
of the Russian LGBT Network)*

A. came to an "MTS" (a mobile operator) outlet to buy a new SIM-card. The staff refused to serve A. claiming that her passport photo did not match her appearance. As a result, A. was only able to get a SIM-card when she registered it in her partner's name (she happened to be accompanied by the latter).

Valery, a trans man from Novosibirsk, 19 y.o., undergoing HRT

Because of the discrepancy between Valery's appearance and his ID photo the grocery store staff refused to sell him alcohol.

Igor, a transgender man from Moscow, 45 y.o., has male ID

Igor was denied the service and treated in an insulting manner in a "Sberbank" branch where he had applied to receive money. He had already changed his legal name and gender marker by that moment, but his appearance was not typically masculine.

The bank employees refused to serve Igor, claiming that his documents belonged to his twin brother. As the Igor states, they did not ask any questions and were absolutely sure that they were right, claiming that: "If you have undergone sex reassignment, that should be stated in your passport". They also subjected Igor to insults, ridicule and criticism of his appearance. Subsequently the bank staff summoned a police officer, who was extremely rude and said: "I can't tell if this is a male or a female unless they pull their pants off."

Igor was compelled to leave the building and to try his luck in another "Sberbank" branch, where he also faced refusal. The staff told him he did not look like his passport photo.

Igor succeeded in receiving the money only a month after the incident by providing another document to verify his identity.

Igor wrote a letter of complaint to the bank management and received formal apologies for the employees' behavior. However, the bank management did not inform him whether the employees concerned had been penalized and did not make any comments regarding the possibility of such an incident being repeated.

Alexander, a transgender man from Moscow, 20 y.o.

Alexander faced multiple denials of various kinds of commercial services and described some of them in detail.

Alexander is constantly denied purchase of goods not sold to minors when salesmen ask him to show his ID. As he says, cashiers are usually puzzled, refuse to sell him the goods and laugh when

they see his passport.

Besides, in the beginning of 2015 Alexander was denied the purchase of a SIM-card. After filling in the form he was told that his passport did not belong to him. Thus, Alexander was compelled to ask his mother to register a SIM-card in her own name.

In December 2015 Alexander applied to an “Eldorado” store for a refund. When salespeople saw his passport they treated Alexander with extreme disrespect, laughed at him, showing his passport to one another. Besides, they claimed that the document did not belong to him and expressed doubt about his age.

In April 2015, Alexander came to a store to buy a toy for his nephew. The staff doubted that his bank card belonged to him thereby denying him the purchase.

Moreover, in summer 2015 Alexander was denied the delivery of an item purchased from an online store. Alexander had to re-register the purchase to be delivered to a postamat and to pay extra money.

Valeriy, a transgender man from Saint Petersburg, 32 y.o.

Cashiers from the local grocery stores refused to accept Valery’s bank card for payment several times, claiming that it did not belong to him. As a result, he had to pay by cash or to forgo the purchase.

As was pointed out by the respondent: *“A situation like this makes you nervous, it also makes you waste your time looking for an ATM to withdraw cash. It’s a shame not to be able to use all the modern technologies available.”*

Violation of transgender people's rights in the educational sector

We have recorded six cases of discrimination of transgender university students, postgraduate students or interns. Besides, according to the online survey results, 34% of respondents deliberately chose not to receive an education for fear of conflicts and discrimination.

Alexander, a transgender man from Yekaterinburg

In 2015-2016 Alexander was repeatedly humiliated and publicly outed (had his transgender status revealed without his consent) by his university teaching staff. The respondent also had to refrain from using the university Wi-Fi network due to the necessity of providing personal data.

After Alexander shared his problems with a groupmate, the latter attempted to intercede on his behalf with one of the professors, but the professor not only showed no support but also disclosed Alexander's transgender status in front of the whole faculty.

Quoting Alexander: "Since then I've noticed that their attitude towards me changed. I feel a lot of pressure from them, some go and bring this matter up right in my face, others only gossip behind my back, the rest have just distanced themselves and are shutting me out. Overall, there's been much more pressure from everyone".

According to Alexander one of the professors takes the liberty of outing him during the lectures in front of the whole audience, another one is constantly being rude to him in the presence of large numbers of people.

Also, a female groupmate has been pressured by others to break off friendship with him.

Alexander points out that this situation has caused him anxiety, loneliness and discomfort. Besides, as he says, the professors' attitude towards him is far worse than towards anyone else.

Andrey, a transgender man from Moscow, 21 y.o.

Andrey was on an internship from a Moscow university at a school for children with special needs.

Andrey had personally brought his documents to the school principal, informed the latter of his transgender status and described the desired conditions of his internship. The principal agreed to these terms and introduced him as a man to the rest of the staff. During the first 3-4 weeks of Andrey's internship no incidents occurred. However, after that period Andrey's research supervisor informed him by phone that the school had requested for his internship to be interrupted. The decision was motivated by the fact that the school psychologist believed Andrey was likely to subject the vulnerable children with special needs to "propaganda of transsexualism".

Following the incident the university internship supervisor offered Andrey the a deal: his internship would be counted as completed on the condition that he would not place any complaints about the violation of his rights. She also personally apologized to Andrey for not using a male name in the referral to conceal his transgender status.

Andrey says that this situation caused him anger and disgust.

*Kira, a trans woman from Saint Petersburg
(case recorded in collaboration with "Coming Out" LGBT Group)*

Kira experienced harassment (bullying) at the Saint Petersburg State University of Aerospace Engineering on the part of other students and professors.

Other students' reaction to her appearance and behavior was often negative, but the professors not only did not reprimand them, but they also participated in bullying Kira. She was forced to interrupt her education.

Kastel, a trans man from Yekaterinburg, 20 y.o.

In October 2015, Kastel showed his student pass at the university entrance and faced misunderstanding on the part of the security

guards. One of the guards claimed that he had stolen his sister's pass and refused to let him in until the victim explained the situation.

M., a transgender man, has male ID

When M. began his postgraduate studies at one of the universities of his hometown, he still had female ID, which he changed during his studies later on.

Some of the articles on M.'s thesis subject, co-authored with his research supervisor, were published in peer-reviewed journals (some of which also have an online version) under his old (female) name. Shortly prior to thesis defense, the secretary of the thesis council highly recommended for these articles to be excluded from the list of publications, despite the fact that M. had already participated in conferences, using this articles in his reports. However, the problem was settled, M.'s thesis passed an anti-plagiarism test and was successfully defended.

Valery, a trans man from Novosibirsk, 19 y.o., undergoing HRT

In spring 2015 Valeriy was denied a university internship at the "Naberezhnaya" hotel.

The hotel staff initially recognized him as a male, but when the hotel director studied his documents more accurately, he rejected Valery, which the latter only found out the next day on being summoned to the dean's office.

Valeriy points out that this incident caused him stress and extra difficulties since he was forced to seek another place for his internship.

Discrimination of transgender people when using public transportation

Transgender people often face confusion, detention, outing and even aggression while using public transport and showing their documents.

According to the online survey, made in the context of the research, 17% of the respondents were denied transportation services, and 30% deliberately refrained from using long-distance public transport.

Not only does discrimination in public transport cause stress to the victims, in some cases it also involves financial problems and finally it restricts their freedom of movement.

*Svetlana, a transgender woman from Nizhniy Novgorod,
37 y.o., undergoing HRT*

Svetlana bought a train ticket to Saint Petersburg where she needed to travel in order to undergo a medical evaluation in connection with her gender identity and plans to transition.

Already onboard the train, the conductor requested her ticket. On seeing the ticket and the passenger's ID she claimed that they did not belong to Svetlana, as her appearance did not match her passport gender marker.

Svetlana had a long argument with the conductor and later the train master. As a result, she was forced to get off the train, and thus, had to return her ticket and buy a new one.

Svetlana admits that this situation was really stressful for her, and she also had to pay extra. She wrote a letter of complaint to the station master with a description of the conductor's and the train master's behavior, but did not receive any response.

N., a transgender man from Siberia

N. bought a "Russian Railways" (RZHD) train ticket.

When he was going through a passport check-point, a conductor expressed doubt about authenticity of the documents he was showing. N. was forced to expect the train master in a freezing

cold for some time. When the latter arrived, he carefully studied N.'s ticket and passport and finally claimed that that passenger could not be let aboard, as well as advised N. "to go home for his real ID". When N. insisted that the passport and the ticket were in fact his, the train master rudely demanded to provide three more documents with that name.

N. admits that he felt scared, depressed, and he also lost money for the unused ticket.

*Irina, a transgender woman, undergoing HRT
(case recorded in collaboration with the "Coming Out" LGBT
Group)*

Irina faced an extra long passport inspection when trying to get on a train. When conductors saw her passport and the name on the ticket, they refused to let her aboard and called the train master. She was finally allowed to come aboard shortly before to the departure when Irina's friend had verified her identity.

K., a transgender man

When K. showed his travel card to a bus conductor in his home town, the latter began yelling with indignation that the document belonged to a female, thereby drawing everyone's attention to K. She bluntly refused to look into his passport saying: "What are you showing me, why do I need these papers, the card you're trying to use has a woman's name, are you a woman?!"

Besides, she repeatedly demanded bus fare from K., and when he refused to pay she called the police. K. was forced to get off the bus on the nearest stop. He confesses having experienced great stress and discomfort because of this situation.

Veronica, a transgender woman from Anadyr, 20 y.o.

In 2012 Veronica arrived in her hometown by plane. During a passport inspection her documents made the employees confused. Veronica was sent to the passenger screening room,

where she had to wait for a while. When employees returned, they began discussing her appearance and documents out loud. Veronica was forced to disclose her transgender status, but they did not return her the documents right away. However, she points out that the employees acted quite respectfully and were not rude to her.

Moreover, Veronica faced a similar situation once again in 2014 when she was getting on a train from Saint Petersburg to Moscow. The conductor could not understand why Veronica was showing a male passport, took the passport away and said that Veronica might be considered a passenger travelling without a ticket. The conductor also called the train master, but the train master did not address Veronica, he only stared at her for a while. However, Veronica's passport was handed back to her and the rest of the trip was uneventful.

Alexander, a transgender man from Rostov-on-Don, undergoing HRT, has undergone surgery

In the beginning of 2016, when Alexander was getting on a train in Rostov-On-Don, the conductors did not believe that his documents belong to him because of his appearance did not match the passport data. Alexander had to make up a story about doping misuse in sports in order to explain why his appearance differed from the passport photo.

Konstantin, a transgender man from Krasnodar Territory, 38 y.o.

When Konstantin was aboard an intercity bus, a transport control officer took away his passport and studied it accurately for a while, doubting that it belonged to its holder. After that he read out the passport information so loudly, that other passengers heard him. As told by Konstantin, such incidents happen to him regularly when he takes this route, and may cause aggression in small towns. Besides, in September 2015 in Saint Petersburg when he was getting on a train a conductor refused to believe that his documents belonged to him and threatened to call the train master. However, after a long conversation Konstantin succeeded

in persuading her that he was the owner of the passport.

***Alexandra, a trans woman from Saint Petersburg,
25 y.o., undergoing HRT***

In 2011 Alexandra faced misunderstanding on the part of conductors while getting on a train twice.

When conductors saw her documents they refused to believe that these belonged to Alexandra and thus delayed the boarding. Alexandra was forced to disclose her transgender status and show medical documents to prove her diagnosis. As she says, both times she managed to get on the train but only after a delay and an altercation.

***Yuna, a transgender woman from Volgograd,
23 y.o., undergoing HRT***

During the last two years (from 2014 to 2016), Yuna has come across a disrespectful attitude on the part of train conductors three times. She states that each time the conductors claimed that her passport did not belong to her and also read her personal information out loud, so that other passengers heard it. Yuna mentions that each time she reported the conductors' behavior to the train master and each time received apologies.

Besides, when Yuna was riding an intercity bus, the transport company contacted her to inquire whether they might incur problems because of her documents. She was required to verbally assume responsibility for any eventual problems.

***Alexander, a transgender man from Samara region,
24 y.o., undergoing HRT***

During a passport inspection the train conductor noticed that Alexander did not look like his passport photo. She disclosed this information to other passengers travelling in the same compartment. These two men forced Alexander to disclose his transgender status and then demanded that he use a glass

that differed in appearance from those used by others in the compartment, and for these two days they did not touch him and his personal effects and forbade him to touch theirs, for fear of “sullyng themselves” (they used a prison slang term meaning “to become inferior in status by touching a pariah”). Alexander admits that he suffered great stress during the trip because of his transgender status being disclosed in front of those people.

*L., a transgender woman from Samara
(case contributed by the monitoring program
of the Russian LGBT Network)*

In August 2015, L. attempted to buy a ticket from Samara to Moscow at an air booking office but faced a rude flat refusal, quoting the booking clerk: “Why are you showing me a man’s passport? This is not yours! Gender is needed to be stated here, I can’t sell a ticket to you.” Other clients in the queue heard this which caused disclosure of L.’s transgender status. Since her trip to Moscow was urgent, L. had to buy a train ticket for the same date. The train conductor assured L. that her documents would not cause any problems, but when the train departed she called other conductors and began discussing L.’s gender identity loudly in front of other passengers.

Then this conductor summoned officers of the police, who repeatedly insulted L., waving her opened passport and threatening to get her off the train.

According to L., this case was not unique, but she had often succeed in avoiding a scandal by placing a banknote into her passport.

*A., a transgender woman from Perm
(case contributed by the monitoring program
of the Russian LGBT Network)*

When A. was getting on a train bound for Saint Petersburg, the conductor doubted the authenticity of her documents, despite the fact that A. had updated the photo to match her appearance. The conductor accused her of document forgery and called the

police who set A. off the train.

A. had to spend the whole night at the police station until her father arrived around 9 am and verified her identity. Besides, A. had to return her tickets (and to pay a penalty) and to buy a new ticket for another date.

Natalia, a transgender woman from Saint Petersburg, 31 y.o., undergoing HRT, has undergone surgery

When Natalia bought a train ticket from Saint Petersburg to her hometown, the conductors refused to let her board the train, claiming that her passport did not belong to her. Despite disclosing her transgender status and showing them medical documents attesting her having undergone surgery, Natalia was still refused to be let aboard. The railroad police took the conductors's side in the matter.

Natalia points out that she had to refrain from trips to her hometown and to register herself as permanently resident in Saint Petersburg.

Ekaterina, a transgender woman from Saint Petersburg, 33 y.o., undergoing HRT

Ekaterina had changed her passport photo to match her new appearance.

When she was passing a border control at one of Moscow airports in summer 2016, the officer who was checking her documents claimed that Ekaterina had to show medical documents to prove her transgender status. After Ekaterina had expressed doubt that such a demand was legitimate and valid, the employee began discussing this situation loudly with her co-workers, using male pronouns and repeatedly pointing out Ekaterina's transgenerness in public.

This situation was settled when a senior officer came and explained that Ekaterina could be allowed through.

Ekaterina admits experiencing considerable stress and discomfort because of the behavior of the border control employee who had repeatedly demanded medical proof without valid grounds and discussed this matter with her colleagues.

Other cases of discrimination of transgender people

Some of the cases we have recorded during our research do not match the categories above.

Alexander, a transgender man from Moscow, undergoing HRT, has undergone surgery

At the end of 2015, when Alexander was walking out of a business center, he showed his pass to a security guard, but the guard refused to let him out, not believing that the pass belonged to him.

Another time, when Alexander came to another business center for a job interview, the security guard refused to let him in pointing at the difference between his appearance and the passport photo. Alexander decided not to argue with the guard and chose to miss the interview.

Valery, a transgender man from Saint Petersburg, 30 y.o.

Valeriy was expelled from the music band he had been playing in for two years when the frontman learned his passport name and gender. Valeriy had been successfully concealing his personal information until then but was outed by a former co-worker.

Valeriy mentions that he experienced great stress and had to consult a psychologist.

Two cases of transgender parental rights violation were contributed by the monitoring program of “Russian LGBT Network”.

*A., a transgender woman from Moscow
(case contributed by the monitoring program
of the Russian LGBT Network)*

After A.’s transition, she and her ex-wife continued living together

for six years. A few years ago A. and her ex-wife emigrated to Uruguay, where the society is more friendly towards LGBT persons. In Uruguay, A. broke up with her first wife and started a relationship with another woman, an Uruguay citizen. In summer 2014, A.'s ex-wife took away their child and returned to Russia without having consulted A.

In Russia, A.'s ex-wife tried to set A.'s parents against her, and also sued her for spousal support in excess of A.'s income.

A. returned to Russia in April 2015 together with her second wife. In May 2015, A. sued her first wife who did not let her see their child.

A.'s ex-wife also pleaded for A. to be officially barred from seeing their child, invoking "the propaganda law".

The court of primary jurisdiction dismissed the ex-wife's case. However, the court of appellate jurisdiction sustained the case and restricted A.'s parental rights invoking "the propaganda law". By the present time A. has appealed for review.

*P., a transgender woman from Moscow
(case contributed by the monitoring program
of the Russian LGBT Network)*

In July 2014, P.'s wife U. decided to break up with her because of her decision to transition and to begin hormonal replacement therapy (HRT).

U. moved out of their apartment and took away their son J. with her, aged five at that moment. She allowed P. to see their son a few times in August 2014, and after that she forbade her to meet him.

Despite P.'s applications, the guardianship authorities did nothing to help P. to protect her parental rights and let her see her son.

U. applied to the court to make their son reside with her.

P. also applied to the court with a counterclaim demanding that their son reside with her.

The court scheduled a psychiatric examination of P., U. and J. Experts found out that J. was influenced by U. and her parents who were trying to foster a negative attitude towards P. in the boy. Experts failed to determine the child's actual attitude towards P. They specified that they could only find it out by watching P. and

J. communicating, which was impossible because of “high risk of psychological trauma for J.”.

Besides, experts pointed out, that, considering the change of P’s gender identity, letting the child reside with her might be harmful for his psychological health and development.

All things considered, the court dismissed P’s claim and ruled for her son to reside with U.

The appeals court confirmed this decision. As a result, though P’s parental rights are not formally restricted, she has not seen her son for over a year by now, and the guardianship authorities have refrained from assisting her in the solution of this problem.

“Invisible discrimination”

Transgender people often have to place limitations upon themselves or hide their gender identity in order not to get into situations that might have undesirable consequences.

This effect (the pressure from society) can be called invisible discrimination: it can hardly be documented since, due to the lack of conflict as such, formally there are neither sufferers nor offenders. But it does not make the situation less serious or less valid, therefore we have decided to shed some light on this issue.

During our monitoring research, we discovered that the majority of our respondents are limiting themselves in certain ways. We have interviewed some of them for more details.

“I actively avoid all situations that might cause extra questions: I don’t buy intercity tickets, don’t register mail correspondence in my name, and my wages are paid to my girlfriend’s bank account. I haven’t used my own bank card for a long time now. After a few failed attempts to find a job I started working from my home, and I think that I’ve been lucky to have such an opportunity, because it’s very hard to find more or less understanding employers.

I try to avoid situations where I might need to show any sort of documents, I even put off visiting a doctor as long as possible, I prefer home treatment, even though I understand that it’s not the best thing to do.

Of course, all these things cause certain inconveniences, but it makes life easier.”

- Anna, 27 y.o., journalist

“I don’t use my bank card in new places or anywhere I present myself as a male. I give my card to my girlfriend and try to always have some cash with me. I always ask beforehand if a passport will be needed at some event, and don’t come if that’s the case. If I do have to use my bank card, cashiers usually get surprised, but still sell me goods or just grumble something like “a boy has taken his mother’s card, well we shouldn’t sell him anything, but what are we, beasts?” (which is, obviously,

a good thing).

I live a stealth life, and I can only imagine which other problems might arise, if I chose to be open now. But for the sake of my own comfort and out of self-preservation I see no reason for asking for any favors with my looks and my passport. It's easier to get things done [to transition] and become yourself in outward appearance and get normal documents, and only after that to start going out, than to make extra noise and make the whole thing even more stressful. As if we didn't get enough of this at registry offices and during the commission, and after all, surgery is also a stress, however desired it may be.

I find any social interaction difficult now that I feel unsatisfied with my body and my appearance doesn't match my inner state."

- Dmitriy, 28 y.o., IT-specialist

"For the last five years I've been working mostly remotely, I don't visit office parties and similar events at all, I've been living separately from my parents for sixteen years already, my few friends from the past have stayed in the past, I've switched to a new sports club... In short, I try to keep my old life and my new life apart, but I'm planning to escape this duality by getting my documents changed.

I try not to use services requiring passport information, I almost always use Internet-banking, I don't apply for credits.

I've been putting off my professional development, because the certificate would be issued with a female name on it, so I'm waiting for my passport to be changed."

- Alexander, 33 y.o.

"I dropped out of college because of discrimination and bullying from both the students and the professors, and I don't want to come back without normal documents. How can you even study if you are being teased every day, and they call you "an untermensch" in your face, and stuff? Besides, I don't attend a swimming pool though I need it for my back pain, to avoid negative reaction."

- Kira, 22 y.o., programmer

"I followed Brodsky's advice and tried to leave my room as rarely as possible. Before I got new ID I did not travel anywhere if I could help it. I didn't visit major museums where they could have asked to see my passport to prove Russian citizenship. I used to always pay by cash at stores. I refrained from buying cigarettes and alcohol when I was alone. I worked remotely and mostly for foreign customers, and when I needed to pay for something in Russia I used "Yandex.Money" because it doesn't require any information except for the account number."

-Vitaliy, 21 y.o., CG-artist

"Every time I just force myself to go to the university, I feel bad and uncomfortable there, I talk to no one, and when I have to say something the words won't come out. Because of all this I experience anxiety, loneliness and insecurity about my future life in such conditions after graduation. I feel more threatened by the professors than by the other students.

I've changed my diet and have to watch my eating in order to "pass" better. I wish my appearance made me more confident in social interaction. I'm afraid to show my passport and so I avoid any situations in which my gender identity might be revealed. I never visit any events where my passport can be required.

Now it's hard for me to talk about it, because I'm slowly going into denial, because of all this pressure, not because I want to, just to be able to continue my education."

- Alexander, student

"I don't attend places where I can come across discrimination. For instance, I don't go to the swimming pool, even though that would be good for my health.

I never showed my passport, never. Thus, alcohol and cigarettes were out of bounds for me. Also, I had to find excuses to only come alone to events where they did require you to show your passport, and sometimes people's reactions were weird. If I had to make an order or register some discount card, etc., everything was registered in my girlfriend's name – or I did not

do it not at all.”

- Valeriy, 33 y.o., logistics specialist

“I try not to leave the house without an emergency. If I go to a grocery store or somewhere else in my hometown, I put on plain dark clothes with a hood or a cap. To avoid questions about the passport I just updated the photo when my appearance changed substantially. I just came to the passport office and complained that my passport was damaged (it actually was slightly worse for wear). I got a new one within a week with no problem. Except, I had to pay a penalty for passport damage. I don’t want to discuss my being transgender with anybody from my town. Neither with doctors, nor with authorities, and especially, not with lay people.”

- Anastasia, 30 y.o., content manager

“I need psychological support and the help of endocrinologist, but since I have to avoid medical examinations, I have no idea about my current state of health. I realize that if I’m hospitalized, doctors will want me to stop taking hormones or else they will blame all the problems on it. Also, they’ll put me into a men’s ward, where the attitude towards me, to put it mildly, will leave a lot to be desired. This makes me stay away from all medical help. I also have to stay away from getting an education because I’m not ready to become the butt of all jokes for the entire institution, which is inevitable with the difference between my appearance and my passport. Besides, I have to avoid going to concerts where showing ID is required. I have to ask my friends to buy me alcohol. I always ask for all mail to be sent to my girlfriend’s name, so that she may get my packages.”

- Yuna, 23 y.o.

“To avoid problems with train tickets I stay away from “Russian Railway” services, and I have to use other companies’ services. In hotels I have to book rooms with a WC to avoid using public bathrooms, which is more costly. Also, I try to avoid old-fashioned hotels where they might have meal coupons

with your name on them.

I often have to ask my mom to register SIM-cards in her name, and for discount cards I use a pseudonym. I had to have a "Momentum" bank card issued, because it doesn't have a cardholder's name on.

The fact that passport is required almost everywhere in our country actually forces people to break the law, e.g. to forge documents, just to make others treat you as a human being."

- Alexander, 20 y.o., student

"I had to stop going to the college which was situated in another city, for six months: there was only one shower room for four floors, and everyone could see you taking a shower, so that it was impossible to hide hormonal changes. As a result I can't continue full-time education at the university.

When I tried to rent a room I needed to talk to estate agents who heard my voice on the phone and, of course, asked my name. Telling them my passport name didn't exactly make sense. And when I asked if I could register a rent contract in a close friends name, they refused.

I live in a small town where showing a passport like mine can make you famous and causes a strong negative reaction, and nobody knows how it might end."

- Sergey, 20 y.o.

"My transition isn't over yet, because I've had the surgery done but haven't got my documents changed yet, they've been delaying it in the registry office. I decided not to make an obligatory medical insurance policy (OMI), because I thought I would be able to change my documents quickly and make an OMI policy in my new name, but soon it will be a year since I've been waiting without any insurance at all.

Because of that I can't visit an endocrinologist out of charge (when I need a prescription, because nowadays they only sell hormones by prescription). So, I have to go to a private clinic and pay for a visit.

I don't apply for an international passport, even though I really wish I could go somewhere for a vacation, for the same reason:

I'm waiting for my new documents. I don't want to go through this stress again and come out in front of the officials – I've had enough of that to last me a lifetime.

Before mastectomy I couldn't go to a yoga class, for example, because of discomfort about my body and because it didn't match who I really was. The same story with a swimming pool and massage which I needed badly at that time.

It's been a long time since I've wanted to train to be a masseur, but I still can't, again, because of my documents. I've never had a bank card, so I pay for everything by cash.

Also, I once won a writing contest and was unable to collect the prize – they insisted on me showing my passport, and I decided to just go away. In other contests I managed to make arrangements so that the money was paid into my wife's account.”

- Alexander, 36 y.o., individual entrepreneur

Legal gender recognition and name change in Russia¹¹

Problems encountered by transgender people and illustrated by the monitoring results could be partly neutralized would a quick, transparent and accessible¹² LGR procedure be in place. However, the current Russian laws and practices even though basically allowing documentation amendments, does not provide a procedure that would be quick, transparent and accessible.

The first and the main obvious problem is a gap in the legal framework. The possibility of amendments in the civil register, in particular in case of “sex change”, is postulated in article 70 of the Federal Law “On acts of civil status” adopted in 1997. According to the law (in its original version), an amendment or change in the civil register can be approved in case the applicant provides “a certificate of sex change issued by a medical organization according to the standart template”. By the decree of the Government of the Russian Federation issued on July 6, 1998 “On measures of implementation of the Federal Law ”On acts of civil status”” the Ministry of Health of Russian Federation was charged with the duty of establishing the standard template for said certificate. However, as yet (i.e., eighteen years later) the standard template for this document has not been approved. As a result, in the majority of cases LGR does not happen in accordance with simple administrative procedure. Civil registry offices, considering that they do not have the authority to evaluate the medical documents provided by the applicants, reject all applications, appealing to the absence of an established standard template for the “certificate of sex change”. Consequently, the LGR process is delayed

11 Section 9 was written based on the results of the work of the Transgender Legal Defense Project (TLDP) in 2012-2015. In order to respect the applicants’ confidentiality, the data that could lead to identification of the applicants (including designation of the courts, dates of the deliveries of judgments, case IDs and location names in some cases) will not be included. The cases that were heard in Saint Petersburg were handled in cooperation with “Coming Out” LGBT group.

12 The three stated criteria for the LGR procedures (quick, transparent and accessible) have been developed by international human rights institutions within the international legal framework, which is also in effect in Russia. E.g., see 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, §§ 20 & 21; Resolution 2048 (2015) of the Parliamentary Assembly of the Council of Europe “Discrimination Against Transgender People in Europe”, §§ 6.2.1 & 6.2.2; Report of the Council of Europe Commissioner for Human Rights “Discrimination on Grounds of Sexual Orientation and Gender Identity in Europe” (2011), §§ 5.1 & 5.2.

and takes not a month (as it would, if it was happening in accordance with the administrative procedure), but nearly half a year (and this period may be extended, if the court requests copies of acts of civil status from the applicant's birthplace, appoints an examination or requests extra documents, e.g. medical licenses).

LGR without surgery. In spite of certain positive tendencies, LGR without surgery, for example, based on the findings of a psychiatric board and the issue of F64.0 "Transsexualism" diagnosis as well as the medical documentation from an endocrinologist attesting "hormonal sex/gender reassignment", remains difficult.

In 2015, the TLDP lawyers have provided legal assistance in 17 cases of LGR without surgery. In five of them a positive verdict¹³ was reached by a first instance court, and besides, in two of them the judges had referred to the relevant jurisprudence of the European Court of Human Rights: if medical documental proof of gender reassignment is provided, the State authorities are obliged to approve a transgender person's LGR. In other five negative verdicts were reached¹⁴, four of them are now being appealed in courts of appeal. Another applicant won the case following his decision to undergo mastectomy after losing the first case.

LGR after surgery. Although LGR after gender reassignment surgery generally does not raise issues in court, and most applicants receive positive decisions already in the first instance court, sometimes problems occur too. In addition to medical documents attesting the diagnosis, hormonal and surgical gender reassignment, issued by qualified licensed doctors, judges might request extra forensic tests. In some regions there is a practice of summoning special regional health administration commissions, charged with confirming the eligibility of a transgender person for LGR after they applies to the court.

In 2015, a transgender woman from the central part of Russia

13 In Vladimir, Komsomolsk-on-Amur, Moscow, Nizhniy Novgorod, Novosibirsk.

14 Two cases in Moscow, one in Krasnoyarsk, one in Saint Petersburg and one in Novosibirsk. None of the decisions contained references to any regulation that would have required undergoing surgery for LGR (obviously, since no such regulation exists in Russia). In one of the cases, the court ruled a negative decision on grounds that the applicant had refused to undergo a forensic examination (necessitating a trip to Moscow for which the applicant had no temporary or financial resources).

was denied LGR despite having undergone orchiectomy, twice by two different judges of the same court (even though one of them had reached positive decisions on similar cases earlier). During the case examination the judge sent a query to the regional health administration, which responded that orchiectomy “was one of the transformation stages, with neovaginoplasty being the next stage”. The judge ruled that “the fact of sex/gender reassignment was not confirmed” since the hormone replacement therapy and surgery the applicant had undergone were “just [some preliminary] stages of sex transformation”.

An encouraging example was an appellate ruling by the Moscow City Court in 2015, which cancelled the first instance court decision denying LGR to a transgender man after a mastectomy. Moreover, the Moscow City Court had referred to WPATH standards and also stated that surgery was not a mandatory requirement for LGR¹⁵.

Application of the general rules of formulation of medical documents. An important tendency in the judicial practice related to LGR has been apparent since 2015, namely judges have been increasingly often referring to the general rules of medical documents issuance in their rulings¹⁶. In the view of the judges, in the absence of a standard for the certificate of sex reassignment approved by the Ministry of Health, medical certificates and statements drawn up in arbitrary form in compliance with the general requirements (doctors’ and clinics’ stamps, doctors’ signatures) can be sufficient for LGR.

The same approach is taken by the Ministry of Health, i.e. the executive authority charged with the duty of establishing the standard template form for documents issued by a medical organization, or a private medical practitioner, in the case provided for by article 70 of

¹⁵ “Proof of actual change of psychological gender or stable irreversible gender self-identification is sufficient”.

¹⁶ In compliance with paragraphs 10 and 19 of the “Procedure of Issuing of Medical Documentation by Medical Organizations” approved by the Ministry of Health and Social Development of Russia on May 2, 2012 (No. 441), in cases when the procedure of issuing medical information is not established in accordance with the Russian legislation, medical certificates may be drawn up in arbitrary form on letterhead paper (when available) or bearing the stamp of the medical organization, containing the full name of the medical organization, corresponding to the name specified in the statutory documents of the medical organization, and must bear the signature of a doctor (assistant physician or obstetrician) and the head doctor.

the Federal Law “On Acts of Civil Status”¹⁷.

Procedural issues. The problem of choosing the procedural form, that is, the order of processing transgender persons’ applications for LGR, remains urgent. Depending on the region and the judge, four options exist:

- an application for the introduction of changes into the birth record (article 36 of the Code of Civil Procedure of the Russian Federation),
- the establishment of the legal fact of sex/gender reassignment (article 28 of the Code of Civil Procedure of the Russian Federation),
- an appeal of the refusal to amend the birth record by civil registry office (formerly article 25 of the Code of Civil Procedure of the Russian Federation, and now the Administrative Proceedings Code of the Russian Federation), and
- general action proceedings.

In 2015, in the TLDP lawyers’ practice there were several cases when the applicants faced refusals to accept the application for consideration or when their claims were dismissed on the grounds that in the opinion of the judge they had failed to make out their case according to the relevant procedural form.

Another problem which made several transgender persons seek legal help in the TLDP in 2015 was personal data disclosure, including names before and after LGR, through the publication of judgments on the courts’ websites. While the issue with the publication of judgments on a court’s website can be usually solved by applying to the court chairman, the problem of personal data publication by private databases, which might have copied the data from a court’s website is harder to solve because managers of such resources might refuse to remove data from their websites.

¹⁷ Letter from the Ministry of Health of the Russian Federation of November, 30, 2015 No. 13-2/3093085-199.

LGR for transgender people who live in a place other than their place of birth. Making changes in the birth record for people whose birth was not registered in Russia (especially for those born in the former Soviet Republics), remains a pressing problem. The process of LGR in such cases is substantially delayed due to the fact that copies of the birth record take months to arrive and sometimes never arrive at all, as well as the fact that the judgments must be implemented on the territory of a foreign country.

In the end of December 2015, a court in Chernihiv Region of Ukraine issued a positive ruling regarding the recognition and mandatory enforcement of a judgment issued by a court in a Russian city in February 2015 (it is noteworthy that the original application to the Russian civil registry office at the current place of residence was filed in February 2013). Even though the Ukrainian court reached the decision after a single session and prepared the full decision text on the same day, bureaucratic procedures have prolonged the process of gender recognition. The applicant had to wait several months before receiving a new passport: after the decision entered into force, a new birth certificate was issued, the new documents were sent to Russia, and finally, a new passport was issued. As a result, the whole process stretched over three and a half years.

Another challenge relates to the necessity of personal application to civil registry office at the place of residence, which the court and civil registry officials in most cases associate with the place of permanent registration. Many transgender people, while still in the middle of their transition and LGR process, start a new life, leave their hometowns and break up with their family who often react negatively to the fact of their relative being transgender. As a result, many of transgender persons are compelled to seek lodgings or to stay with their friends'; most lack the opportunity to register themselves permanently, and many have the rent contract made out in a friend's name (when their old documents do not match their appearance anymore). These circumstances make it extremely difficult for transgender people to state a legal place of residence at civil registry office or in court, while travel to their hometowns for the purpose of application to civil registry office at their place of birth is also quite

problematic (since that might require taking a compensatory leave at work and facing extra expenses and is likely to involve severe stress or even physical danger).

The changes in the practice of LGR in Saint Petersburg. In summer 2015, the practice of LGR for transgender people in Saint Petersburg changed dramatically. Prior to this time the practice in this region was as near the European standard as Russian practice in these matters had ever come: cases of LGR were settled via administrative procedure, and no surgeries were required¹⁸.

In summer 2015, a transgender woman D.Y. addressed herself to TLDP. She had applied to the civil registry office and had provided medical certificates attesting her diagnosis and the “irreversible hormonal sex/gender reassignment” she had undergone, as well as and the recommendations for LGR. She was nevertheless denied LGR on the grounds of her having not undergone gender reassignment surgery. At the moment D. is trying to achieve LGR in court.

After D.’s application to the TLDP five more transgender people applied to the group, and they were all denied LGR by different district civil registry offices of Saint Petersburg, even though all of them had undergone surgeries. The rejection were motivated by the fact that the medical certificates they had provided did not conform to the approved standard template, obviously since the Ministry of Health had not introduced one yet. By now, all the applicants have received positive court decisions, but the process of LGR was far more time-consuming and had required far more resources.

Name change without gender marker change. Despite the fact that the Russian legislation provides a common opportunity for name change, available to all citizens, especially considering the lack of legal criteria for name choice or lists of legally approved male and female names, transgender persons often can not have their name legally changed without changing their gender marker.

¹⁸ Cf. Letter from the Governmental Committee for Civil Registry of St Petersburg of March, 18, 2011 No. 5.03-6-126/11-0-1.

In 2015 in Saint Petersburg, a case of a transgender woman versus the civil registry office on the matter of denial of name change was heard. The applicant had no medical certificates (since the most popular local medical board that transgender persons had been applying to for diagnosis, had been recently disbanded), therefore she had filed an application to a civil registry office for a change of name only, which is a common procedure available to all Russian citizens with no restrictions on eligibility for name change or criteria for choice of name. The civil registry office denied her request for change of name to “***va Anna”, referring to the fact that since the records must be kept in the Russian language, she could not choose a “feminine” name because the “sex/gender” field in her passport stated that she was “male”.

The district court refused to recognize civil registry office’s actions illegal, claiming that the requested name change would violate rights of the public; a change of name from male to female was only possible after providing medical proof of gender reassignment; and the principle “that which is not prohibited is therefore allowed” was not applicable in controversial issues of this kind.

The appellate court confirmed the decision of the district court, referring to the necessity of observing the linguistic norms and to the possible violation of the rights of a third party after the name change. The desired result was not achieved by appealing to a court of cassation.

Driving license. At the end of 2014, the Government of the Russian Federation approved a new resolution establishing a list of health-related contraindications to driving¹⁹. This list included a range of psychiatric diagnoses, including F64.0 (“Transsexualism”). Though the resolution postulates that this diagnosis can only be viewed as a contraindication to driving “for persons with severe and chronic mental disorders with strong and persistent symptoms”, in 2015 the TLDP lawyers received a few messages from transgender people who had come across difficulties in getting driving licenses, because

¹⁹ Resolution of the Government of the Russian Federation of December 29, 2014, No. 1604 “On lists of medical contraindications, medical indications and medical restrictions for driving a vehicle”.

psychiatrists refused to confirm their fitness for driving a vehicle on learning about their “transsexualism” diagnosis.

Work record books. In January 2015, we received a response from the Ministry of Labour and Social Protection of the Russian Federation to our advisory letter and the recommendations for improving the regulatory legal acts concerning the replacement of transgender persons’ work record books sent by TDLP lawyers in 2014. The major problem is that according to the current procedure approved by the Ministry of Labour, transgender people have only one option available, namely to have their old name crossed out on their work record books and the new one overwritten, which renders the fact of LGR obvious.

However, the Ministry of Labour ignored the problem by pointing out that according to the existing regulatory documents “the procedure for introducing changes into work record books is established, including the cases of name, surname or patronymic change. The worker’s gender however is not stated in a work record card”²⁰.

Consequence

In conclusion, the legislation and practice that exist in Russia nowadays, though allowing for LGR, do not provide a **quick, transparent and accessible** procedure for legal gender recognition.

The procedure is not quick, because in most cases LGR is only possible in court (and not through a simple administrative procedure, as is required by the Federal Law “On acts of civil status”, due to the fact that since 1998 the Ministry of Health has not approved a standard template for the “sex change” certificate). The procedure is not transparent due to the lack of consistency in the requirements in both substantive and procedural terms. The procedure is not accessible, because the complexity and the diversity of approaches to LGR varies from region to region and from judge to judge, which does not allow for the correct handling of a case without a legal education and professional experience. Besides, gender reassignment surgeries,

²⁰ Letter of the Ministry of Labour and Social Protection of the Russian Federation of January 23, 2015, No. 19-5/B-61.

often required for LGR, are costly and not covered by the public funds, especially considering that many of transgender people simply do not want to undergo surgeries for personal or medical reasons.

Conclusion

The results of our research show that most transgender people in Russia come across discrimination and violation of their rights because of the discrepancy between their identity and their IDs. Also, the vast majority of them deliberately refrain from purchasing goods and using services to avoid conflicts and stressful situations.

It would not be an exaggeration to say that the main problem transgender persons face in Russia is the employment problem. Many employers are concerned about risk of problems during inspections that might arise in case they hire a transgender person whose appearance does not match their passport data. Some trans people we have interviewed pointed out that they were literally “caught in a vicious cycle”: they cannot afford medical examination, therapy and LGR, whereas without ID and other documents matching their appearance and identity they cannot find a steady employment.

Denial of regular commercial and state services may substantially affect the quality of transgender people’s life and cause stress and depression, while denial of medical help (or poor healthcare services) may be a serious health or life hazard.

A transgender person who has not legally changed their name and gender marker yet is living under a constant threat of outing (disclosure of transgender status without a person’s consent), which might lead to confusion and aggression on the part of other people.

Transgender people who try to hide their status and to conform to their passport data often face discrimination as well, because their appearance might become noticeably different due to HRT or other aspects of transition.

Moreover, among the cases of rights violation we have collected there are some examples proving that updating a passport photo not only does not tackle the problem of discrimination, but may even cause extra conflicts and accusations of document forgery. In 2015 in Saint Petersburg one of the district courts judges, while refusing to fulfill a transgender woman’s demand for name change, “recommended” her to simply change her passport photo. Our research shows, that

such a “piece of advice” is actually quite useless.

Many transgender persons we interviewed point out that they encounter service denials, as well as bewilderment and incidents of aggression and discrimination normally only in situations when they are obliged to show their ID, which does not match with their appearance and gender identity.

This suggests that the number of discrimination cases could be seriously reduced, if the LGR procedure for transgender people will become quicker and easier.

Therefore, for improving the quality of life of transgender people in Russia it is necessary to make the procedure for LGR quick, transparent and accessible in accordance with international standards.

Recommendations

To non-governmental organizations (including LGBTI organizations and initiative groups):

- To hold internal trainings on transgender sensitivity and correct treatment of transgender persons, with active participation and involvement of transgender people themselves;
- To involve transgender people in event organization and in the general work as volunteers;
- To provide workplaces for transgender people whenever possible;
- To include transgender rights issues in the agenda and projects – in particular, in legal assistance and strategic litigation projects.

To trade unions:

- To hold internal (for union members only) and external (for workers) trainings on transgender sensitivity and inclusion with active participation and involvement of transgender people themselves;
- To openly include an LGBTI agenda into the policy, in order to provide those who faced discrimination a possibility to seek help in trade unions.

To major foreign companies:

To elaborate and implement a trans inclusive anti-discrimination policy in accordance with the international standards and the Constitution of the Russian Federation.

To medical professionals:

- To seek and promote professional qualification growth and self-education related to transgender issues;
- To hold trainings on transgender sensitivity for medical organizations staff;

- To prevent cases of unwarranted forced treatment and denial of medical care.

To the Ministry of Health of the Russian Federation:

The remove and prevent unnecessary and unjustified requirements such as mandatory surgeries while developing and adopting new legal regulations related to legal gender recognition for transgender people.

To ombudspersons:

- To raise the question of discrimination of transgender persons in the responsible bodies;
- To raise the need for simplification of LGR procedure as a part of social and legal issues agenda;
- To include data on discrimination based on a person's gender identity in annual reports;
- To promote the protection of transgender person's rights, within the scope of authority and resources.

To the authorities of the Russian Federation:

- To provide a quick, transparent and accessible procedure for LGR for transgender people, including replacement of birth certificates, passports, work record books, diplomas, etc.;
- To allow for applying for LGR to any local civil registry offices (regardless of the place of the applicant's official permanent or temporary residence);
- To make the procedure for LGR easier for non-Russian-born transgender people, for example, by providing an opportunity of passport replacement prior to the birth registries amendments.

To the Government of the Russian Federation:

To repeal the restrictions on driving for persons diagnosed

with “Transsexualism”, in accordance with recommendations of the UN Human Rights Committee.

To the Ministry of Justice:

- To explicitly inform civil registry offices that the imposition of requirements not determined by the law, in particular, of the requirement of gender reassignment surgery on people applying for LGR, is unacceptable;
- To explicitly inform civil registry offices that in the absence of an approved standard template for the certificate on “sex change” prescribed by article 70 of The Federal Law “On acts of civil status”, any medical certificates drawn up in an arbitrary form in compliance with the general requirements for medical documents, established by the Decree of the Ministry of Public Health and Social Development of Russia of May 2, 2012, No. 441, may serve as the basis for making appropriate amendments under LGR process.

To Civil registry offices:

- To stop imposing requirements not prescribed by law, in particular, the requirements of surgery, on persons applying for LGR;
- To amend civil registries upon submitting a “sex change” medical certificates drawn up in arbitrary form in compliance with the general requirements for medical documents established by the Decree of the Ministry of Public Health and Social Development of the Russian Federation issued on May 2, 2012, No. 441n until the standard template for the “sex change” certificate prescribed by article 70 of the Federal Law on “Acts of civil status” is approved.

To the courts:

- To provide quickness and accessibility of LGR for transgender people in courts by preventing excessive proceedings and making decisions immediately enforceable;
- To abolish excessive or arbitrary requirements on

applicants for LGR, in particular, requirements of extra forensic tests in cases when appropriate “sex change” medical certificates have been provided, as well as requirements of irrelevant evidences;

- To provide protection of confidentiality regarding the transgender status, medical interventions and LGR of transgender persons, in particular, by preventing the publication of names, surnames and patronymics before and after LGR in the full reports of court decisions, and also on the case cards on the courts’ websites.

To the Ministry of Labour and Social Protection of the Russian Federation:

To provide a mechanism for amending transgender persons’ data in work record books by introducing appropriate amendments into the rules and instructions for work record books completion, for instance, by borrowing from the practice of the Republic of Belarus, where, in case of LGR the current employer or the latest documented employer issues a work record book duplicate following a written statement by the employee²¹.

²¹ Order of the Ministry of Labour and Social Protection of the Republic of Belarus of June, 16, 2014, No. 40 “On work record books” (paras. 62 and 68).

Contacts

Transgender Legal Defense Project:

<http://pravo-trans.eu/>

https://vk.com/pravo_trans

Pravo.Trans@gmail.com

Samara regional public LGBT movement “Avers”

<http://www.avers-samara.com/>

<https://vk.com/lgbtsamara>

“T* Action” Project:

https://vk.com/t_action

Project «T9 Nsk»:

<https://vk.com/t9nsk>

**Trans-feminist project for transgender
and (gender)queer people «LAVERNA»:**

https://vk.com/laverna_omsk

“Coming Out” LGBT Group:

<http://comingoutspb.com/>

<https://vk.com/comingoutspb>

Russian LGBT Network:

<http://www.lgbtnet.org/>

<https://vk.com/lgbtrussia>

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Trans-feminist project “LAVERNA”.

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Transgender Legal Defense Project is a non-profit human rights group of lawyers, attorneys and trans activists founded in the fall of 2012 in Russia.

The TLDP's aim is to help transgender people obtain legal gender recognition and to facilitate the implementation of a quick, transparent and accessible procedure of legal gender recognition in Russia.

pravo-trans.eu